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CHAPTER I

CIVIL ADMINISTRATION

ARTICLE I - MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Louisville, Nebraska, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class.

SECTION 1-102: CITY COUNCIL; NUMBER AND QUALIFICATIONS OF MEMBERS

The elected officials of the City shall consist of a mayor and four council members; said council members shall be citizens of the United States and residents of the City and registered voters; provided, a council member's term shall expire and the office become vacant upon removal or change of residence from the ward for which he/she is elected. The council members shall qualify and meet on the first regular meeting in December following their election. (Ref. Neb. Rev. Stat. §17-103)

SECTION 1-103: ELECTION OF CITY OFFICIALS

The term of office of the Mayor is four years. The Mayor shall take office on the date of the first regular meeting of the city council held in December following the statewide general election.

The term of the City Council is four years. The members elected in the general election in 2012 shall take office on the date of the first regular meeting of the City Council in December following the statewide general election and shall continue to hold their office until December, 2016. Those members elected in 2014 shall take office on the date of the first regular meeting of the city council in December following the statewide general election and shall continue to hold their office until December, 2018. Thereafter, two council member's terms shall expire every two years. The election of the council members shall be held on the date of the statewide general election. (Ref. Neb. Rev. Stat. §17-107)

(Section 1-103 was modified by Ordinance #863 on 10/12/2011)

SECTION 1-104: MAYOR; DUTIES AND POWERS

The mayor of the City shall have the general and immediate control over all property and officials of the City. He/she shall preside at all meetings of the City Council, and may vote when his/her vote shall be decisive on any pending

matter, legislation or transaction and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His/her signature must appear on the city clerk's minutes of all meetings, he/she must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds vote by the members of the City Council, but if the mayor neglects or refuses to sign any ordinance, and returns it to the Council with his/her objections in writing at the next regular council meeting, the same shall become a law without his/her signature. He/she shall from time to time communicate to the council such information and recommendations as, in his/her opinion, may improve the City.

He/she may require at reasonable intervals any city official to exhibit his/her accounts and make reports to the Council on any subject pertaining to his/her office. He/she may remove at any time an appointed police officer of the City. His/her territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance, and one mile in all matters vested in him/her except taxation. He/she shall also have such other duties as the City Council may by resolution confer upon him/her.

Any candidate for mayor must be a registered voter and resident of the City prior to filing for the said office.

(Ref. Neb. Rev. Stat. §17-107, 17-110 through 17-117)

SECTION 1-105: MAYOR; VACANCY

Whenever a vacancy occurs in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed, or in the case of temporary absence, until the mayor returns.

When the successful candidate for mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the president of the Council shall exercise the office of mayor until such vacancy is filled.

If the president of the Council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided herein.

(Ref. Neb. Rev. Stat. §17-107)

SECTION 1-106: PRESIDENT OF COUNCIL; ACTING PRESIDENT

In case of any vacancy in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed, or in case of temporary absence,

until the mayor returns. In the absence of the president, the Council shall elect one of its own body to occupy his/her place temporarily, who shall be styled "acting president of the Council." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Council; and all acts of the president or acting president, while so acting, shall be as binding upon the Council and upon the City as if done by the mayor.

(Ref. Neb. Rev. Stat. §17-148)

SECTION 1-107: VACANCIES IN CITY OFFICES

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

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

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

(3) If vacancies exist in the offices of a majority of the members of the City Council, the Secretary of State shall conduct a special election to fill such vacancies.

(Section 1-107 was modified by Ordinance #790 on 10/11/2006)

SECTION 1-108: RESIGNATIONS

All resignations of the mayor and Council members shall be in writing and submitted to the City Council for acceptance. Resignations shall not be effective until accepted by formal action of the City Council. No resignations shall be accepted unless a quorum for conducting business will remain after such acceptance of such resignation.

SECTION 1-109: CITY COUNCIL; POWERS

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

SECTION 1-110: OFFICERS' SALARIES

All elected officers shall receive such compensation as the Council shall fix by ordinance. The emoluments of appointive and elective officers of this city shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Council and the terms of one or more members commence and end at different times; the compensation of all members of such Council may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be set by ordinance of the City Council and will be available for public inspection at the office of the city clerk.

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

(Ref. Neb. Rev. Stat. §17-108.02, 17-612)

SECTION 1-111: COMPENSATION; CONFLICT OF INTEREST

For purposes of this section, "officer" shall mean any member of any board or commission of the City; or any appointed official if such official (a) serves on a board or commission which spends and administers its own funds and (b) is dealing with a contract made by such board or commission; or any elected city official.

Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers.

No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor or services furnished under the contract, to the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. has a business with which the individual is associated or business association which shall mean a business:

A. in which the individual is a partner, director or officer; or

B. in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; or

2. will receive a direct pecuniary fee or commission as a result of the contract;

Provided however, if such officer is (a) an employee of the business involved in the contract and (b) has no ownership interest or will not receive pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

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

A. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his/her interest, prior to official consideration of the contract;

B. Does not vote on the matter of granting the contract, except that if the number of members of the Council declaring an interest in the contract would prevent the Council, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

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

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

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

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

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

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

Any officer who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor. Any officer who negligently violates this section shall be guilty of a Class V misdemeanor.

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

No officer, including volunteer firefighters and ambulance drivers, shall receive any pay or perquisites from the City other than his/her salary. The City Council 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 City.

(Ref. Neb. Rev. Stat. §17-611, 18-305 through 18-312, 49-14,103.01 through 49-14,103.03, 70-624.04)

SECTION 1-112: ELECTED OFFICIALS; QUALIFICATIONS; RESTRICTIONS ON OTHER EMPLOYMENT OR ELECTIVE OFFICE

Elected officials shall be residents and registered voters of the City.

- A. The mayor and members of the Council shall hold no other elective or appointive office or employment with the City.
- B. For purposes of this section, (1) "elective office" means any office which has candidates nominated or elected at the time of a statewide primary election; any office which has candidates nominated at the time of a statewide primary election and elected at the time of a statewide general election; any office which has candidates elected at the time of a statewide general election; any office which has candidates nominated or elected at a city election; and any office created by an act of the Legislature which has candidates elected at an election and includes an office which is filled at an election held in conjunction with the annual meeting of a public body created by an act of the Legislature; and (2) "high elective office" means a member of the Legislature, an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10, of the Constitution of Nebraska, or a county, city or school district elective office.

- C. No candidate for member of the Legislature or an elective office described in Article IV, Sections 1 or 20, or Article VII, Sections 3 or 10, of the Constitution of Nebraska shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept nomination by a political party or by party convention, caucus or committee to file a vacancy or to be declared a write-in candidate for more than one elective office to be filled at the same election, except for the position of delegate to a county, state or national party convention. No candidate for any other high elective office shall be eligible to file as a candidate, to petition on the ballot as a candidate, to accept a nomination by a political party or by party convention, caucus or committee to fill a vacancy or to be declared write-in candidate for more than one elective office to be filled at the same election.
- D. Except as provided in subsection E or G of this section, no person shall be precluded from being elected or appointed to or holding an elected office for the reason that he/she has been elected or appointed to or holds another elected office.
- E. No person serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10, of the Constitution of Nebraska shall simultaneously serve in another elective office which is filled at an election held in conjunction with the annual meeting of a public body.
- F. Whenever an incumbent serving as a member of the Legislature or in an elective office described in Article IV, Sections 1 or 20 or Article VII, Sections 3 or 10 of the Constitution of Nebraska assumes another elective office, except an elective office filled at an election held in conjunction with the annual meeting of a public body, the office first held by the incumbent shall be deemed vacant.
- G. No person serving in a high elective office shall simultaneously serve in any other high elective office.
- H. Notwithstanding subsections E through G of this section, any person holding more than one high elective office on September 13, 1997, shall be entitled to continue to serve the remainder of all terms for which he/she was elected or appointed.

(Ref. Neb. Rev. Stat. §17-108.02, 32-109, 32-603, 32-604)

ARTICLE II - APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The mayor, with the consent of the council, may appoint such officers as shall be required by ordinance or otherwise required by law. Such officers may be removed from office by the mayor. The terms of office for all officers appointed by the mayor and confirmed by the council shall be for one year unless sooner removed. All appointments shall expire at the first regular meeting of the city council each December. In addition to other officers which the Mayor may deem necessary to so appoint, the Mayor shall so appoint the following officers: a city clerk and city treasurer which positions may be combined, a city attorney, a fire chief, a public works director and a street superintendent. (Ref. Neb. Rev. Stat. §17-107, 17-541)

(Section 1-201 was modified by Ordinance #863 on 10/12/2011)

SECTION 1-202: MERGER OF OFFICES

The City Council may, in its discretion, by ordinance combine and merge any elective or appointive office or employment, except the mayor or a city council-member, with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time. Any 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. For purposes of this section, volunteer firefighters and ambulance drivers shall not be considered officers.

SECTION 1-203: CLERK-TREASURER POSITION CREATED

The appointive offices of city clerk and city treasurer are hereby combined and merged, in accordance with the authority granted to the City Council 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.

SECTION 1-204: CITY CLERK; DUTIES

The city clerk shall have custody of all laws and ordinances. He/she shall keep a current journal of the proceedings of the City Council. He/she shall also maintain a complete record of all outstanding bonds against the City, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds. He/she shall take possession of all books, papers and all other official records of the City, and shall maintain said

records in a safe place for the City. He/she shall have custody of the seal of the City and all written official papers of the City. The city clerk shall attend the meetings of the City Council and keep a minute record of the proceedings thereof.

The city clerk shall maintain an account of all of the appropriations of the several funds of the City. He/she shall draw, sign and attest all warrants ordered for the payment of money on a particular fund from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of warrants drawn thereon.

The city clerk shall further attest to the mayor's signature to be attested and shall attach the city seal to all official documents. Whenever any claim presented by any person has been disallowed by the City Council, the city clerk shall notify said claimant of said disallowance by the Council within five days after such disallowance.

The city clerk shall account for all money received by him/her in the normal course of city business and shall keep a proper record of all monies received by him/her, issuing a proper receipt to those parties making payment to him/her to the account of the City.

The city clerk shall publish all notices required in the performance of his/her duties and shall keep a record of all published notices issued by him/her, and shall keep a record of the publisher's affidavit of said publication if said notices are published in a legal newspaper.

He/she shall maintain all books and public records of the City for public inspection for any resident of the City during normal business hours. He/she shall make a notation on all correspondence received by him/her of the date of its receipt, and shall, as soon as possible, convey said correspondence to the appropriate official of the City. The city clerk shall keep and maintain all other legal papers required to be maintained by him/her by these ordinances or by Nebraska state law, and shall maintain a proper minute book wherein shall be recorded all of the formal and informal actions of the mayor and City Council, and shall maintain an ordinance record which shall record the various ordinances and resolutions passed by the City Council.

The duties of the city clerk will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. Neb. Rev. Stat. §17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712)

SECTION 1-204.1: WRITING AND MAKING AVAILABLE FOR INSPECTION MINUTES OF ANY MEETING OF THE CITY COUNCIL IN THE EVENT OF THE CLERK'S SERIOUS ILLNESS OR EMERGENCY

The minutes of any meeting of the City Council shall be written and available for public inspection within ten working days of the meeting or prior to the next convened meeting, whichever occurs earliest, except that an additional ten days shall be allowed the city clerk in writing and making available for inspection such minutes in the event of the clerk's serious illness or an emergency which prevents him/her from writing such minutes and making them available to the general public within ten working days.

(Section 1-204.1 was enacted by Ordinance on 1/11/2006)

SECTION 1-205: CITY TREASURER; DUTIES

The city treasurer shall be custodian of all monies belonging to the City; he/she shall deposit public funds which have come into his/her hands in such depository bank or banks or in other eligible financial institutions for depository purposes as designated by the mayor and City Council.

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

He/she shall also procure and keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered, as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. It shall be the duty of the city treasurer, upon presentation of any warrant for payment, in the presence of such person to enter such warrant in the warrant register for payment in the order of its presentation and, upon every

warrant as presented and registered, he/she shall endorse, Registered for Payment with the date of such registration and register number; and he/she shall sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

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

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

The duties of the city treasurer will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

The city treasurer may appoint deputies for whose acts the city treasurer shall be responsible. The appointment shall be in writing and shall be revocable in writing by the principal. The said deputy shall have only the authority over the funds so specified in the appointment. Both the appointment and the revocation shall be filed and kept by the principal and the city clerk.

(Ref. Neb. Rev. Stat. §17-606 through 17-609, 84-712)

SECTION 1-206: CITY TREASURER; MONTHLY REPORT

He/she shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her, which warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid. He/she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, the City Council shall by resolution declare the office vacant, and the mayor and City Council shall fill the vacancy by appointment.

(Ref. Neb. Rev. Stat. §17-606)

SECTION 1-207: CITY TREASURER; ANNUAL REPORT

The city treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City. The Treasurer shall also report to the City Council the financial status of the city on a semi-annual basis. (Ref. Neb. Rev. Stat. §19-1101)

SECTION 1-208: CITY ATTORNEY; DUTIES

The city attorney when appointed shall be legal advisor to the mayor and the City Council and shall undertake all legal matters of the City as set forth by Nebraska Statutes. He/she shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the City, or that may be ordered by the Council. When requested, he/she shall attend meetings of the Council and give them his/her opinion upon any matters submitted to him/her either orally or in writing as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he/she shall perform such other duties as may be imposed upon him/her by general law or ordinance. The City Council shall have the right to pay the city attorney compensation for legal services performed by him/her for it on such terms as the City Council and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the City. (Ref. Neb. Rev. Stat. §17-610)

SECTION 1-209: CITY POLICE CHIEF; DUTIES

In the event the City employs a chief of police the following shall apply:

It shall be his/her duty to diligently inquire into any and all violations of the city ordinances and state statute. In the event that he/she determines that a violation of city ordinance or state statute has occurred he/she shall issue a written complaint and cause the arrest of such person violating the ordinance or state law.

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

The city police chief shall bring all prisoners who are under arrest for the violation of any city ordinances or state laws before the County Court whenever required

to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

He/she shall perform such other duties as may be required of him/her by resolution or by order of the mayor and City Council.

The duties of the city police chief will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. Neb. Rev. Stat. §17-107, 17-121)

SECTION 1-210: UTILITIES SUPERINTENDENT

Pursuant to Section 1-202 herein, the offices of the water commissioner, sewer commissioner, street commissioner and maintenance superintendent be and hereby are merged and the City Council shall appoint an overall utility superintendent to act in such combined capacities. The duties of such utilities superintendent shall be as set forth in the provisions described in this code for each individual office.

SECTION 1-211: SEWER COMMISSIONER

He/she shall, when requested, make a detailed report to the City Council on the condition of the sewer system and direct its attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed, along with estimates of the costs thereof. He/she shall issue permits for all connections to the city water system and inspect and supervise all repairs made to said system. He/she shall have such other duties as the City Council may designate.

(Ref. Neb. Rev. Stat. §17-107)

SECTION 1-212: WATER COMMISSIONER

The water commissioner shall be liable upon his/her official bond for the faithful performance of his/her duties. It shall be the duty of the water commissioner to have the general management and control of the waterworks of the City, except for billing for water consumption and collections of money therefor. The salary of the water commissioner shall be fixed and determined annually at the beginning of the fiscal year by the City Council. The City Council shall employ such laborers as deemed necessary upon the written recommendation of the water commissioner.

The water commissioner shall make detailed reports to the City Council, when requested, concerning the condition of the water system. The water commissioner shall not purchase any material or supplies for the use of the

department nor employ any help in the department except upon the authority of the City Council, unless it be for repairs in cases of emergency. The water commissioner, who may be removed at any time by a two-thirds vote of the City Council, shall perform such additional duties as may be prescribed by the City Council.

(Ref. Neb. Rev. Stat. §17-107, 17-541, 17-543)

SECTION 1-213: STREET SUPERINTENDENT

He/she shall have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City, and shall perform such other duties as the Council may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City, and direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe or need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. It shall be the special duty of the city superintendent to supervise and direct the snow and tree removal work in the City.

The duties of the city superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. Neb. Rev. Stat. §17-107, 17-119)

SECTION 1-214: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city engineer in making any particular estimate, survey or other work. The special engineer shall make a record of the minutes of his/her surveys and all other work done for the City. He/she shall, when directed by the City Council, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the City Council. He/she shall, upon request of the City Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric systems, waterworks, power plants, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the City Council may require. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his/her successor.

(Ref. Neb. Rev. Stat. §17-405, 17-568, 17-568.01, 17-919)

SECTION 1-215: MAINTENANCE SUPERINTENDENT

He/she shall have immediate control and supervision of the landfill, and of all dumping of garbage, refuse, waste and rubbish thereon, subject to the general control and directives of the City Council. He/she shall, upon request, make a detailed report to the City Council on the condition of the landfill, and shall direct attention to such improvements, additions and additional employees and he/she may believe are needed along with an estimate of the cost thereof. He/she shall have such other duties as the City Council may delegate to him/her. He/she may be removed at any time by a majority vote of the City Council.

SECTION 1-216: BUILDING INSPECTOR

The city building inspector shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with the city ordinances. He/she shall investigate all complaints whether they are verbal, written or in the form of a petition alleging and charging that a violation of the city ordinances exists, and that a building or structure is unfit or unsafe for human habitation. The building inspector is authorized upon properly identifying himself/herself to enter, inspect, survey and investigate between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists, or if requested by the owner or occupant thereof. He/she shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection and he/she shall prepare an annual report including statistics based on the records kept. The building inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, except where he is the owner of a building, and he/she shall not act as an agent for any said dealer, or as an agent for the sale, lease or rental of any real estate. The building inspector shall report to the City Council as often as they may deem necessary, and shall have such other duties and issue such permits as they may direct. The building inspector may be removed at any time for good and sufficient cause by the City Council.

SECTION 1-217: PLUMBING INSPECTOR

The plumbing inspector shall enforce all laws relating to the installation of plumbing and connections thereto. When acting in good faith and without malice in the scope of his/her official duties, he/she shall not be held personally liable for any damage that may accrue to persons or property as the result of any act required by him/her, or by reason of any act or omission in the discharge of his/her duties. He/she shall, in the discharge of his/her official duties, and upon proper identification, have authority to enter into any building, structure or premise at any reasonable hour. He/she shall perform such other duties and issue any permits that the City Council may direct. The plumbing inspector may be removed at any time for good and sufficient cause by the City Council.

SECTION 1-218: CODE ENFORCEMENT OFFICER

The code enforcement officer shall be appointed and have his/her compensation set by the mayor, with the consent of a majority of the City Council. The code enforcement officer shall report directly to the mayor. The code enforcement officer is charged with the duty of maintaining and properly policing parking and nuisance violations in the City and shall have full authority to execute notices of parking and nuisance violations in the City. In addition to law enforcement officers, the code enforcement officer is authorized to issue citations for any violations of the parking and nuisance ordinances under this code.

SECTION 1-219: HUMANE OFFICER

The humane officer shall be appointed and have his/her compensation set by the mayor with the consent of a majority of the City Council. The humane officer is charged with the duty of enforcing the animal control ordinances of this code. The humane officer is authorized to issue citations for any violation of the animal control ordinances under this code.

ARTICLE III - ADMINISTRATION

SECTION 1-301: CORPORATE SEAL

There shall be owned by the City, in the office of the city clerk, a common seal of the corporation, having engraved thereon the words "City of Louisville, Nebraska, Seal."

The city clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity.
(Ref. Neb. Rev. Stat. §17-502)

SECTION 1-302: OFFICERS, BONDS

The officers of the City, before entering upon their duties, shall give bonds for the faithful performances of their duties in an amount set by resolution of the City Council, which said bonds shall be executed with a corporate surety and approved by the City Council. Said bonds shall be filed in the office of the city clerk. Premiums on said bonds shall be paid out of the general funds or other proper funds of said city.

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

SECTION 1-303: OATH OF OFFICE

All officers of the City, whether elected or appointed, shall before entering upon the duties of their respective offices declare and subscribe the following oath or affirmation: "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." This oath or affirmation so subscribed shall be filed in the office of the city clerk.

(Ref. Neb. Rev. Stat. §11-101)

SECTION 1-304: PUBLIC MEETINGS

1. All public meetings as defined by law shall be held in a public building located within the City which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council 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 transmitted to all members of the Council and to the public by a method designated by the Council. Such notice shall contain the time and specific place for each meeting and either (A) an enumeration of the agenda subjects known at the time of the notice or (B) a statement that such an agenda, kept continually current, shall be available for public inspection at the office of the City clerk. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The City shall have the right to modify the agenda at the public meeting when convened. The minutes of the City clerk shall include a record of the manner by which the advance publicized notice was given, the time and specific place of each meeting and the names of each member of the Council present or absent at each convened meeting.

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

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

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

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

(Section 1-304 was modified by Ordinance #789 on 10/11/2006)

SECTION 1-305: SPECIAL MEETINGS

Special meetings may be called by the mayor or by three members of the City Council, the object of which shall be submitted to the Council in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the city clerk. On filing the call for a special meeting, the city clerk shall notify the councilmembers of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a councilmember known to be out of the state or physically unable to be present. A majority of the members of the City Council 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. 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 city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Council shall be called to order by the mayor, if present, or if absent, by the president of the Council. In the absence of both the mayor and the president of the Council, the city councilmembers shall elect a president pro tempore. All ordinances passed at any special meeting shall comply with procedures set forth in Chapter I, Article IV.

(Ref. Neb. Rev. Stat. §17-106)

SECTION 1-306: MEETINGS; CLOSED SESSIONS

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

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

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

4. Any member of the Council 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 of the members of the Council. Such challenge and its disposition shall be recorded in the minutes.
Source: Neb. Rev. Stat. §84-1410

(Section 1-306 was modified by Ordinance #789 on 10/11/2006)

SECTION 1-307: MEETINGS; NOTICE TO NEWS MEDIA

The city clerk, secretary or 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. Neb. Rev. Stat. §84-1411)

SECTION 1-308: 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, except for closed meetings called pursuant to Section 1-305, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself/herself. No public body shall for the purpose of circumventing the provisions of this article hold a meeting in place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meetings in its traditional meeting place which is located in this state. An agency which contracts with cities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting cities. Final action on any agenda items shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Neb. Rev. Stat. §84-1408 to 84-1414. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the

meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. (Ref. Neb. Rev. Stat. §84-1412, 18-2438)

SECTION 1-309: MEETINGS; CITY COUNCIL

The meetings of the City Council shall be held at the council chambers or other location set by the Council by resolution. Regular meetings shall be held on the second Wednesday of each month at the hour of 7:00 P.M. A second monthly meeting will be held on the fourth Wednesday of the month as necessary and the time scheduled as appropriate. Special meetings may be called by the mayor or by a majority of the City Council for those purposes of which shall be submitted in writing to the council members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the city clerk as well as the disposition of said meeting.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the City Council shall be called to order by the mayor. In the absence of the mayor, the council president shall preside and conduct the meeting. In the absence of the mayor and council president, the remaining council members may appoint one of themselves to conduct the meeting. In this event, the member appointed will have all the power and authority of the mayor for purposes of conducting the meeting and executing legal documents authorized and approved at such meeting. (Ref. Neb. Rev. Stat. §17-105, 17-106)

SECTION 1-310: MEETINGS; ORDER OF BUSINESS

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

- Roll Call
- Reading and Approval of the Minutes of the Previous Meeting
- Consideration of Petitions and other Communications
- Reports of Officers, Boards and Committees
- Unfinished Business of the Preceding Meeting
- Introduction of Ordinances and Resolutions; First Reading
- Second Reading of Ordinances
- Third Reading of Ordinances
- Final Passage of Ordinances

New Business
Miscellaneous Business
Appropriations and Consideration of Claims
Adjournment

SECTION 1-311: MEETINGS; PARLIAMENTARY PROCEDURE

The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the City Council. When any person is called to order, he shall be seated until the point is decided. When the mayor is putting the questions, no person shall leave the meeting room. Every person present, previous to speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the city clerk or any member of the Council. Every member of the Council who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the City Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall be entered also. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Council. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Council seconding the said resolution, motion or ordinance. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the City Council for meeting may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the City Council shall decide all procedural disputes that may arise.

SECTION 1-312: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/he successor in office all property, records, papers and monies belonging to the same.

SECTION 1-313: MEETINGS; ORGANIZATIONAL

The newly elected Council shall convene in the council chambers on the first regular meeting in December of each year in which a city election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City 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 are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The mayor shall then nominate his/her candidates for appointive offices. He/she shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the City and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the city clerk. Each officer who is required to give a bond shall file the required bond in the office of the city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

SECTION 1-314: MEETINGS; VIDEOCONFERENCING, WHEN ALLOWED

A meeting of an organization created under the Interlocal Cooperation Act or the Municipal Cooperative Financing Act or of the governing body of a risk management pool or advisory committee organized in accordance with the Intergovernmental Risk Management Act may be held by means of videoconferencing if:

- (a) Reasonable advance publicized notice is given;
- (b) Reasonable arrangements are made to accommodate the public's right to attend, hear and speak at the meeting, including seating, recordation by audio or visual recording devices, and a reasonable opportunity for input such as public comment or questions to at least the same extent as would be provided if videoconferencing was not used;
- (c) At least one copy of all documents being considered is available to the public at each site of the videoconference;
- (d) At least one member of the governing body or advisory committee is present at each site of the videoconference; and
- (e) No more than one-half of the governing body's or advisory committee's meetings in a calendar year are held by videoconference.

Videoconferencing shall not be used to circumvent any of the public government purposes established in this article.

For purposes of this section, "videoconferencing" shall mean conducting a meeting involving participants at two or more locations through the use of audio-video equipment which allows participants at each location to hear and see each meeting participant at each other location, including public input. Interaction between meeting participants shall be possible at all meeting locations. (Ref. Neb. Rev. Stat. §84-1409, 84-1411)

SECTION 1-315: 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 1-309 shall be complied with in conducting emergency meetings. Complete minutes of such emergency meetings specifying the nature of the emergency and any formal action taken at the meeting shall be made available to the public by no later than the end of the next regular business day.

(Ref. Neb. Rev. Stat. §84-1411)

SECTION 1-316: APPOINTMENT OF COMMITTEES

At the organizational meeting of the City Council, the mayor may appoint members of such committees as may be necessary from time to time, which committees shall serve at the pleasure of the City Council. The membership of such standing committees may be changed at any time by the mayor. The mayor shall be a member ex officio of each standing committee. The members of the standing committees shall serve a term of office of one year, unless reappointed.

ARTICLE IV - ORDINANCES

SECTION 1-401: GRANT OF POWER

The City Council 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 City and its trade, commerce and security.
(Ref. Neb. Rev. Stat. §17-505)

SECTION 1-402: INTRODUCTION

Ordinances may be introduced by either the mayor and any councilperson at any regular or special meeting so long as the same has been included on the agenda for such meeting. Such ordinances may be read by the city clerk or the city attorney for consideration.

SECTION 1-403: RESOLUTIONS AND MOTIONS

Resolutions and motion may be introduced by either the mayor or any councilperson at any regular or special meeting so long as the same has been included on the agenda for such meeting.

SECTION 1-404: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Council except in a tie vote the Mayor shall have the power to vote to break the tie. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.
(Ref. Neb. Rev. Stat. §17-614)

SECTION 1-405: SUSPENSION OF RULES

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

SECTION 1-406: STYLE

The style of all city ordinances shall be:

"Be it ordained by the Mayor and City Council of the City of Louisville, Nebraska:"

(Ref. Neb. Rev. Stat. §17-613)

SECTION 1-407: EFFECTIVE DATE

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

(Ref. Neb. Rev. Stat. §17-613)

SECTION 1-408: TITLE

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

(Ref. Neb. Rev. Stat. §17-614)

SECTION 1-409: 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 mayor, and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency and be passed by a three-fourths vote of the Council, and entered upon the city clerk's minutes.

(Ref. Neb. Rev. Stat. §17-613, 19-3701)

SECTION 1-410: CERTIFICATE OF PUBLICATION OR POSTING

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the city seal from the city 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. Neb. Rev. Stat. §17-613)

SECTION 1-411: 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. Neb. Rev. Stat. §17-614)

ARTICLE V - FISCAL MANAGEMENT

SECTION 1-501: FISCAL YEAR

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

(Ref. Neb. Rev. Stat. §17-701)

SECTION 1-502: BUDGET PROCEDURE

The *Manual of Instructions for City/Village: Budgets*, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-503: BUDGET STATEMENT; FILING

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

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

(Ref. Neb. Rev. Stat. §13-504)

SECTION 1-504: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the City Council 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 proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption.

(Ref. Neb. Rev. Stat. §13-506)

SECTION 1-505: BUDGET FILING

The City Council shall file with and certify to the levying board and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The City Council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.

(Ref. Neb. Rev. Stat. §13-508)

SECTION 1-506: ANNUAL AUDIT

The City Council shall cause an audit of the city's accounts to be made by a recognized independent and qualified accountant as expeditiously as possible following the close of the fiscal year for such city and to cover all financial transactions and affairs of the City for such preceding fiscal year. Such audit shall be made on a cash or accrual method at the discretion of the City. Such audit shall be completed and the annual audit report made by such accountant shall be submitted within six months of the close of the fiscal year in any event, unless an extension of time shall be granted by a written resolution of the City Council.

(Ref. Neb. Rev. Stat. §19-2903)

SECTION 1-507: ALL-PURPOSE LEVY

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the City, except intangible property.

(Ref. Neb. Rev. Stat. §17-702)

SECTION 1-508: CONTRACTS

- (1) Except as provided in *Neb. Rev. Stat. § 18-412.01*, no contract for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, costing over twenty thousand dollars shall be made unless it is first approved by the city council.

(2) Except as provided in *Neb. Rev. Stat. § 18-412.01*, before the city council makes any contract in excess of twenty thousand dollars for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, an estimate of the cost shall be made by the city or village engineer and submitted to the council. In advertising for bids as provided in subsections (3) and (4) of this ordinance, the city council may publish the amount of the estimate.

(3) Advertisements for bids shall be required for any contract costing over twenty thousand dollars entered into (a) for enlargement or general improvements, such as water extensions, sewers, public heating system, bridges, work on streets, or any other work or improvement when the cost of such enlargement or improvement is assessed to the property, or (b) for the purchase of equipment used in the construction of such enlargement or general improvements.

(4) The advertisement provided for in subsections (2) and (3) of this ordinance shall be published at least seven days prior to the bid closing in a legal newspaper published in or of general circulation in the city and, if there is no legal newspaper published in or of general circulation in such city or village, then in some newspaper of general circulation published in the county wherein the city is located, and if there is no legal newspaper of general circulation published in the county then in a newspaper, designated by the county board, having a general circulation within the county where bids are required, and if no newspaper is published in the city or county, or if no newspaper has general circulation in the county, then by posting a written or printed copy thereof in each of three public places in the city at least seven days prior to the bid closing. In case of a public emergency resulting from infectious or contagious diseases, destructive windstorms, floods, snow, war, or an exigency or pressing necessity or unforeseen need calling for immediate action or remedy to prevent a serious loss of, or serious injury or damage to, life, health, or property, estimates of costs and advertising for bids may be waived in the emergency ordinance authorized by *Neb. Rev. Stat. § 17-613* when adopted by a three-fourths vote of the council and entered of record.

(5) If, after advertising for bids as provided in subsections (2), (3), and (4) of this ordinance, the city council receives fewer than two bids on a contract or if the bids received by the city council

contain a price which exceeds the estimated cost, the mayor and the city council may negotiate a contract in an attempt to complete the proposed enlargement or general improvements at a cost commensurate with the estimate given.

(6) If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the city council, no cost can be estimated until the materials have been manufactured or assembled to the specific qualifications of the city council, it may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer. (Reference 17-568.01).

(7) For any contracts for labor, materials or any public improvement for which the cost shall not be specially assessed to property, the City Council shall, before entering into such contracts which exceed \$20,000.00 in cash, advertise for bids not less than one time not less than seven (7) days before bid opening in a legal newspaper as provided above. Provided, however, that for contracts governed by this subsection (7), the City Council may vote to suspend bidding, or vote to bid by posting in each of three public places in the City rather than by publication.

(Section 1-508 was modified by Ordinance #862 on 10/12/2011)

SECTION 1-509: CLAIMS

All claims against the City shall be presented to the City Council 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 City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided that in the event there exist obligated funds from the Federal and/or State Government for the general purpose of such warrant, then such warrant may be drawn in excess of 85%, but not more than 100% of the current levy for the purpose for which said warrant is drawn.

(Ref. Neb. Rev. Stat. §17-714, 17-715)

SECTION 1-510: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city 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. Neb. Rev. Stat. §17-711)

SECTION 1-511: TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council 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 days prior to the date set for the hearing in a newspaper of general circulation in the City. 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 approval by the City Council, said council shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The City Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made.
(Ref. Neb. Rev. Stat. §17-710)

SECTION 1-513: SINKING FUNDS

The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, 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 City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. 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 City Council 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 city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council 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 City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund. (Ref. Neb. Rev. Stat. §19-1301 through 19-1304, 77-2337, 77-2339)

SECTION 1-514: DEPOSIT OF FUNDS

The City Council, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the city treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the City meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the city treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits. (Ref. Neb. Rev. Stat. §17-607, 77-2362 through 77-2364)

SECTION 1-515: INVESTMENT OF FUNDS

The City Council may, by resolution, direct and authorize the city treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City, 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. Neb. Rev. Stat. §17-608, 17-609, 72-1259, 77-2341)

SECTION 1-516: EXPENDITURES

No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law.

SECTION 1-517: BOND ISSUES

The City Council 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 City Council 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. Neb. Rev. Stat. §10-201 through 10-411, 10-606 through 10-612, 12-1001, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 23-3513, 39-836)

SECTION 1-518: SALES TAX

For the purpose of raising revenue, there is hereby adopted a sales and use tax, pursuant to the provisions of Neb. Rev. Stat. §71-2701 to 77-27,135, known as the Nebraska Revenue Act of 1967 and Neb. Rev. Stat. §77-27,142 to 77-27,148, known as the Local Option Revenue Act of 1969, as amended from time to time, in an amount of 1% upon the same transactions within the corporate limits of the City on which the State of Nebraska is authorized to impose a tax pursuant to the provisions of said acts, as amended from time to time.

The administration of the sales and use tax imposed by this section, the making of returns for the ascertainment, assessment, the provisions for tax claims, remedies, the laws governing consummation of sales, penalties, and collection and for the disposition and distribution of the taxes so imposed and collected shall be as provided in Neb. Rev. Stat. §71-2701 to 77-27,135 as amended and Neb. Rev. Stat. §77-27,142 to 77-27,148 as amended, to be used for such purposes as may be determined by the mayor and City Council.

ARTICLE VI - ELECTIONS

SECTION 1-601: ELECTION OF OFFICERS; CERTIFICATION

All city elections involving the election of officers shall be held in accordance with the Election Act and in conjunction with the statewide general election. No later than July 1 of each even-numbered year, the City Council shall certify to the Secretary of State, the election commissioner or the county clerk, the name of the City, the number of officers to be elected, the length of the terms of office, the vacancies to be filled by election and length of remaining term, and the number of votes to be cast by a registered voter for each office.

(Ref. Neb. Rev. Stat. §16-302.01, 32-401, 32-404, 32-532, 32-556)

SECTION 1-602: PRIMARY ELECTION; NUMBER OF CANDIDATES FILING

If the number of candidates properly filed for nomination at the primary election does not exceed two for each vacancy to be filled, all candidates properly filed shall be considered nominated, and no primary election for their nomination shall be required.

SECTION 1-603: TIE VOTES

In the case of a tie vote of any of the candidates in either the primary or general election, the county clerk shall notify such candidates to appear at his/her office on a given day and hour to determine the same by lot before the canvassing board, and the certificate of nomination or election shall be given accordingly. Notice to appear shall be given by certified mail.

(Ref. Neb. Rev. Stat. §32-1122)

SECTION 1-604: FILING FEE

Prior to the filing of any nomination papers, there shall be paid to the city treasurer a filing fee which shall amount to 1% 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 \$500.00 per year. No nominating papers shall be filed until the proper city treasurer's receipt, showing payment of the filing fee, shall be presented to the election officer with whom the nomination papers are to be filed.

(Ref. Neb. Rev. Stat. §32-608)

SECTION 1-605: VOTER QUALIFICATIONS

"Elector" shall mean a 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. Neb. Rev. Stat. §17-602, 32-110)

SECTION 1-606: PETITION CANDIDATES

Any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot for a partisan office by filing petitions as prescribed in this section and Neb. Rev. Stat. §32-621, or by nomination by political party convention or committee.

Any candidate who was defeated in the primary election and any registered voter who was not a candidate in the primary election may have his/her name placed on the general election ballot if a vacancy exists on the ballot under subsection (1) of Neb. Rev. Stat. §32-626 and the candidate files for the office by petition as prescribed in this section.

The number of signatures of registered voters needed to place the name of a candidate upon the nonpartisan ballot for the general election shall be at least 10% of the total number of registered voters voting for Governor or President of the United States at the immediately preceding general election in the City.

The number of signatures of registered voters needed to place the name of a candidate upon the partisan ballot for the general election shall be at least 20% of the total vote for Governor or President of the United States at the immediately preceding general election within the City, not to exceed 2000.

Petitions for nomination shall conform to the requirements of Neb. Rev. Stat. §32-628. Petitions shall state the office to be filled and the name and address of the candidate. Petitions for partisan office shall also indicate the party affiliation of the candidate. Petitions shall be signed by registered voters residing in the City and shall be filed with the filing officer in the same manner as provided for candidate filing forms in Neb. Rev. Stat. §32-607. Petition signers and circulators shall conform to the requirements of Neb. Rev. Stat. §32-629 and 32-630. No petition for nomination shall be filed unless there is attached thereto a receipt showing payment of the required filing fee. The petitions shall be filed by September 1 in the year of the general election.
(Ref. Neb. Rev. Stat. §32-616 through 32-618)

SECTION 1-607: CAUCUS CANDIDATES

The City Council may, by ordinance, call a caucus for the purpose of nominating candidates for offices to be filled in the city election. Such caucus shall be held at least ten days prior to the filing deadline for such election. Notice of such

caucus must be published in one newspaper of general circulation in the City, at least once in each of two consecutive weeks prior to said caucus. The city clerk shall notify the person so nominated of his/her nomination and such notification shall take place not less than five days after the said caucus. A candidate so nominated shall not have his/her name placed upon the ballot unless, not more than ten days after the holding of such caucus, he/she shall have filed with the city 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/she was nominated.

SECTION 1-608: NOMINATION BY WRITE-IN VOTES

Candidates for elected office may be nominated by write-in; however, when the name of a candidate who did not file or become a petition candidate for nomination is written in and voted for as a candidate for a councilmember, such person shall not be entitled to a certificate of nomination at a statewide primary election or have his/her name placed on the general election ballot unless he/she shall have received not less than 20% of the total vote cast for the candidate receiving the greatest number of votes in the precinct or ward at the preceding election in which candidates were elected to serve the precinct or ward.

SECTION 1-609: SPECIAL JOINT ELECTIONS

Any issue to be submitted to the registered voters at a special election by the City shall be certified by the city clerk to the election commissioner or county clerk at least 50 days prior to the election. A special election may be held by mail as provided in Neb. Rev. Stat. §32-952 through 32-959. No special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide primary election, and no special election to be conducted by the election commissioner or county clerk shall be held within 30 days prior to or 60 days after the statewide general election.

In lieu of submitting the issue at a special election, the City may submit the issue at a statewide primary or general election or at any scheduled county election, except that no such issue shall be submitted at a statewide election or scheduled county election unless the issue to be submitted has been certified by the city clerk to the election commissioner or county clerk by March 1 for the primary election and by September 1 for the general election.

After the election commissioner or county clerk has received the certification of the issue to be submitted, he/she shall be responsible for all matters relating to the submission of the issue to the registered voters, except that the city clerk shall be responsible for the publication or posting of any required special notice of the submission of such issue other than the notice required to be given of the statewide election issues. The election commissioner or county clerk shall prepare the ballots and issue absentee ballots and shall also conduct the submission of the issue, including the receiving and counting of the ballots on the

issue. The election returns shall be made to the election commissioner or county clerk. The ballots, including absentee ballots, shall be counted and canvassed at the same time and in the same manner as the other ballots. Upon completion of the canvass of the vote by the county canvassing board, the election commissioner or county clerk shall certify the election results to the City Council. The canvass by the county canvassing board shall have the same force and effect as if made by the City Council.

(Ref. Neb. Rev. Stat. §32-559)

SECTION 1-610: CERTIFICATE OF NOMINATION OR ELECTION

The city clerk shall, within 40 days after the election, prepare, sign and deliver a certificate of nomination or certificate of election to each person whom the canvassing board has declared to have received the highest vote for each municipal office. A certificate of election prepared by the city clerk shall be in the form as nearly as possible prescribed in Neb. Rev. Stat. §32-1033 and shall be signed by the mayor under the seal of the City, and countersigned by the city clerk.

(Ref. Neb. Rev. Stat §19-3041, 32-558, 32-1033)

SECTION 1-611: 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 election, the candidate in such election who received the 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 35% 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.

SECTION 1-612: RECALL PROCEDURE

1. Any or all of the elected officials of the City may be removed from office by recall pursuant to Neb. Rev. Stat. §32-1301 to 32-1309.

2. Petition circulators shall conform to the requirements of the Election Act. The petition papers shall be procured from the city clerk. Each petition paper shall conform to the requirements of state law. Prior to the issuance of such petition papers, an affidavit shall be signed and filed with the city clerk by at least one registered voter. Such voter or voters shall be deemed to be the principal circulator(s) of the recall petition. The affidavit shall state the name and office of

the official sought to be removed and shall request that the city clerk issue initial petition papers to the principal circulator for circulation. The city clerk shall notify the principal circulator that the necessary signatures must be gathered within 30 days from the date of issuing petitions.

3. The city clerk, upon issuing the initial petition papers or any subsequent petition papers, shall enter in a record, to be kept in his/her office, the name of the principal circulator to whom the papers were issued, the date of issuance, and the number of papers issued. The city clerk shall certify on the papers the name of the principal circulator to whom the papers were issued and the date they were issued. No petition paper shall be accepted as part of the petition unless it bears such certificate. The principal circulator who checks out petitions from the city clerk may distribute such petitions to registered voters residing in the City who may act as circulators of such petitions.

4. Petition signers shall conform to the requirements of the Election Act. Each signer of a recall petition shall be a registered voter and qualified by his/her place of residence to vote for the office in question on the date of the issuance of the initial petition papers.

5. A petition demanding that the question of removing a member of the City Council be submitted to the registered voters shall be signed by registered voters equal in number to at least 35% of the total vote cast for the person receiving the most votes for that office in the last general election.

6. The principal circulator shall file, as one instrument, all petition papers comprising a recall petition for signature verification with the city clerk within 30 days after the city clerk issues the initial petition papers to the principal circulator. Within 15 days after the filing of the petition, the city clerk shall ascertain whether or not the petition is signed by the requisite number of registered voters. No new signatures may be added after the initial filing of the petition papers. No signatures may be removed unless the city clerk receives an affidavit signed by the person requesting his/her signature be removed before the petitions are filed with the city clerk for signature verification. If the petition is found to be sufficient, the city clerk shall attach to the petition a certificate showing the result of such examination. If the requisite number of signatures has not been gathered, the city clerk shall file the petition in his/her office without prejudice to the filing of a new petition for the same purpose.

7. If the recall petition is found to be sufficient, the city clerk shall notify the official whose removal is sought and the City Council that sufficient signatures have been gathered. If the official does not resign within five days after receiving the notice, the City Council shall order an election to be held not less than 30 nor more than 45 days after the expiration of the five-day period, except that if any other election is to be held in the City within 90 days of the expiration of the five-day period, the City Council shall provide for the holding of the removal election

on the same day. After the City Council sets the date for the recall election, the recall election shall be held regardless of whether the official whose removal is sought resigns before the recall election is held.

8. If a majority of the votes cast at a recall election are against the removal of the official named on the ballot or the election results in a tie, the official shall continue in office for the remainder of his/her term but may be subject to further recall attempts as provided in subsection 10 of this section. If a majority of the votes cast at a recall election are for the removal of the official named on the ballot, he/she shall, regardless of any technical defects in the recall petition, be deemed removed from office unless a recount is ordered. If the official is deemed removed, the removal shall result in a vacancy in the office which shall be filled as otherwise provided in this code and state law. If the election results show a margin of votes equal to 1% or less between the removal or retention of the official in question, the Secretary of State, election commissioner or county clerk shall order a recount of the votes cast unless the official named on the ballot files a written statement with the city clerk that he/she does not want a recount. If there are vacancies in the offices of a majority or more of the members of the City Council at one time due to the recall of such members, a special election to fill such vacancies shall be conducted as expeditiously as possible by the Secretary of State, election commissioner or county clerk.

9. No official who is removed at a recall election or who resigns after the initiation of the recall process shall be appointed to fill the vacancy resulting from his/her removal or the removal of another member of the City Council during the remainder of his/her term of office.

10. No recall petition shall be filed against an elected official within 12 months after a recall election has failed to remove him/her from office or within six months after the beginning of his/her term of office or within six months prior to the incumbent filing deadline for the office.
(Ref. Neb. Rev. Stat. §32-1301 through 32-1309)

SECTION 1-613: BALLOTS

The county clerk shall 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 City.
(Ref. Neb. Rev. Stat. §32-1202)

SECTION 1-614: WARDS

There shall be two wards within the City to be known as East Louisville and West Louisville. All citizens residing west of the center line of Walnut Street shall be residents of the West Ward; and all citizens residing east of such line shall be residents of the East Ward. At the initial election of the City Council, there shall

be two members elected from each ward. The candidates receiving the greatest number of votes in their respective wards shall be elected to four-year terms and the candidates receiving the second greatest number of votes in their respective wards shall be elected to two-year terms.

SECTION 1-615: EXIT POLLS

No person shall conduct any exit poll, public opinion poll, or any other interview with voters on election day seeking to determine voter preference within 20 feet of the entrance to any polling place or, if inside the polling place or building, within 100 feet of any voting booth.

(Ref. Neb. Rev. Stat. §32-1525)

ARTICLE VII - POLICE DEPARTMENT

SECTION 1-701: POWER, DUTIES, RESPONSIBILITIES

The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city police officer shall be expected to be conversant and knowledgeable of the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska. City police who shall willfully fail, neglect or refuse to make an arrest, or purposely and willfully fail to make an arrest, or purposely and willfully fail to make a complaint after an arrest is made shall be charged with the misdemeanor, and upon conviction of said misdemeanor, shall be fined. It shall be unlawful for the City Council to retain any city police officer in such position upon conviction of any Class I misdemeanor, Class W misdemeanor, or any felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial, everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his badge to the city police chief. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

SECTION 1-702: ARREST JURISDICTION

The city police chief or any other city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his/her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the City.

The city police chief and any other city police officer who is within this state but beyond the territorial limits of his/her primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or

otherwise perform the functions of his/her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his/her primary jurisdiction in the following cases:

1. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

2. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

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

4. If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Neb. Rev. Stat. §13-1802. (Ref. Neb. Rev. Stat. §29-215)

SECTION 1-703: DISCHARGE OR DISCIPLINE OF POLICE MEMBERS

Any police officer or the city police chief may be disciplined or immediately discharged from duty for gross misconduct, neglect of duty or disobedience of lawful orders of the mayor or the City Council as a whole.

SECTION 1-704: APPEAL PROCEDURE FOR DISCHARGED OR DISCIPLINED POLICE OFFICERS

In the event of discharge for any of the causes set forth in Section 1-703, the police officer or city police chief shall have the right to appeal his/her discharge or disciplinary action to the City Council. Such appeal shall be made within 30 days

of his/her discharge or disciplinary action by filing a written application for a hearing before the Council. Such written application shall be made to the city clerk, and if such application is made the clerk shall immediately notify the mayor of the receipt of such application. Upon notice of the filing of such application, the mayor shall call a special meeting of the City Council, within 20 days of receipt of the written application, to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

ARTICLE VIII - PLANNING COMMISSION

SECTION 1-801: MEMBERS; OFFICERS; DUTIES; ALTERNATE

1. The Planning Commission shall consist of seven regular members whose terms shall be staggered and who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the mayor, by and with the approval of a majority vote of the members elected to the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, a sufficient number of residents shall mean 200 residents. The term of each regular member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the mayor with the consent of a majority vote of the members elected to the City Council for inefficiency, neglect of duty or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the mayor.

2. All regular members of the commission shall serve without compensation and shall hold no other city office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. All members of the commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the City Council and conditioned upon the faithful performances of their duties. The commission shall elect from its membership a chairperson and a secretary, and shall create and fill such other of its offices as it may determine. The term of the chairperson and the secretary shall be one year and they shall be eligible for re-election. No member of the commission shall serve in the capacity of both the chairperson 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 city clerk where they shall be available for public inspection during office hours. The commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures or agreements for expenditures shall be valid in excess of such amounts. A number of commissioners equal to a majority of the number of regular members appointed to the commission shall constitute a quorum for the transaction of any business. The commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the commission to meet more frequently and

the chairperson of the commission may call for a meeting when necessary to deal with business pending before the commission. Special meetings may be held upon the call of any three members of the commission. The commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. The commission shall make and adopt plans for the physical development of the City, including any areas outside its boundaries which, in the commission's judgment, bear relation to the planning of the City, and shall carry out the other duties and exercise the powers specified in Neb. Rev. Stat. §19-929. All actions by the commission shall be subject to the review and supervision of the mayor and City Council. The commission shall make its recommendations to the City Council so that they are received within 30 days after the commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory or zoning. The commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

3. The mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one alternate member to the commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years, and he or she shall hold office until his/her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

(Ref. Neb. Rev. Stat. §19-924 through 19-929)

ARTICLE IX - BOARD OF HEALTH

SECTION 1-901: MEMBERS

The City Council shall appoint a Board of Health which shall consist of four members: the mayor, the President of the City Council and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the mayor has appointed a chief of police, the chief of police shall serve on the Board as secretary and quarantine officer. The mayor shall act as chairman of the Health Board. The members of the Board shall serve a one-year term of office, unless reappointed, and shall reorganize at the first meeting in June of each year.

SECTION 1-902: POWERS AND DUTIES

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

(Ref. Neb. Rev. Stat. §17-121)

SECTION 1-903: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit, or permit the deposit or accumulation of any garbage, refuse of any kind or article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said city, and any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined in a sum not to exceed \$500.00 for each offense, and the offensive matter shall be

ordered removed by or at the expense of the defendant. Each 24-hour failure to comply with the orders of the Board of Health shall constitute a separate and distinct offense.

ARTICLE X - TREE BOARD

SECTION 1-1001: CREATION AND ESTABLISHMENT OF TREE BOARD

The City Council may create and establish a Tree Board for the City. In the event the Board is created, it shall consist of six members. Such members shall be appointed by the mayor with the approval of the City Council.

SECTION 1-1002: DEFINITIONS

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

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

"Private community forest" is herein defined as all trees within city boundaries but not owned by the City.

"Public community forest" is herein defined as all street and park trees owned by the City as a total resource.

SECTION 1-1003: TERM OF OFFICE

The term of the six persons to be appointed by the mayor with the approval of the City Council shall be three years and their terms shall be staggered. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 1-1004: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-1005: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City. The Tree Board, when requested by the Council, shall consider, investigate, make finding,

report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-1006: OPERATION

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

SECTION 1-1007: STREET TREE SPECIES TO BE PLANTED

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

SECTION 1-1008: SPACING

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

SECTION 1-1009: DISTANCE FROM CURB AND SIDEWALK

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

SECTION 1-1010: DISTANCE FROM STREET CORNERS AND FIREPLUGS

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

SECTION 1-1011: UTILITIES

No street trees other than those species listed as Small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 1-1012: PUBLIC TREE CARE

The City shall have the right to plant, subject to Section 1-1013 herein, prune,

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

SECTION 1-1013: CONSENT OF PROPERTY OWNER

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

SECTION 1-1014: TREE TOPPING

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

SECTION 1-1015: PRUNING, CORNER CLEARANCE

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

SECTION 1-1016: DEAD OR DISEASED TREE; REMOVAL; APPEAL PROCESS

(1) Removal of Dead or Diseased Trees: All trees that are in a diseased, dying or dead condition within the right of way and within either the City or within the City's extraterritorial zoning jurisdiction are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove said tree or trees. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation, or by certified mail if the name and address is known. The person charged with the removal may enter into an agreement with the

City that such work be accomplished by the City, and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects or refuses to enter into such an agreement, or to remove the trees, the City may direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. In the event the property owner is a non-resident of the county in which the property lies, the City 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.

(2) The city hereby establishes the following as an appeal process from the decision to abate and remove a dead or diseased tree. If Notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the city to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the city clerk. A hearing on the appeal shall be held within fourteen days after the filing of the appeal and shall be conducted by the Mayor or Council President. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the city may have the work done to abate and remove the dead or diseased trees.

(Section 1-1016 was modified by Ordinance #949 on 9/14/2016)

SECTION 1-1017: REMOVAL OF STUMPS

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

SECTION 1-1018: INTERFERENCE WITH TREE BOARD

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

SECTION 1-1019: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of

the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Council, who may hear the matter and make a final decision.

ARTICLE XI – PARKS AND RECREATION BOARD

SECTION 1-1101: MEMBERS; TERM; COMPENSATION; SUBCOMMITTEES

The City Council may appoint a Parks and Recreation Board. If such board is created, the following shall apply:

The Board shall consist of three members, who shall be residents of the City. The members shall be appointed by the mayor and City Council and shall serve a term of one year. The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties.

SECTION 1-1102: ORGANIZATION; DUTIES

At the time of the Board's first 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 city clerk where they shall be available for public inspection at any reasonable time. A majority of the Board shall constitute a quorum for meetings. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any two of the Board members. It shall be the duty of the Board to take the immediate charge of all parks and recreational facilities belonging to the City. The Board shall establish appropriate rules and regulations for the management, use and operation of the same. All employees of the City doing work in or for the city park shall be under the supervision and direction of the Board. All actions of the Board shall be subject to the review and control of the City Council. The Board shall be responsible for making such reports and performing such other duties as the City Council may from time to time designate. No member of the City Council shall serve as a member of the Park Commission while serving a term of office as a member of the City Council. No member of the Park Commission shall serve in the capacity of both chairman and secretary of the Board.

SECTION 1-1103: PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Parks and Recreation Board. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the city 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 city treasurer. The Board shall

have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The Board shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.

SECTION 1-1104: 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 city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds.

(Ref. Neb. Rev. Stat. §17-948, through 17-952)

ARTICLE XII - LIBRARY BOARD

SECTION 1-1201: LIBRARY BOARD

The Library Board shall be appointed upon the nomination of the Mayor and the concurrence by a majority of the City Council. The five members shall be residents of the City and shall serve a four-year term of office, and shall do so without compensation. Members may be required by the City Council to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the City Council.

At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their number a chairman and secretary. No member of the Board shall serve in the capacity of both the 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 city 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 City Council may designate. Special meetings may be held upon the call of the chairman or any three members of the Board.

The library board may erect, lease, or occupy an appropriate building for the use of a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. Provided, however, that the Mayor and City Council shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the library board.

The Library Board shall generally establish appropriate rules and regulations for the management, operation and use of the library. The librarian may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof.

The Board may fix and impose penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation and fix and impose reasonable fees, not to exceed the library's actual cost, for nonbasic services. The board shall have and exercise such power as may be necessary to carry out the spirit and intent of Nebraska Statutes 51-201 to 51-219 in establishing and maintaining a public library and reading room.

In operating the public library, the Board shall ensure that the basic services are

available without charge to all residents of the city, and ensure that no service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status.

Any member of the Board who misses three (3) consecutive meetings, without prior approval by a majority of the Board at a regular meeting, shall be deemed to have resigned from the Board, at which time the vacancy shall be filled for the remaining term upon nomination by the Mayor with the approval of the City Council.

SECTION 1-1202: OPERATION AND FUNDING

The City owns and manages the library through the Library Board. The City Council, 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 City that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. Such fund shall at all times be in the custody of the city treasurer.

SECTION 1-1203: 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.

SECTION 1-1204: 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 cost and penalty which the Library Board may assess.

SECTION 1-1205: BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulation 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.

SECTION 1-1206: MONEY COLLECTED

Any money collected by the library shall be turned over monthly by the librarian to the city treasurer along with a report of the sources of the revenue.

SECTION 1-1207: REPORT TO MAYOR AND CITY COUNCIL

The library board shall, on or before the second Monday in February in each year, make a report to the Mayor and City Council regarding the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the library board may deem of general interest or as the city council may require. The report shall be verified by affidavit of the proper officers of the library board.

(Article 12 was modified by Ordinance #956 on 4/12/17)

ARTICLE XIII – COMMUNITY REDEVELOPMENT AGENCY

SECTION 1-1301: MEMBERS; POWER AND AUTHORITY

There is hereby created in the City of Louisville, pursuant to Neb. Rev. Stat. §18-2101, a Community Redevelopment Agency, to be named the Louisville Community Redevelopment Agency.

The Louisville Community Redevelopment Agency shall consist of the mayor and City Council, all of which members shall constitute the governing body of the Agency. The mayor shall be the chairman of the Agency; the city clerk shall be the secretary of the Agency; and the city treasurer shall be the treasurer of the Agency.

The Louisville Community Redevelopment Agency shall function as a Community Redevelopment Agency and shall have all the power and authority granted to a Community Redevelopment Agency as set forth in Neb. Rev. Stat. §18-2101 to 18-2154.

(Section 1-1301 was modified by Ordinance #898 on 5/22/2013)

ARTICLE XIV – CARE CENTER BOARD

SECTION 1-1401: MEMBERS; TERM OF OFFICE; ORGANIZATION

The Mayor, with the approval of the City Council, shall appoint the Care Center Board, which shall consist of five members; one for a term of one year; two for a term of two years; and two for a term of three years. Thereafter, terms shall be three years with appointment occurring at the regular meeting of the City Council each June. All members shall be residents of such city. No member of the City Council shall serve as a member of the Care Center Board while serving a term of office as a member of the City Council. No person shall serve on the Care Center Board while at the same time residing at the Care Center. All resignations from the Care Center Board shall be in writing and delivered to the Louisville City Office, 210 Main St., Attn: City Clerk.

The Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in an amount set by resolution of the City Council, and conditioned upon the faithful performance of their duties.

At the time of the Board's first meeting in July of each year, the Board shall organize by selecting from its membership a chairman, vice-chairman and secretary. No member of the Care Center Board shall serve in the capacity of both the 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 city clerk within 5 business days, where they shall be available for public inspection during normal business hours. In the event there are corrections to the minutes following the filing of the same with the city clerk, the secretary shall provide the corrected minutes to the city clerk within 5 days of such correction.

Any member of the Care Center Board who misses three (3) consecutive meetings, without prior approval by a majority of the Care Center Board at a regular meeting, shall be deemed to have resigned from the Board, at which time the vacancy shall be filled for the remaining term upon nomination by the Mayor with the approval of the City Council.

SECTION 1-1402: MEETINGS; QUORUM

The Board shall conduct their meetings in compliance with the Nebraska Open Meeting Act. The Board shall meet at 5:00 p.m. on the second Wednesday of each month at the Care Center Chapel, and at such times as the City Council shall designate. Special meetings may be held upon the call of the chairman or any three members of the Board. In the event of a special meeting, the secretary shall notify the city clerk simultaneous with the notification provided all Care Center Board members, and provide the city clerk a copy of the agenda, and any updates thereto. A majority of the Board members shall

constitute a quorum for the transaction of business.

SECTION 1-1403: DUTIES

The Board shall have the duty to monitor and oversee the day-to-day operations of the facility as provided for in this Article 14. Such operations shall include the establishment of policies for operations, and appropriate rules and regulations for the management, operation and use of the Care Center. The Board, and when necessary the Care Center Administrator, shall establish day-to-day operational policies required to comply with federal and state laws, rules and regulations. Prior to the implementation of any changes to policies having a financial impact on the Care Center, and thereby the City, the same shall be presented to the Mayor and City Council, by the Care Center Administrator at a City Council meeting, for consideration and approval. All actions of the Board shall be subject to the review and supervision of the City Council.

The Care Center Board shall be authorized to disburse general funds of the Louisville Care Center with disbursement checks signed by any one of the following three persons: the Board's Chair, the Board's Vice Chair, or the Board's secretary. Said disbursement checks shall then be counter-signed by any one of the following three persons: the City Clerk, the Mayor, or the City Council President.

The Board, or the Care Center Administrator, shall report to the Mayor and City Council at each regular monthly City Council meeting.

The Board shall perform such additional duties as the City Council may, from time to time, designate.

The Board shall assist in the preparation of, and shall be responsible to oversee during the year, the budget for the Care Center. So that the City Clerk may distribute to the Mayor and City Council prior to its July meeting, the Care Center Board shall provide in a timely manner to the City Clerk each year an itemized list of proposed capital expenditures projected two years into the future. So that the City Clerk may distribute to the Mayor and City Council prior to its August meeting, the Care Center Board shall provide in a timely manner to the City Clerk each year any recommendations it may have for changes in the wages and benefits paid to employees working at the Care Center, and thereafter, such wages and benefits shall be included in the wage and benefits ordinance adopted by the City Council and shall not thereafter be changed except by passage of a new wage and benefit ordinance.

The Care Center Board shall have the authority to award contracts for capital improvements up to \$20,000.00, with the same presented to the Mayor for execution. All such improvements, when in planning, shall be included in the administrator's report to the Louisville City Council at its regular monthly meeting.

(Ref. Neb. Rev. Stat. §17-966)
(Article 14 was modified by Ordinance #831 on 12/9/2009)

ARTICLE XV - BOARD OF ADJUSTMENT

SECTION 1-1501: MEMBERS; TERM OF APPOINTMENT

The Board of Adjustment shall be appointed by the mayor, with the consent of the City Council, and shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each of the members shall be appointed for terms of three years and removable for cause by the City Council upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment. All proceedings of the Board shall be in accordance with Neb. Rev. Stat. §19-908 et seq.

SECTION 1-1502: POWERS AND DUTIES

A Board of Adjustment is hereby established in strict conformity with Article 9 of Chapter 19 of the Revised Statutes of Nebraska, and as from time to time further amended; and shall have all of the powers and perform all of the duties set forth therein.

SECTION 1-1503: APPEALS TO BOARD

Further, and without limiting the paramount nature of the foregoing, the Board of Adjustment shall have the following powers and duties: (1) to hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures; (2) to hear and decide in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and (3) to grant or deny variances, explicitly following the provisions of Neb. Rev. Stat. §19-910(3), and as from time to time amended.

Within the scope of the foregoing, all questions concerning interpretation or enforcement of the Zoning and Subdivision Regulations for the City of Louisville (Ordinances No. 610 and 611, August 13, 1997), shall first be presented to the Planning Commission of this city and any appeals from its decisions shall be made to the Board of Adjustment. Similarly, in the event it is claimed that the true intent and meaning of any building codes adopted by reference in the municipal code of this city have been wrongfully interpreted by the building inspector or other administrative official or agency, the person so claiming may appeal to the Board of Adjustment through the office of the city clerk by following

the Procedure for Appeals as set forth in the Zoning Regulations of this city. Appeals from decisions of the Board of Adjustment shall be taken to the District Court of Cass County, Nebraska.

SECTION 1-1504: RULES AND REGULATIONS

The procedural rules and regulations governing the operation of the Board of Adjustment shall be those as set forth in Neb. Rev. Stat. §19-907 through 19-912, and as may be from time to time further amended. The Board of Adjustment may also adopt any additional rules and regulations as may facilitate its operation.

ARTICLE XVI –ECONOMIC DEVELOPMENT PROGRAM

SECTION 1-1601: ADOPTION

The mayor and City Council have been authorized by the electors of the City at the City's primary elections held May 14, 2002, to adopt by ordinance an economic development program for the City as authorized by the Local Option Municipal Economic Development Act, Neb. Rev. Stat. §18-2701 et. seq. The Economic Development Program of the City is incorporated in this ordinance by reference and it is adopted as authorized by the Local Option Municipal Economic Development Act. The City shall not appropriate in any one year an amount for economic development which exceeds the lesser of the amount allowed by law or the amount set forth in the Economic Development Program of the City.

SECTION 1-1602: CITIZEN ADVISORY REVIEW COMMITTEE; VACANCIES

There is created, in and for the City, a citizen advisory review committee as authorized by the Local Option Municipal Economic Development Act. The citizen advisory review committee shall be composed of not less than five nor more than ten members, who shall be resident taxpayers of the City. At least one member of the committee shall have expertise or experience in the field of business finance and accounting. No member of the committee shall be an elected or appointed city official, an employee of the City, or an official or employee of any qualifying business receiving financial assistance under the Economic Development Program or of any financial institution participating directly in such Economic Development Program. The members of the citizen advisory review committee shall be appointed by the mayor, with the approval of the City Council. The term of the chairperson shall be one year, with eligibility for reelection. The citizens advisory review committee shall meet on the second Tuesday in January, April, July and October of each year to review the functioning and progress of the Economic Development Program of the City and to advise the City Council with regard to the program. Special meetings of the citizen advisory review committee shall be held whenever called by the mayor or the chairperson of the committee. The citizens advisory review committee shall report to the City Council in a public hearing called for that purpose, held at least once in every six-month period after the effective date of this ordinance, regarding its findings and suggestions.

Vacancies occurring in the membership of the citizen advisory review committee other than by reason of the expiration of terms, shall be filled by the mayor by and with the approval of the City Council. Any member of the citizen advisory review committee may be removed from office by the mayor, with the approval of a majority of the City Council. The members of the citizen advisory review committee shall serve for five-year terms. The citizen advisory review committee

shall elect its chairperson from its members and shall create and fill such other offices as it may determine.

SECTION 1-1603: DISCLOSURE OF CONFIDENTIAL INFORMATION

All trade secrets, academic and scientific research work which is in progress and unpublished or other proprietary or commercial information of a qualifying business participating in the Economic Development Program of the City which, if released, would give advantage to business competitors and serve no public purpose shall be confidential. The members of the citizen advisory review committee are authorized to have access to such confidential information. The mayor and City Council shall designate by resolution other persons who are authorized to have access to such confidential business information. Any person who knowingly releases such confidential information other than to persons who are authorized to have access to such information in accordance with the provisions of this section shall be guilty of a misdemeanor and upon conviction or being found guilty shall be subject to a maximum imprisonment of three months in the county jail or a fine of \$500.00, or both.

SECTION 1-1604: ADMINISTRATION

The mayor shall be responsible for the administration of the Economic Development Program of the City, shall be an ex-officio member of the committee, and shall be responsible for assisting the committee and providing it with necessary information and advice on the Economic Development Program.

ARTICLE XVII - PENAL PROVISION

SECTION 1-1701: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense, recoverable with costs, or by imprisonment in the county jail for a term not to exceed 30 days. Each day such violation continues may be considered a separate offense.