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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

A. The village owns and manages the municipal library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the village that is subject to taxation. The revenue from the said tax shall be known as the library fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The Library Board shall have the power and authority to appoint the librarian and to hire such other employees as may be deemed necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation. All actions by the Library Board shall be under the supervision and control of the Village Board.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the village, shall be drawn upon and paid out by the village treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The village may establish a public library sinking fund for major capital expenditures.

(Neb. Rev. Stat. §§51-201, 51-202, 51-209, 51-211)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five appointed members who are residents of the village. Each member shall serve a term of four years. In case of vacancy for any reason, the Village Board shall fill such vacancy for the unexpired term. No Village Board member shall be a member of the Library Board. No Library Board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219.

B. The Library Board shall have exclusive control of expenditures, all money

collected or donated to the credit of the library fund, the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. Any money collected by the library shall be turned over monthly to the village treasurer, along with a report of the sources of the revenue.

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

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any 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.

(Neb. Rev. Stat. §§51-205, 51-207, 51-211)

SECTION 2-104: ANNUAL REPORT TO VILLAGE BOARD

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

SECTION 2-105: REAL ESTATE; SALE AND CONVEYANCE

A. The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the board or by the public library which is not used for library purposes or of any real estate so donated or devised to the board or to the library, upon such terms as the board may deem best.

B. Before any such sale is made, the Library Board shall advertise the sale once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the village. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bids have not been rejected, then the real estate shall be sold to the highest bidder for cash and the president of the Library Board, upon resolution of the board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon

payment of said bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the village voting at the last regular village election and filed with the Village Board, the property shall not then nor within one year thereafter be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period but the filing shall be considered timely if filed or postmarked on or before the next business day.

(Neb. Rev. Stat. §51-216)

SECTION 2-106: GROUNDS AND BUILDING

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §§76-704 through 76-724. (Neb. Rev. Stat. §51-210)

SECTION 2-107: MORTGAGES; RELEASE OR RENEWAL

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the library fund and standing in the name of the board. The signature of the president on any such release shall be authenticated by the secretary of the board. The president and secretary in like manner, upon resolution duly passed and adopted by the board, may renew any such mortgage. (Neb. Rev. Stat. §51-206)

SECTION 2-108: LIBRARY; DONATIONS

Any person may make donation of money, lands, or other property for the benefit of the public library. The title to property so donated may be made to and shall vest in the Library Board and its successors in office, and the board shall thereby become the owners thereof in trust to the uses of the public library. (Neb. Rev. Stat. §51-215)

SECTION 2-109: LIBRARY; COST OF USE; VIOLATION OF RULES

A. Except as provided in subsection (B) of this section, the library shall be free of charge for the use of the inhabitants of the village, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The library may exclude from the use of the library any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

B. The public library shall make its basic services available without charge to all residents of the village. The board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services.

C. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Basic services" shall include, but are not limited to, free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. "Non-basic services" shall include but are not limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment;
 - d. Personal computers; and
 - e. Videocassette recording and playing equipment.

(Neb. Rev. Stat. §§51-201.01, 51-211, 51-212)

SECTION 2-110: LIBRARY; DISCRIMINATION PROHIBITED

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211)

SECTION 2-111: LIBRARY; BOOK REMOVAL

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

SECTION 2-112: LIBRARY; LOST AND DAMAGED MATERIALS

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

SECTION 2-113: LIBRARY; PENALTIES; RECOVERY; DISPOSITION

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Library Board. Money collected in such actions, other than any court costs and attorney's fees, shall be placed in the treasury of the village to the credit of the library fund. Attorney's fees collected pursuant to this section shall be placed in the treasury of the village and credited to the budget of the village attorney's office. (Neb. Rev. Stat. §51-214)

Article 2 – Board of Health

SECTION 2-201: MEMBERS; TERMS

The Village Board shall appoint a Board of Health, which shall be funded from time to time out of the general fund. consisting of three members, including the chairman of the Village Board, who shall serve as chairman, and two other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the medical advisor. In the event no physician resides within the village, the chairman shall appoint a citizen at large to serve instead. If the Village Board has appointed a police chief, he or she may be appointed to the Board of Health and serve as secretary and quarantine officer. If the village has a contract with the Fillmore County Sheriff for law enforcement services, the chairman may appoint the county sheriff to serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the village chairman with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208)

SECTION 2-202: MEETINGS; OFFICERS

The Board of Health shall meet at such times as the Village Board may designate. The members of the board shall elect officers at their first meeting of each year. The secretary shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

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

SECTION 2-204: ENFORCEMENT OFFICIAL

The police chief, if appointed as the quarantine officer, shall be the chief health officer of the village. It shall then be his or her duty to notify the Village Board and the Board

of Health of health nuisances within the village and its zoning jurisdiction. (Neb. Rev. Stat. §17-208)

SECTION 2-205: STATE RULES

The rules and regulations of the Nebraska Department of Health and Human Services relating to public health are hereby incorporated by reference when the same are applicable to the village. (Neb. Rev. Stat. §18-132)

Article 3 – Parks and Pool

SECTION 2-301: PARKS; OPERATION AND FUNDING

The village owns and operates the village parks and other recreational areas through the maintenance superintendent. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village parks may each year levy a tax not acceding 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 village treasurer. The Village Board shall have the authority to adopt rules and regulations for the efficient management of the village parks and other recreational areas of the village. (Neb. Rev. Stat. §17-948 through 17-952)

SECTION 2-302: PARKS; INJURY TO PROPERTY; LITTERING

See Chapter 3, Section 3-130.

SECTION 2-303: SWIMMING POOL; OPERATION AND FUNDING

The village owns and manages the swimming pool. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvements of the pool, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the village that is subject to taxation. The revenue from the said tax shall be known as the swimming pool 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 pool. The swimming pool fund shall at all times be in the custody of the village treasurer. The Village Board shall have the power and authority to hire and supervise the swimming pool manager and such employees as deemed necessary and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. (Neb. Rev. Stat. §17-948, 17-951, 17-952)

SECTION 2-304: SWIMMING POOL; RULES AND REGULATIONS

The Village Board shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. It may provide suitable penalties for the violation of such bylaws, rules, and regulations. (Neb. Rev. Stat. §17-949)

SECTION 2-305: SWIMMING POOL; ADMISSION CHARGE

The Village Board may, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the village clerk and shall also be posted in a conspicuous place at the pool

for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

SECTION 2-306: SWIMMING POOL; RENTALS

The Village Board shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The Board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the village clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 4 – Fairview Manor Advisory Board

SECTION 2-401: MEMBERS; TERMS

The Village Board shall appoint the Fairview Manor Advisory Board, which shall consist of five members who are residents of the village. The term of each regular member shall be three years. All regular members shall hold office until their successors are appointed. The Village Board may appoint one of its members to serve as one of the five members of such Advisory Board. The board shall serve without compensation.

SECTION 2-402: MEETINGS; OFFICERS

A. The Board shall meet at such times as the Village Board may designate. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman, or any three board members.

B. At the time of the board's first meeting in March each year, the members shall organize by selecting a secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings. Minutes can be viewed upon request.

SECTION 2-403: DUTIES

It shall be the duty of the board to have general charge of Fairview Manor and all entities within and to establish appropriate rules and regulations for management, operation, and use of the same. All actions of the board shall be subject to the review and supervision of the Village Board. The Advisory Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time.

Article 5 – Aging Services Board

(Ord. No. 12-481, 12/10/12) (Am. Ord. No. 21-543, 4/12/21)

SECTION 2-501: MEMBERS; TERMS

The Aging Services Board shall consist of five members who shall be appointed by the village chairman with the advice and consent of the Board of Trustees. The members of the Aging Services Board shall serve for terms of one year each, to commence on July 1. No member of the Board of Trustees shall serve as a member of the Aging Services Board while serving a term of office as a member of the Village Board. The board members shall serve without compensation.

SECTION 2-502: MEETINGS; OFFICERS

A. The Aging Services Board shall meet on the second Monday of each month. Special meetings may be held upon the call of the chairman or any four members of the board, communicated to all members at least 48 hours prior to the special meeting. A majority of the board members shall constitute a quorum for the transaction of business.

B. At the time of the board's first meeting, after their appointment or in July of each year, the Board shall organize by selecting from its members a chairman, secretary, and any additional officers deemed necessary. No member of the Aging Board shall serve in the capacity of both chairman and secretary. The chairman shall, among other things, preside at all meetings and sign all official papers for the board. The secretary shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during regular business hours.

SECTION 2-503: AUTHORITY; DUTIES

A. The Village Board of Trustees is responsible to hire, discipline, and dismiss employees of the Fairmont Senior Center, although the Village Board shall consider any recommendations from the Aging Services Board in regard to the hiring, discipline, termination, and staffing of the employees of the senior center.

B. It shall be the duty of the Aging Services Board to have general charge of the Aging Services Program and to establish appropriate policies, plans and budgets for the operation of the program, subject to approval by the Village Board, utilizing all of the available federal and state funding so as nearly as possible to make the program self-supporting from such funds and from fees and assessments from the members taking part in such programs.

SECTION 2-504: FUNDS AND FINANCING; VOUCHERS; AUDIT

All funds and financing, including gifts, grants, fees and assessments shall be maintained in an account by the village treasurer as a part of the general fund of the village, subject to expenditure by vouchers at the direction of the Aging Services Board, subject to approval by the Village Board. Vouchers against such funds shall be drawn by the chairman and countersigned by the secretary and shall be paid by the village treasurer out of the funds deposited to the credit of the village for the Senior Citizens' Program. All accounts against the Aging Services Program shall be audited by the Aging Services Board.

SECTION 2-505: REPORT TO VILLAGE BOARD

The Aging Services Board shall, on or before the first Monday in June each year, make a report to the Board of Trustees of the condition of its trust, showing all monies received and expended, amounts of services and activities performed, number of program participants, with such other statistics, information and suggestions as may be deemed of general interest or as the trustees may require. Such report shall be verified by affidavit of the proper officials of the board. The Aging Services Board shall make such additional reports and perform such additional duties as the Board of Trustees may request from time to time.

Article 6 – Housing Authority Board

SECTION 2-601: MEMBERS

A. The Village Board shall appoint five persons who shall constitute the Housing Authority, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The board may appoint one of its members to serve as one of the five members of the authority for such term as the board may determine.

B. No person shall serve as a commissioner unless he or she resides within the area of operation of the Housing Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the village clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his or her services but shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his or her duties.

(Neb. Rev. Stat. §§71-1594, 71-1596, 71-1598)

SECTION 2-602: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes. He or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

SECTION 2-603: DUTIES

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the Village Board on all such information. The authority may employ legal counsel or it may call upon the chief law officer of the village for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The authority may del-

delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-604: MEETINGS

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director, who shall serve as an officio secretary of the Housing Authority. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §§71-1594, 71-1595)

SECTION 2-605: REMOVAL OF MEMBER

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the Village Board, which shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the village clerk a request for a hearing before the Village Board, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the board shall hold a hearing not sooner than ten days after the date a hearing is requested, at which hearing the commissioner shall have the right to appear in person or by counsel and the Village Board shall determine whether the removal shall be upheld. If the removal is not upheld by the board, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)

Article 7 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)
(Am. by Ord. Nos. 95-292, 2/13/95; 96-316, 2/12/96)

SECTION 2-701: MEMBERS

The Planning Commission shall consist of seven regular members who shall represent, insofar as is possible, the different professions or occupations in the village and shall be appointed by the chairman by and with the approval of a majority vote of the Village Board. Two of the regular members may be residents of the area over which the village is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the village exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the Village Board 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. All regular members of the commission shall serve without compensation and shall hold no other village office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908.

SECTION 2-702: ALTERNATE MEMBER

The chairman, with the approval of a majority vote of the Village Board, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other village office. The term of the alternate member shall be three years and he or she shall hold office until his or 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 chairman with the approval of a majority of the Village Board. 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.

SECTION 2-703: TERMS; VACANCIES

The term of each regular Planning Commission member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before Village Board, be removed by the chairman with the consent of a majority vote of the board members for inefficiency, neglect of duty, 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 chairman.

SECTION 2-704: OFFICERS; MEETINGS

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for re-election. The commission shall hold at least one regular meeting in each calendar quarter, except the Village Board may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. 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 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.

SECTION 2-705: FUNDING

The Village Board may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-706: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the village, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such village and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The Village Board shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The Village Board shall by ordinance set a reasonable time within which the recommendation from the commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the Village Board has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

B. The commission may, with the consent of the Village Board, in its own name (1) make and enter into contracts with public or private bodies, (2) receive contributions, bequests, gifts, or grant funds from public or private sources, (3) expend the funds appropriated to it by the village, (4) employ agents and employees, and (5) acquire, hold, and dispose of property. The commission may on its own authority make arrangements consistent with its program, conduct or sponsor special studies or planning work for any public body or appropriate agency, receive grants, remuneration, or reimbursement for such studies or work, and at its public hearings, summon witnesses, administer oaths, and compel the giving of testimony.

C. The commission may grant conditional uses or special exceptions to property owners for the use of their property if the Village Board has, through a zoning ordinance or special ordinance, generally authorized the commission to exercise such powers and has approved the standards and procedures adopted by the commission for equitably and judiciously granting such conditional uses or special exceptions. The granting of a conditional use permit or special exception shall only allow property owners to put their property to a special use if it is among those uses specifically identified in the zoning ordinance as classifications of uses which may require special conditions or requirements to be met by the owners before a use permit or building permit is authorized. The power to grant conditional uses or special exceptions shall be the exclusive authority of the commission, except that the Village Board may choose to retain for itself the power to grant conditional uses or special exceptions for those classifications of uses specified in the zoning ordinance. The board may exercise such power if it has formally adopted standards and procedures for granting such conditional uses or special exceptions in a manner that is equitable and will promote the public interest. An appeal of a decision by the commission or Village Board regarding a conditional use or special exception shall be made to the District Court.

Article 8 – Board of Adjustment

SECTION 2-801: OPERATION

Pursuant to Neb. Rev. Stat. §19-911, the Village Board of Trustees shall constitute the Board of Adjustment. The Village Board, as a Board of Adjustment, shall adopt rules and procedures that are in harmony with Neb. Rev. Stat. §§19-907 to 19-910 and shall have the powers and duties therein provided. The concurring vote of two-thirds of the members of the board, acting as the Board of Adjustment, shall decide any question upon which it is required to pass as such board. (Neb. Rev. Stat. §§19-907 to 19-910)

Article 9 – Penal Provision

SECTION 2-901: VIOLATION; PENALTY

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