

Chapter 2

Commissions and Boards

§2-101

Article 1. Standing Committees

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§2-101 STANDING COMMITTEES; GENERAL PROVISIONS. : The Mayor shall appoint members and Chairman of such standing committees as the City Council may by ordinance create. 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. Upon approval of this Article, the members of the standing committees shall be appointed by the Mayor to serve until the next organizational meeting. Thereafter all appointments shall be made by the Mayor at the organizational meeting. Members of the standing committees shall thereafter serve for a term of two (2) years.

The following standing committees are hereby created:

FINANCE, AUDIT, BUDGET & PERSONNEL, UTILITIES & PUBLIC PROPERTIES

There will be four (4) Councilmembers appointed to each committee. Committee meetings will be open to the attendance of the public. An agenda will be prepared and shall contain the time and specific place for each meeting and with enumeration of the agenda subjects. The Committee shall have the right to modify the agenda to include items of an emergency nature only.

The City Clerk shall be responsible for posting an agenda and recording the proceedings of the Committee meetings. The minutes of all meetings shall be written and available for public inspection within ten working days or prior to the next convened meeting, whichever occurs earlier. 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 as set forth herein. The City Administrator and Committee Chairman shall be responsible for determining the necessity for a Committee Meeting and the agenda items.

Responsibilities for the Finance, Audit, Budget & Personnel Committee shall include, but not be limited to, the following: Claim comments, budget preparation and hearings, audit reviews and selection of firms, personnel manual changes and updates, classification and pay plans and any other subject which may be referred to it by the Mayor.

Responsibilities of the Utilities and Public Properties Committee shall include, but not be limited to, the following: studying, evaluating and recommending policy changes, rates and projects for all City Utilities and Properties, and any other subject which may

be referred to it by the Mayor.

The Committees are fact-finding only and they will report to the Council for final determination of any action. (Amended by Ord. Nos. 9-83, 4/5/83; 1-93, 1/19/93, Amended by Ord 1-09, 2-17-2009)

§2-102 STANDING COMMITTEES; ASSIGNMENT OF PENDING ITEMS AND SUBJECTS. Upon appointment by the Mayor of the Standing Committees provided for by this Article, all previously appointed Standing Committees are abolished and terminated and all items and subjects pending before such previously appointed committees shall be the responsibility of the Standing Committees appointed by the Mayor under the provisions of this Article in accordance with the responsibilities as set forth in section 2-101 of this Article. (Ord. No. 9-83, 4/5/83)

§2-103 STANDING COMMITTEE; SEWARD AGING SERVICES COMMISSION.:

It is the purpose of this Ordinance to authorize provision for a varied program of group activities and services for Senior Citizens, and to develop the organizational and financial support within the community to ensure long term stability and continuity of said program by the utilization of all federal and state grants and funding available, and fees and assessments from the participants of the program.

The Mayor, with the advice and consent of the Council, shall appoint the initial Seward Aging Services Commission, consisting of 9 members, 5 of whom will serve from the appointment through the first Tuesday in January, 1993; and 4 of who shall serve from the date of their appointment through the first Tuesday in January, 1994. Thereafter, the Mayor, with the advice and consent of the Council, shall appoint all future Commission members for a term of 2 years. No member shall serve more than two consecutive terms. One member of the Seward Aging Services Commission shall be a member of the City Council, which member shall have no voting privileges.

The Seward Aging Services Commission shall serve without compensation. At the time of its initial meeting following appointment of its members, and on its first meeting in January of each succeeding year, the Commission shall organize by election of a chairperson, secretary and any additional officer deemed necessary, and they shall review their duties as members of the Commission. No member may serve in more than one office. The secretary shall keep full and correct minutes and record of all meetings and file the same with the Municipal Clerk, where they shall be available for public inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes.

A majority of the Seward Aging Services Commission voting members shall constitute as quorum for the transaction of business. It shall meet on the second Tuesday of each month or at such other time as shall be determined by the Commission. Special meetings may be held upon the call of the chairperson or any 4

members of the Commission, but notice of such meeting shall be communicated to all members of the Commission at least 48 hours prior to special meetings.

The City Administrator shall hire all employees of the Seward Aging Service Commission, including the Manager. The City Administrator, when screening, interviewing, and hiring all employees of the Seward Aging Services Commission, including the Manager, shall consult with and seek input from the Chairperson of the Seward Aging Services Commission or a person designated by the Commission. The day-to-day supervision of employed personnel shall be the shared responsibility of the Seward Aging Services Commission Chairperson or a person designated by the Commission, and the City Administrator. All actions of the Seward Aging Services Commission shall be subject to the review and supervision of the governing body.

The Commission may establish appropriate policies, plans and proposed budgets for operation of the program, utilizing all of the available federal and state funding, to make the program as self-supporting as possible from such funds and from fees and assessments from citizens taking part in such programs.

All funds and financing, including gifts, grants, fees, and assessments shall be maintained in an account or accounts of the City of Seward for the use and benefit of the Senior Citizens Program. (Ord. No. 16-91, 6/18/91) (Amended by Ord. No. 21-91, 8/6/91, Amended by Ord. 2-99, 2-2-99, Amended by Ord. 4-01, 2-20-2001, Amended by Ord. 1-09, 2-17-2009)

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Article 2. Library

§2-201 LIBRARY BOARD: The Library Board shall be appointed by the Mayor with a majority vote of the members of the Governing Body. The Board shall consist of five (5) members, who shall be residents of the Municipality. The members of the Library Board shall serve a four (4) year term of office as specified by Nebraska statutes. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first (1st) meeting in July of each year, the Board shall organize by selecting from their number a chairman and secretary and they shall review their duties as members of the Board. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as it may designate. Special meetings may be held upon the call of the

chairman, or any three (3) members of the Board. The City Administrator or his/her designee shall serve as an ex-officio member of the Board. It shall be the duty of the Board to have general charge of the Municipal Library and to establish appropriate rules and regulations for the general operation and use of the same. The City Administrator shall have supervisory authority over all employees of the library including the Library Director. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. No member of the Governing Body shall serve as a member of the Library Board while serving a term of office as a member of the Governing Body. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board.(Ref, 51-202 RS Neb.; Code 1964, Amended by Ord 35-81, 10-6-1981, Amended by Ord 20-93, 6-1-1993, Amended by Ord 25-97, 6-17-1997, Amended by Ord 1-09, 2-17-2009)

§2-202 MUNICIPAL LIBRARY; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Library through the Library Board and City Administrator. The Governing Body, for the purpose of defraying the cost of management, purchases, improvements and maintenance of the Library may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the Municipality that is subject to taxation. The revenue from the said tax shall be known as the Library Fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any sources for the purpose of endowing the Municipal Library. The Library Fund shall at all times be in the custody of the Municipal Treasurer. (Ref. 51-201, 51-202, 51-211 RS Neb; 2-2-1, 2-2-2, 2-2-4, 2-2-14 Code 1964, Ord 26-97, 6/17/97)

§2-203 MUNICIPAL LIBRARY; ANNUAL REPORT.

The Library Board shall, on or before the second Monday in February in each year, make a report to the City Council 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 City Council may require. The report shall be verified by Affidavit of the President and Secretary of the Library Board. (Neb. RS 51-213, Amended by Ord 20-05, 4-5-2005)

§2-204 MUNICIPAL LIBRARY; BOOKS. The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective,

obsolete, or duplicate books so disposed of. (Ref. 51-207 RS Neb.)

§2-205 MUNICIPAL LIBRARY; RULES AND REGULATIONS. The Library Board shall establish rules and regulations for the governing of the Municipal Library for the preservation and efficient management thereof. They shall fix and impose by general rules, penalties and forfeitures for injury to the Library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. (Ref. 51-205, 51-214 RS Neb.; 2-2-5 Code 1964)

§2-206 MUNICIPAL LIBRARY; DAMAGED AND LOST BOOKS. Any person who injures or fails to return any book taken from the Library shall forfeit and pay to the Library not less than the value of the book in addition to any replacement costs and penalty which the Library Board may assess. (Ref. 51-211 RS Neb.; 2-2-10 Code 1964)

§2-207 MUNICIPAL LIBRARY; BOOK REMOVAL. It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the Library, without the consent of the Librarian, or an authorized employee of the Library. Any person removing a book from the Library without properly checking it out shall be deemed to be guilty of a misdemeanor. (Ref. 51-211 RS Neb.)

§2-208 MUNICIPAL LIBRARY; COST OF USE. The Municipal Library shall be free for the use of the inhabitants of the Municipality. 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. (Ref. 51-201, 51-212 RS Neb.; 2-2-6 Code 1964)

§2-209 MUNICIPAL LIBRARY; MONEY COLLECTED. Any money collected by the Library shall be turned over monthly by the Librarian to the Municipal Treasurer along with a report of the sources of the revenue. (Ref. 51-209 RS Neb.; 2-2-9 Code 1964)

§2-210 MUNICIPAL LIBRARY; CIRCULATING LIBRARIES. The Library Board shall have power to authorize any circulating library, reading matter or work of art of any private person, association or corporation to be deposited in the Public Library rooms to be used within the Library Room in the same manner as the books and property of the library; but to be drawn upon and used outside of the rooms only on payment of such fees or membership as the person, corporation or association owning the same may require; provided, that the books or other reading matter so deposited in the rooms of such Public Library shall be separately and distinctly marked, and kept upon shelves apart from the books of the Public Library. (Ref. 2-2-8 Code 1964)

§2-211 MUNICIPAL LIBRARY; DONATIONS; EXEMPTIONS; RELEASE AND RENEWAL OF MORTGAGES. Any person may make any donation of money, lands, or property for the benefit of such library, and the title to the property donated may be made to and shall vest in the City for the Public Library, and such property shall thereupon be exempt from taxation. The President shall have the power to release,

upon full payment any mortgage constituting a credit to the Library Fund outstanding in the name of such Library Board and 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. (Ref. 2-2-7 Code 1964)

§2-212 MUNICIPAL LIBRARY; AMENDMENT OF RULES. Any bylaws, rules or regulations established by the Library Board may be amended by the Mayor and Council. (Ref. 2-2-12 Code 1964)

§2-213 MUNICIPAL LIBRARY; COLLECTION OF PENALTIES. Penalties imposed or accruing by any bylaw, rule or regulation of the Library Board may be recovered in a civil action before any court having jurisdiction; such action to be instituted in the name of the Public Library Board and moneys collected in such actions shall be forthwith placed in the Treasury to the credit of the Library Fund. (Ref. 2-2-13 Code 1964)

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Article 3. Planning Commission

§2-301 PLANNING COMMISSION. (1) The Planning Commission shall consist of nine (9) regular members who shall represent, insofar as is possible, the different professions or occupations in the Municipality 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 (2) of the regular members may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) 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 one thousand (1,000) residents. The term of each regular member shall be three (3) years, except that three (3) regular members of the first Commission shall serve for terms of one (1) year, three (3) for terms of two (2) years, and three (3) for terms of three (3) 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 Municipal office except when appointed to serve on the Board of Adjustment as provided in section 19-908 RS Neb. All members of the Commission may be required, in the discretion of the Mayor and City Council, to give bond in a sum

set by resolution of the City Council, and conditioned upon the faithful performance of their duties. At the time of the Commission's first (1st) meeting in June of each year, the Commission shall organize by selecting from its membership a Chairman and Secretary, and they shall review their duties as members of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. The Commission shall be funded by the City Council from time to time out of the General Fund. 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. Special meetings may be held upon the call of the Chairman, or any three (3) members of the Commission. It shall be the duty of the Commission to make and adopt plans for the physical development of the Municipality, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the Municipality. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. Recommendations from the Commission shall be received by the City Council within sixty (60) 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 Mayor and City Council may, from time to time, designate. No member of the City Council or other Municipal official, except where otherwise specifically provided, shall serve as a member of the Commission while serving any other term of office. No member of the Commission shall serve in the capacity of both the Chairman and Secretary of the Commission.

(3) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one (1) alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other Municipal office. The term of the alternate member shall be three (3) 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 to 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. 19-924 through 19-929 RS Neb.) (Amended by Ord. Nos. 1158, 3/6/79; 43-93, 11/2/93; 42-94, 8/2/94; 47-95, 1/16/96, Amended by Ord. 1-09, 2-17-2009)

Article 4. Board of Health

§2-401 BOARD OF HEALTH. The Governing Body shall appoint a Board of Health which shall consist of five (5) members. The members of the Board shall include the Mayor, who shall serve as Chairman; the Police Chief, who shall serve as Secretary and quarantine officer; a physician who shall serve as the medical advisor; and the President of the City Council; and one (1) other member. The members of the Board shall serve, without compensation, a one (1) year term of office, unless reappointed. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection - within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. The Board of Health shall be funded by the Governing Body from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairman, or any two (2) members of the Board. It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of law, to safeguard the health of the residents of the Municipality. Included in the duties of the Board shall be to enforce the said rules and regulations, and to provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the Municipality relating to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. No member of the Board of Health shall hold more than one (1) Board of Health position.
(Ref. 16-238 RS Neb.) (Amended by Ord. No. 1122, 1/17/78, Amended by Ord 11-08, 6-3-2008, Amended by Ord 1-09, 2-17-2009)

Article 5. Parks and Recreation

§2-501 BOARD OF PARKS AND RECREATION COMMISSIONERS. : The Governing Body shall appoint the Board of Parks and Recreation Commissioners. The Board shall consist of nine (9) members, who shall be resident freeholders of the Municipality. The members of the Board shall serve a three (3) year term of office unless reappointed. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first (1st) meeting in January of each year, the Board shall organize by selecting from their number a Chairman and Secretary and they shall review their duties as members of the Board. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. A majority of the Board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as it may designate. The City Administrator or his/her designee shall serve as an ex-officio member of the Board. It shall be the duty of the Public Works Superintendent to take the immediate charge of all parks belonging to the Municipality. All recreational facilities shall be under the direct charge of the Recreation Director. The Municipal Swimming Pool shall be under the immediate charge of the Recreation Director and Water/Wastewater Superintendent. The Board shall develop and recommend to the Mayor, City Council and City Administrator, appropriate rules and regulations for the use, care and general operation of the same. The Board shall also make recommendations regarding recreation program planning and fees, and shall study and promote needs for park and recreation facility improvements. All employees of the Municipality doing work in or for the Municipal park shall be under the supervision and direction of the Public Works Superintendent.

The Park and Recreation Commissioners shall make recommendations to the Mayor, Council and City Administrator on contracts of any nature involving an expenditure in accordance with the policies of the City Council, and to the extent that funds may be provided for such purposes.

The Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. No member of the Governing Body shall serve as a member of the Parks and Recreation Commission while serving a term of office as a member of the Governing Body. (Ref. 16-696 RS Neb.; 2-3-1 through 2-3-3, 2-3-5 Code 1964) (Amended by Ord. Nos. 11-93, 4/6/93; 37-95, 9/19/95, Ord 27-97, 6/17/97, Amended by Ord 1-09, 2-17-2009)

§2-502 MUNICIPAL PARKS; OPERATION AND FUNDING. The Municipality owns and operate the Municipal Parks and other recreational areas through the Board of

Parks and Recreation Commissioners. The Governing Body, for the purpose of defraying the cost of the care, management, and maintenance of the Municipal Park may each year levy a tax not exceeding the maximum limit prescribed by State law, on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Parks and Recreation Fund and shall remain in the custody of the Municipal Treasurer.

§2-601

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Article 6. Cemetery

§2-601 CEMETERY BOARD. : The Governing Body shall appoint the Cemetery Board which shall consist of six (6) members who are residents of the Municipality and who shall serve without compensation for a term of three (3) years. Two (2) members shall be appointed each year and may be required in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a Chairman and Secretary, and they shall review their duties as members of the Board. The Secretary shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. A majority of the Board members shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as it may designate. Special meetings may be held upon the call of the Chairman or any three (3) members of the Board. The City Administrator or his/her designee shall serve as an ex-officio member of the Board. The management and supervision of the Municipal Cemetery shall be under the direct control of the Public Works Superintendent. The Board shall be responsible for the general operation and care, of the Municipal Cemetery with the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves. The Board shall develop and recommend to the Mayor, City Council and City Administrator rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations thereof. The Board shall also study and recommend the development, expansion and improvement of Cemeteries. All revenue received from the sale of lots, gifts, or by devise shall be used for the care, management and administration of the Cemetery. All actions of the Board shall be subject to the review and supervision of the Governing Body and it shall be responsible for making such reports and performing such additional

duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board while serving a term of office as a member of the Governing Body. No member of the Cemetery Board shall hold more than one (1) Cemetery Board office. (Ref. 12-401 through 12-403 RS Neb.; 2-1-7, 2-1-8 Code 1964, Ord 28-97, 6/17/97, Amended by Ord 1-09, 2-17-09)

§2-602 MUNICIPAL CEMETERY; OPERATION AND FUNDING. The Municipality owns and manages the Municipal Cemetery through the Cemetery Board and City Administrator. The Mayor and Council, for the purpose of defraying the cost of the care, management, improvement, beautifying, and welfare of such cemeteries, may each year levy a tax not exceeding five and two-tenths cents on each one hundred dollars upon the taxable value of all the taxable property in the Municipality subject to taxation for general purposes. The tax shall be collected and paid to the Municipality as taxes for general purposes are collected and paid to the Municipality. All taxes collected for this purpose, shall constitute and be known as the Cemetery Fund and shall be used for the general care, management, improvement, beautifying, and welfare of such cemeteries. The Cemetery Fund shall also include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income producing personal property and real estate from any source for the purpose of endowing the Cemetery. Warrants upon this fund shall be drawn by the Cemetery Board and shall be paid by the Municipal Treasurer.

After the burial and cemetery grounds are fully paid for, the city may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund shall be used for the care, ornamentation, or maintenance of such lots or the cemetery in general. The principal of the perpetual fund may be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than twenty-five percent of the principal is so used in any fiscal year and no more than thirty-five percent of the principal is so used in any period of ten consecutive fiscal years.

The city may receive money by donation, bequest, or otherwise to be held in trust in perpetuity to be invested as provided by ordinance or conditioned by the donor. The income therefrom shall be used for the care, ornamentation, and maintenance of such property as the donor may designate. The principal therefrom may be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate, so long as no more than twenty-five percent of the principal is so used in any fiscal year and no more than thirty-five percent of the principal is so used in any period of ten consecutive fiscal years.

The city treasurer shall be the custodian of such funds, and the same shall be invested by a board composed of the mayor, city treasurer, and city clerk.

This section does not limit the use of any money that comes to the city by donation, bequest, or otherwise that is not designated to be credited to the perpetual

fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes. (Ref. 12-301 through 12-403 RS Neb.; 2-1-7, 2-1-8 Code 1964, Ord 29-97, 6/17/97, Amended by Ord 30-07,10-2-2007)

§2-603 MUNICIPAL CEMETERY; PURCHASE OF PROPERTY. The City through its Mayor and Council, may by eminent domain as provided by law, condemn, purchase, hold and pay for, in the manner provided for by law, land not exceeding one hundred sixty (160) acres outside the corporate limits for the purpose of the burial of the dead. (Ref, 2-1-1 Code 1964)

§2-604 MUNICIPAL CEMETERY; GIFTS. The Mayor and Council are empowered and authorized to receive by gift or devise real estate for cemetery purposes. The Mayor and Council are also empowered and authorized to receive by gift, grant, deed or conveyance, devise or bequest from any person, personal property of any kind or description, including money, stocks, bonds, securities, endowments, trust funds, equipment, supplies, records, and plats for cemetery purposes. The Mayor and Council are likewise empowered and authorized, for cemetery purposes, to receive by gift, devise or bequest real and personal property of any kind or description, including money, stocks, bonds, securities, endowments, trust funds, equipment, supplies, records and plats belonging to any cemetery association or associations, which said cemetery has already been properly surveyed and platted and used for cemetery purposes. In the event the City through its Mayor and Council, should desire to purchase any cemetery belonging to any corporation, partnership, association or individual, which said cemetery has already been properly surveyed and platted and used for cemetery purposes, then the Mayor and Council are authorized and empowered to purchase said cemetery. Where such real estate and personal property is acquired by gift, devise or bequest, the title shall then be in the City upon the conditions imposed by the donor and upon acceptance by the Mayor and Council. Where such real estate is acquired by purchase or by virtue of the exercise of the right of eminent domain, and the personal property is acquired by purchase, the title shall then absolutely be in the City. (Ref. 2-1-2 Code 1964)

§2-605 MUNICIPAL CEMETERY; IMPROVEMENTS. The Mayor and Council may survey, plat, map, grade, fence, ornament, and otherwise improve all burial and cemetery grounds and avenues leading thereto acquired or owned by the City. The Mayor and Council may construct walks and protect ornamental trees therein, and provide for paying the expenses thereof. (Ref. 2-1-4 Code 1964)

§2-606 MUNICIPAL CEMETERY; CONVEYANCE OF LOTS. The Governing Body may convey cemetery lots by Certificate signed by the Mayor, and countersigned by the Municipal Clerk under the Municipal Seal specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said Certificate shall give a right in fee simple to the proprietor, his heirs, and assigns. The Certificate shall then be recorded in the office of the County Clerk.

The Mayor and Council may limit the number of cemetery lots which shall

be owned by the same persons at the same time. They may prescribe rules for enclosing, adorning and erecting monuments, and tombstones on cemetery lots. They may prohibit any diversion of the use of such lots and any improper adornment thereof; but no religious test shall be made as to the ownership of lots, the burial therein, or the ornamentation of graves or of such lots. (Ref. 16-243 RS Neb.; 2-1-5 Code 1964)

§2-607 MUNICIPAL CEMETERY; LOT TRANSFERS. Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the Municipal Clerk, who shall issue a new certificate upon the receipt of the recording fee set by resolution of the Governing Body.

§2-608 MUNICIPAL CEMETERY; PERPETUAL CARE. The Mayor and Council may set aside the proceeds of the sale of lots as a perpetual fund to be invested as provided by ordinance. The income from the fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as long as no more than 20 percent of the principal is so used in any fiscal year and no more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years.

_____The Mayor and City Council may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than 20 percent of the principal is so used in any fiscal year and not more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years. (Ord 30-97, 6/17/97, Amended by Ord 11-10, 6-15-2010)

§2-609 MUNICIPAL CEMETERY; BURIAL PERMIT. All persons desiring to bury a deceased person shall first be required to file a completed death certificate with the Registrar of the County before any body may be buried in the Municipal Cemetery. If it is impossible to complete the certificate of death, within the legal period of time prescribed by State law, the funeral director shall notify the Registrar and obtain his written approval before the deceased person may be buried in the Municipal Cemetery. The burial permit so issued by the Registrar shall then be filed with the Municipal Clerk City. It shall be unlawful for the City, or other person, to allow the interment of a body

without first receiving such permit. The burial permit shall then be countersigned and dated by the City. The interment of any body shall be performed under the direct supervision of a licensed funeral director. The applicant shall also file with the burial permit an application containing the name, age, sex, race and cause of death of the deceased person for the records of the Cemetery Board. Upon completion of the requirements herein, the City shall then issue a Municipal Burial Permit which shall entitle the applicant to bury a deceased person in the Municipal Cemetery. In the event that the removal of the body of any deceased person is requested, the City shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment. (Ref. 71-605 RS Neb., Ord 31-97, 6/97)

§2-610 MUNICIPAL CEMETERY; RECLAMATION. When any lot has been transferred by warranty deed or by a deed conveying a fee simple title, but there has been no burial in any such lot or subdivision thereof and no payment of annual assessments for a period of three (3) years, the Cemetery Board with the sanction of the Governing Body, may reclaim the unused portion of such lot or subdivision after notifying the record owner or his or her heirs or assigns, if known, by certified mail and publishing notice of its intention to do so. Such notice shall be published once each week for four (4) weeks in a newspaper of general circulation throughout the county in which the cemetery is located, shall describe the lot or subdivision proposed to be reclaimed, and shall be addressed to the person in whose name such portion stands of record or, if there is no owner of record, to all persons claiming any interest in such lot or subdivision. If no person appears to claim such lot or subdivision and pay all delinquent assessments with interest within fifteen (15) days after the last date of such publication, the Cemetery Board may by resolution reclaim such lot or subdivision. Such reclamation shall be complete upon a filing of a verified copy of such resolution, together with proof of publication, in the office of the Register of Deeds. (Ord. No. 1586, 9/16/86)

§2-701

Commissions and Boards

§2-702

Article 7. Housing Authority

§2-701 HOUSING AUTHORITY BOARD. The Governing Body shall appoint five (5) persons who shall constitute the Housing Authority and such persons shall be called the Commissioners. One (1) Commissioner shall be appointed each year. Each Commissioner shall serve a five (5) year term of office or until his successor is duly appointed; provided, that all vacancies shall be filled for the unexpired terms. A certificate of the appointment or reappointment of any Commissioner shall be filed with the Municipal Clerk and such certificate shall be conclusive evidence of the proper appointment of such Commissioner. A Commissioner shall receive no compensation for his services, but he shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his duties. Three (3) Commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its 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 by-laws of the Authority shall require a larger number. The Commissioners shall elect a chairman and vice-chairman from among the Commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary of the Authority. The Authority may also employ legal counsel, or it may call upon the chief law officer of the Municipality, 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 delegate such other powers and duties to its agents or employees as it may deem proper. During his tenure, and for one (1) year thereafter, no commissioner, officer, or employee of the Municipal 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 shall immediately disclose his interest in writing to the Authority, and such disclosure shall be entered upon the minutes of the Authority, and he shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided, that 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. The Mayor may remove a Commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The Mayor shall send a notice of removal to such Commissioner which notice shall contain a statement containing the charges against him. Unless within ten (10) days from the receipt of such notice, such Commissioner files with the Clerk a request for a hearing before the Governing Body, the Commissioner shall be deemed as removed from office. If a request for a hearing is filed with the Clerk, the Governing Body of the Municipality shall hold a hearing at which the Commissioner shall have the right to appear in person or by counsel and the Governing Body shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the Commissioner shall continue to hold his position.

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 Governing Body on all such information. (Ref. 71-1524 thru 71-1526, 71-1552 RS Neb.)

§ 2-702 HOUSING AUTHORITY; CONTINUED EXISTENCE AS HOUSING AGENCY.

(A) The local housing authority established under prior state law and in existence on January 1, 2000, shall have continued existence as a housing agency under the Nebraska Housing Agency Act.

(B) The local housing agency shall conduct its operations consistent with the Nebraska Housing Agency Act. All property, rights in land, buildings, records, and

equipment and any funds, money, receipts, or assets of the authority belong to the agency as successor. All obligations, debts, commitments, and liabilities of the authority are obligations, debts, commitments, and liabilities of the successor agency.

(C) Any resolution by the authority and any action taken by the authority prior to January 1, 2000, with regard to any project or program which is to be completed within or to be conducted for a twelve-month period following January 1, 2000, and which resolution or action is lawful under state law as it existed prior to January 1, 2000, is a lawful resolution or action of the successor agency and binding upon the successor agency and enforceable by or against the agency notwithstanding that such resolution or action is inconsistent with, not authorized by, or prohibited under the provisions of the Nebraska Housing Agency Act.

(D) All commissioners of the local housing agency and all officers, legal counsel, technical experts, directors, and other appointees or employees of the agency holding office or employment by virtue of any such prior law on January 1, 2000, shall be deemed to have been appointed or employed under the Nebraska Housing Agency Act. (Neb. RS 71-1576, Ord 54-00, 11-21-2000)

§2-801

Commissions and Boards

§2-801

Article B. Plumbing Examiners

§2-801 BOARD OF PLUMBING EXAMINERS. There is hereby created an Examining Board for Plumbers which shall consist of four (4) members, to be appointed by the Mayor with the advice and consent of the City Council, one (1) of whom shall be the Chief Health Officer of the City, the Plumbing Inspector of the City, one (1) Journeyman Plumber and one (1) Master Plumber. The members of the Examining Board shall hold office for a period of three (3) years, and shall serve without pay, and shall be subject to removal from office for cause by the District Court of Seward County, Nebraska. Should vacancy occur, a new member to fill such a vacancy shall be appointed by the Mayor with the advice and consent of the City Council. All members of the Examining Board shall be residents or live within the zoning jurisdiction of the City. The Plumbing Inspector, Journeyman Plumber and Master Plumber members shall be licensed plumbers. The Plumbing Inspector shall be Secretary of the Examining Board and shall have custody of all records of the same. Each member of the Board shall give bond in the sum of one thousand (\$1,000.00) dollars according to law. The Examining Board is hereby authorized, empowered and directed to prescribe, amend and enforce rules and regulations pertaining to this Code for the registration of plumbers. (Ref. 18-1901 thru 18-1909; 6-1-10 Code 1964) (Amended by Ord. No. 34-82. 10/19/82)

§2-901

Commissions and Boards

§2-901

Article 9. Airport Authority

§2-901 AIRPORT AUTHORITY BOARD. The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the Municipality for the purpose of aviation operation, air navigation, and air safety operation. The Board is a body corporate and politic, constituting a public corporation, and an agency of the Municipality. The Board shall consist of five (5) members. Members of the Board shall be nominated and elected in the manner provided by law for the election of other elected officials and shall take office at the same time as the officers of the City in each Municipal election year. Members of the Board shall be residents of the Municipality and shall serve a term of six (6) years. Two (2) members of the Board shall be elected in each Municipal election year; Provided, that in each third (3rd) election year, one (1) member only shall be elected to the Airport Authority Board. Any vacancy on the Board resulting from any other cause than the expiration of a term of office, shall be filled by temporary appointment by the Mayor, with the approval of the City Council, until a successor can be elected at the next general Municipal election to serve the unexpired portion of the term. A member of the Board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the City Council, in the District Court of the County. The Board shall have such other powers and duties as may be prescribed by State Law. (Ref. 3-501 thru 3-514 RS Neb.) (Amended by Ord. No. 21-88, 10/4/88)

§2-1001

Commissions and Boards

§2-1001

Article 10. Civic Center Commission

§2-1001 CIVIC CENTER COMMISSION. : A Civic Center Commission of the City is hereby created for the purpose of administering, managing, supervising, and operating a Civic Center for the City of Seward, Nebraska.

The Commission shall consist of seven (7) members who shall be appointed by the Mayor, by and with the approval of a three-fourths (3/4ths) vote of the Council and shall serve without compensation. The term of each member shall be three (3) years, except that two (2) members of the first Commission to be so appointed shall serve for a term of one (1) year, two (2) for the term of two (2) years, and three (3) for a term of three (3) years. All members shall hold office until their successors are appointed. All members may, after a public hearing before the Council, be removed by the Mayor, by and with the consent of a three-fourths (3/4ths) vote of the Council for inefficiency, neglect of duty, or malfeasance in office, or for good cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired term by the Mayor. All members of the Commission shall hold no other Municipal office which would, in the determination of the Mayor and Council conflict with duties of the Commissioner herein provided.

The officers of the Commission shall be a chairperson, secretary, and vice-chairperson, all of whom shall be elected from its members, and the Commission

may create and fill such other offices as it may determine to be needed to carry out its intended purposes. The term of the chairperson shall be one (1) year, and such person shall be eligible for re-election. At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a Chairman and Secretary, and they shall review their duties as members of the Board. The Commission shall hold at least one regular meeting each month in the Civic Center and it shall adopt rules for transaction of business and shall keep a public record of its resolutions, transactions, findings, and determinations. The Secretary of the Commission shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes.

The funds for the equipment, accommodations, and expenses necessary for the work of the Commission and for the operation of the Civic Center and the financing of projects incidental thereto shall be provided for by the income from the testamentary Trust of Jessie T. Langworthy, Deceased; Provided, however, that the Commission shall prepare and submit a budget for approval to the Council for each fiscal year.

It shall be the duty and function of the Commission to administer, manage and operate the Civic Center, including the hiring of persons necessary for such operation and civic services incidental thereto; the Commission shall make and adopt plans for the physical development of a Civic Center Complex in cooperation with all interested Municipal departments, including a capital improvement program which, in the Commission's judgment, best carries out the intent and purpose of the Last Will and Testament and Testamentary Trust of Jessie T Langworthy, Deceased; consult and advise the Mayor and City Council, generally as to any plans, programs or projects of development; have the power to appoint any group to conduct studies and make surveys for the Commission. The Commission may, with the approval of the Mayor and the City Council, negotiate contracts with public or private bodies; expend funds from the income of the Testamentary Trust of Jessie T. Langworthy, Deceased, appropriated by the City Council; employ agents and employees; and upon its own authority make arrangements consistent with its duties and functions. All expenditures shall be submitted to and approved by the Council prior to payment. (Ref. 1-34-1 thru 1-34-5 Code 1964, Amended by Ord 1-09, 2-17-2009)

§2-1101

Commissions and Boards

§2-1107

Article 11. Civil Service Commission

[Editor's Note: Chapter 2, Article 11 was amended in its entirety by Ordinance

No. 1-86, Passed on February 18, 1986]

§2-1101 CIVIL SERVICE COMMISSION; GENERAL; POSITIONS COVERED. The Civil Service Act shall apply only to full-time Police Officers of the City, including any paid full-time Police Chief of such department, and future appointees to such full-time positions. Full-time Police Officers shall mean Police Officers in positions which require certification by the Nebraska Law Enforcement Training Center, who have the power of arrest, who are paid regularly by the City, and for whom law enforcement is a full time career, but shall not include clerical, custodial, or maintenance personnel.

Position Creation and Elimination. All positions subject to the Civil Service Act shall be created or eliminated by the Mayor and Council.

Establishment of Salaries and Compensation. The Civil Service Act shall not be construed to infringe upon the power and authority of the Mayor and Council to establish salaries and compensation of all employees within the compensation schedule or ranges established by the Mayor and Council for the positions.

Payment of Compensation for Services. No treasurer, auditor, comptroller, or other officer or employee of the City shall, subject to the Civil Service Act, approve the payment of or be in any manner concerned in paying, auditing, or approving any salary, wage, or other compensation for services to any person subject to the jurisdiction and scope of the Civil Service Act unless the person to receive such salary, wage, or other compensation has been appointed or employed in compliance with such act.

City's Duty to Commission. The Mayor and Council shall provide the Commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated, lighted, and supplied with all office supplies and equipment necessary to carry on the business of the Commission and with such clerical assistance as may be necessary. It shall be the duty of the City to appropriate each fiscal year, from the general funds of the City, a sum of money sufficient to pay the necessary expenses involved in carrying out the purposes of such act, including, but not limited to, reasonable fees for any special counsel appointed by the Commission when the City Attorney is not authorized by the Mayor to represent the Commission. The Mayor may establish the hourly or monthly rate of pay of such special counsel. The City shall afford the Commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents, and accounts applying or in any way appertaining to any and all positions and employments subject to Civil Service and shall produce such books, papers, documents and accounts. All City Officers and employees shall attend and testify whenever required to do so by the Commission, the accused, or the Mayor.

Political Fund Contribution and Political Service. No person holding any position subject to Civil Service shall be under any obligation to contribute to any political fund or to render any political service to any person or party whatsoever. No person shall be removed, reduced in position or salary or otherwise prejudiced for refusing so to do. No

public officer, whether elected or appointed, shall discharge, promote, demote, or in any manner change the official rank, employment, or compensation of any person under civil service, or promise or threaten to do so for giving, withholding, or neglecting to make any contribution of money, services, or any valuable thing for any political purposes.

Obstructing Examinations. No Commissioner or any other person shall by himself or herself or in cooperation with one or more persons (1) defeat, deceive, or obstruct any person in respect to the right of examination according to the rules and regulations made pursuant to the Civil Service Act, (2) falsely make, grade, estimate, or report upon the examination and standing of any person examined or certified in accordance with such act or aid in so doing, (3) make any false representation concerning the same or concerning the persons examined, (4) furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined or certified to be examined or certified, or (5) persuade any other person or permit or aid in manner any other person to impersonate him or her in connection with any examination, application, or request to be so examined.

§2-1102 CIVIL SERVICE COMMISSION; CREATED. : There is hereby created in the City, a Civil Service Commission which shall have five (5) members who shall each be a citizen of the United States, a resident of such City for at least three (3) years immediately preceding such appointment, and an elector of the County wherein such person resides.

Appointment of Members. The members of the Civil Service Commission shall be appointed by the Mayor, with the approval of the Council. At the time of any appointment, not more than three (3) members of the Civil Service Commission, including the one or ones to be appointed, shall be registered electors of the same political party.

Members' Term of Office. The first persons appointed to the Civil Service Commission shall be for terms of two (2) years, four (4) years, and five (5) years respectively. Thereafter, all appointments shall be for five (5) years.

Removal from Office. Any member of the Civil Service Commission may be removed from office for incompetency, dereliction of duty, malfeasance in office, or other good cause by the Mayor, with the approval of the Council, except that no member of the Civil Service Commission shall be removed until written charges have been preferred, due notice given such member, and a full hearing had before the Mayor.

Compensation of Members. Members of the Civil Service Commission shall serve without compensation.

Meetings. The Civil Service Commission shall hold meetings as may be required for the proper discharge of its duties. At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a Chairman, and they shall review their duties as members of the Commission.

Chairperson. The Civil Service Commission shall annually elect one of its members as Chairperson.

Secretary and Chief Examiner. The Civil Service Commission shall appoint a secretary and a chief examiner who shall keep the records of the Commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the Commission may prescribe. The Commission may merge the positions of secretary and chief examiner and appoint one person to perform the duties of both positions. The Commission shall appoint the City's personnel officer as secretary and chief examiner, if requested to do so by the Mayor. The secretary and chief examiner shall be subject to suspension or discharge upon the vote of a majority of the appointed members of the Commission. The Secretary/Chief Examiner shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the Secretary/Chief Examiner's serious illness or an emergency which prevents him/her from writing such minutes.

Quorum. Three (3) members shall constitute a quorum for the transaction of business.

Powers and Duties.

- a. The Commission shall adopt and promulgate procedural rules and regulations which shall provide in detail the manner in which examinations may be held and any other matters assigned to it by the Mayor. At least one (1) copy of the rules and regulations, and any amendments, shall be made available for examination and reproduction by members of the public. One (1) copy of the rules and regulations and any amendments shall be given to each full-time police officer.
- b. The Commission shall provide that all tests shall be practical and consist only of subjects which will fairly determine the capacity of persons who are to be examined to perform the duties of the position to which an appointment is to be made and may include, but not be limited to, tests of physical fitness and of manual skill and psychological testing.
- c. The Commission shall provide, by the rules and regulations, for a credit of ten (10%) per cent in favor of all applicants for an appointment to any entry level position, as defined by the Mayor, under Civil Service who, in time of war or in any expedition of the Armed Forces of the United States, have served in and been honorably discharged from the Armed Forces of the United States and who have equaled or exceeded the minimum qualifying standards established by the Mayor.
- d. The commission may conduct an investigation concerning and report upon all matters regarding the enforcement and effect of the Civil Service Act and the rules and regulations prescribed.
- e. The Commission may inspect all institutions, departments, positions, and employments affected by such act to determine whether such act and all such rules and regulations are being obeyed. Such investigations may be conducted by the Commission or by any Commissioner designated by the Commission for that purpose. The Commission shall also make a like

investigation on the written petition of a citizen, duly verified, stating that irregularities or abuses exist or setting forth, in concise language, the necessity for such investigation. The Commission may be represented in such investigations by the City Attorney, if authorized by the Mayor. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission in any such investigation. In the course of the investigation, the Commission, designated Commissioner, or chief examiner shall have the power to administer oaths, issue subpoenas to require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation, and to cause the deposition of witnesses, residing within or without the State, to be taken in the manner prescribed by law for like depositions in civil actions in the courts of this State. The oaths administered and subpoenas issued shall have the same force and effect as the oaths administered by a District Judge in a judicial capacity and subpoenas issued by the District Courts of Nebraska. The failure of any person so subpoenaed to comply shall be deemed a violation of the Civil Service Act and be punished as such. No investigation shall be made pursuant to this Section if there is a written accusation concerning the same subject matter against a person in the Civil Service. Such accusation shall be handled pursuant to Section 2-1105 of this Article.

- f. The Commission shall provide that all hearings and investigations before the Commission, designated Commissioner, or chief examiner shall be governed by the Civil Service Act and the rules of practice and procedure to be adopted by the Commission. In the conduct thereof, they shall not be bound by the technical rules of evidence. No informality in any proceedings or hearing or in the manner of taking testimony shall invalidate any order, decision, rule, or regulation made, approved, or confirmed by the Commission, except that no order, decision, rule or regulations made by any designated Commissioner conducting any hearing or investigation alone shall be of any force or effect unless it is concurred in by a majority of the appointed members of the Commission, including the vote of any Commissioner making the investigations.
- g. The Commission shall establish and maintain a roster of officers and employees.
- h. The Commission shall provide for, establish, and hold competitive tests to determine the relative qualifications of persons who seek employment in any position and, as a result thereof, establish eligible lists for the various positions.
- i. The Commission shall make recommendations concerning a reduction in force policy to the Mayor and Council.
- j. The Commission shall keep such records as may be necessary for the proper administration of the Civil Service Act.
- k. The Commission, upon request of the Mayor, shall establish and maintain a list of names and addresses, for a period of time established by the

Mayor, of those eligible for appointment to or promotion within the Department.

- I. The Commission, upon request of the Mayor, shall certify the names of the persons who are the three (3) highest on the eligible list, following the most recent examination, and whose qualifications have been validated by the Commission for the vacant position.
- m. The Commission shall begin and conduct all civil suits which may be necessary for the proper enforcement of the Civil Service Act and of the rules of the Commission. The Commission may be represented in such suits and all investigations pursuant to the Act by the City Attorney if authorized by the Mayor. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by it in any particular case. (Amended by ord. No. 23-98, 7/7/1998, Amended by Ord 1-09, 2-17-2009)

§2-1103 CIVIL SERVICE PROVISIONS; APPOINTMENTS AND PROMOTIONS. All appointments to and promotions in the Police Department shall be made solely on merit, efficiency, and fitness, which shall be ascertained by open competitive examinations and impartial investigation by the Commission. Appointments shall mean all means of selecting, appointing, or employing any person to hold any position or employment subject to Civil Service. Promotion or demotion shall mean changing from one (1) position to another, accompanied by a corresponding change in current rate of pay. Position shall mean an individual job which is designated by an official title indicative of the nature of the work.

Requirements for Civil Service Position Applicants. An applicant for a position of any kind under Civil Service shall be able to read and write the English language, meet the minimum job qualifications of the position as established by the Mayor, and be of good moral character. An applicant shall be required to disclose his or her past employment history and his or her criminal record, if any. Prior to certifying to the Mayor the names of the persons eligible for the position or positions, the Commission shall validate the qualifications of such persons.

Filling of a Vacant Position.

- a. Considerations. If the Mayor, with the approval of the Council, fills a vacancy in a position subject to the Civil Service Act, he or she shall consider factors including, but not limited to:
 - 1) The multiple job skills recently or currently being performed by the applicant which are necessary for the position;
 - 2) The knowledge, skills, and abilities of the applicant which are necessary for the position;
 - 3) The performance appraisals of any applicant who is already employed in the Department, including any recent or pending disciplinary actions involving the employee;
 - 4) The employment policies and staffing needs of the Department

- together with contracts, ordinances, and statutes related thereto;
- 5) Required federal, state, or local certifications or licenses necessary for the position; and,
 - 6) The qualifications of the applicants who are already employed in the Department and have successfully completed all parts of the examination for the position. No person shall be reinstated in or transferred, suspended, or discharged from any such position or employment contrary to the Civil Service Act.
- b. Procedure for Filling Vacant Positions. Whenever a position subject to the Civil Service Act becomes vacant, the Mayor shall make requisition upon the Commission for the names and addresses of the persons eligible for appointment and may decline to fill such vacancy for an indefinite period. If the Commission certifies fewer than three (3) names for each vacancy to the Mayor, the mayor may, with approval of the Council, appoint one (1) of such persons to fill the vacancy, may decline to fill the vacancy, or may order that another examination be held by the Civil Service Commission.
 - c. Temporary Appointments. If a vacancy occurs and there is no eligible list for the position or if the Commission has not certified the eligible list, a temporary appointment may be made by the Mayor. Such temporary appointment shall not continue for a period longer than four (4) months. No person shall receive more than one (1) temporary appointment or serve more than four (4) months as a temporary appointee in any one (1) fiscal year.

§2-1104 CIVIL SERVICE; PROBATIONARY PERIOD. To enable the Mayor to exercise the choice in the filling of positions, no appointment, employment, or promotion in any position in the service shall be deemed complete until after the expiration of a period of six (6) months from the date of employment and successful completion of certification by the Nebraska Law Enforcement Training Center for Police Officers, as may be provided in the rules of the Civil Service Commission, during which time the Mayor, with the approval of the Council, may terminate the employment of the person appointed by him or her if, during the performance test this afforded and upon an observation or consideration of the performance of duty, the Mayor deems such person unfit or unsatisfactory for service in the Department. The Mayor, with the approval of the Council, may appoint one (1) of the other persons certified by the Commission and such person shall likewise enter upon such duties until some person is found who is fit for appointment, employment or promotion for the probationary period provided and then the appointment, employment, or promotion shall be complete.

§2-1105 CIVIL SERVICE; DISCIPLINARY ACTIONS.

- a. Tenure of Employment. The tenure of a person holding a position of employment under the Civil Service Act shall be only during good behavior.
- b. Causes for Disciplinary Action. Any such person may be removed or

discharged, suspended with or without pay, demoted, reduced in rank, or deprived of vacation, benefits, compensation, or other privileges, except pension benefits, for any of the following reasons:

- 1) Incompetency, inefficiency, or inattention to or dereliction of duty;
- 2) Dishonesty, prejudicial conduct, immoral conduct, insubordination, discourteous treatment of the public or a fellow employee, any act of omission or commission tending to injure the public service, any willful failure on the part of the employee to properly conduct himself or herself, or any willful violation of the Civil Service Act or the rules and regulations adopted pursuant to such act;
- 3) Mental or physical unfitness for the position which the employee holds;
- 4) Drunkenness or the use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such an extent that the use interferes with the efficiency or mental or physical fitness of the employee or precludes the employee from properly performing the functions and duties of his or her position;
- 5) Conviction of a felony or misdemeanor tending to injure the employee's ability to effectively perform the duties of his or her position; or
- 6) Any other act or failure to act which, in the judgment of the Civil Service Commissioners is sufficient to justify the offender to be an unsuitable and unfit person to be employed in the public service.

c. Disciplinary Action Procedure.

- 1) No employee in the Civil Service who shall have been permanently appointed or inducted into Civil Service shall be removed, suspended, demoted, or discharged, except for cause and then only upon the written accusation of the Police Chief, Mayor, or any citizen or taxpayer.
- 2) The written accusation shall set forth the alleged misconduct, charges, or grounds for investigation against the employee. The written accusation shall be filed by the complainant with the Secretary of the Commission who shall cause a copy of such written accusation to be delivered within seventy-two (72) hours after the filing (a) to the Police Chief (b) to the Mayor, and (c) to the employee personally or by certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The Secretary of the Commission shall cause a return showing such delivery or mailing to be executed and filed in the Secretary's office.
- 3) The Police Chief shall have the authority to immediately suspend, with pay, an employee against whom such written accusation has been filed, pending the confirmation of the suspension, or a decision of the Mayor to reinstate the employee, remove, demote, discharge, or suspend the employee, with or without pay.
- 4) Prior to the decision of the Mayor to reinstate the employee or

remove, demote, discharge, or suspend the employee, with or without pay, the Police Chief shall within a reasonable period of time investigate the alleged misconduct, charges, or grounds against the employee and explain the basis of the employer's evidence to the employee and provide the employee an opportunity to present his or her version of the circumstances which resulted in the filing of the written accusation. If the Chief's investigation reveals other misconduct, charges, or grounds the Chief shall amend the written accusation to include the other misconduct, charges, or grounds by filing an amendment to the written accusation with the Secretary of the Commission who shall cause a copy of such amended accusation to be delivered within seventy-two (72) hours after the filing (a) to the Police Chief, (b) to the Mayor, and, (c) to the employee personally or by certified mail, addressed to the employee at the residence address of the employee shown in the personnel records. The Secretary of the Commission shall cause a return showing such delivery or mailing to be executed and filed in the Secretary's office. In the event that a Police Chief is being disciplined, the Mayor shall follow the same procedures as are followed by the Police Chief in disciplining employees under the Act. Upon completion of this procedure within a reasonable period of time, the Police Chief shall recommend in writing to the Mayor that the alleged misconduct, charges, or grounds set forth in the written accusation be deemed; 1) to be without merit; 2) to not warrant disciplinary action, 3) to warrant disciplinary action less severe than removal, demotion, discharge, or suspension, with or without pay, such as an oral or written reprimand, or 4) to warrant removal, demotion, discharge, or suspension with or without pay.

- 5) Within twenty (20) calendar days after receiving the written recommendation of the Police Chief, the Mayor shall decide to accept the recommendation of the Police Chief, or shall decide that the alleged misconduct, charges, or grounds for investigation against the employee set forth in the written accusation to be deemed: 1) to be without merit, 2) to not warrant disciplinary action, 3) to warrant disciplinary action less severe than removal, demotion, discharge, or suspension, with or without pay, such as an oral or written reprimand, or 4) to warrant removal, demotion, discharge, or suspension, with or without pay. If a discharge is being recommended, Council approval shall be required. The Mayor shall file a copy of his or her decision within twenty-five (25) calendar days after receiving the written recommendation of the Police Chief, with the Secretary of the Commission who shall cause a copy of such decision to be filed within seventy-two (72) hours after the filing (a) to the Police Chief, and (b) to the employee, personally or by certified mail, addressed to the employee at the

residence address of the employee shown in the personnel records. The Secretary of the Commission shall cause a return showing such delivery or mailing to be executed and filed in the Secretary's office.

- 6) Any employee so removed, suspended, demoted or discharged may, within ten (10) calendar days after receiving written notice of the Mayor's decision, file a written demand for an investigation and public hearing by the Civil Service Commission. The employee shall file the request for the hearing with the secretary of the Commission and simultaneously send a copy of the request to the Mayor. The failure to file such request with the secretary of the Commission within ten (10) calendar days of receipt of notice of the action by the Mayor shall constitute a waiver of the employee's right to review by the Civil Service Commission and the Mayor's decision shall become final.
- 7) Within ten (10) calendar days of receipt of the employee's notice of appeal, the Mayor shall cause to be mailed or delivered the following notice to the employee and secretary of the Civil Service Commission: (a) a statement of the charge(s); (b) the names of the witnesses who will be called on behalf of the Mayor and a general statement of the nature of their testimony; (c) copies of the documents to be introduced.
- 8) Within ten (10) calendar days of the filing of the written demand for an investigation and public hearing by the Commission, the employee shall mail or deliver the following upon the Mayor and Commission: (a) a response to the statement of the charge(s); (b) the names of the witnesses who will be called on behalf of the employee and a general statement of the nature of their testimony; and, (c) copies of the documents to be introduced.
- 9) Upon receipt of a written demand, the Commission shall conduct an investigation. The Commission may be represented in such investigation and public hearing by the City Attorney if authorized by the Mayor. If the City Attorney does not represent the Commission, the Commission may be represented by special counsel appointed by the Commission for any such investigation and hearing. The investigation shall consist solely of a review of the written submissions of the Mayor and employee to determine whether any individuals or documents should be subpoenaed by the Commission for the subsequent public hearing before the Commission ultimately to determine whether the Mayor acted in good faith for cause. Good faith for cause shall mean that the action was not arbitrary or capricious and was not made for political or religious reasons.
- 10) The Commission shall schedule a public hearing no less than ten (10) nor more than twenty (20) calendar days from the date of filing of the employee's written demand for an investigation. The

Commission shall notify the Mayor and employee in writing at least five (5) calendar days prior to the date of the hearing, of the date, time and place of the hearing.

- 11) The Mayor shall be permitted to appear in person and by counsel and to present his or her case. The Mayor may present evidence by testimony and documents and shall be permitted to cross-examine the employee's witnesses. At the hearing, the employee shall be permitted to appear in person and by counsel and to present his or her defense. The employee may present evidence by testimony and documents and shall be permitted to cross-examine the witnesses called by the Mayor.
- 12) The Commission may affirm the action taken by the Mayor if such action is supported by a preponderance of the evidence. If the Commission finds that the removal, suspension, demotion or discharge was made for political or religious reasons or was not made in good faith for cause, it shall order the immediate reinstatement or reemployment of such employee in the position or employment from which such employee was removed, suspended, demoted, or discharged, which reinstatement shall, if the Commission in its discretion so provides, be retroactive and entitle such person to compensation and restoration of benefits and privileges from the time of such removal, suspension, demotion, or discharge.
- 13) After the hearing, in lieu of affirming the removal, suspension, demotion, or discharge, the Commission may modify the order of removal, suspension, demotion, or discharge by directing a suspension, with or without pay, for a given period and the subsequent restoration to duty or demotion in position or pay. No later than ten (10) calendar days after the hearing, the Commission shall certify its findings in writing to the employee and the Mayor who shall enforce them.

§2-1106 CIVIL SERVICE COMMISSION; REDUCTION IN FORCE POLICY.

- a. Establishment. The Mayor and Council in establishing a reduction in force policy shall consider recommendations from the Civil Service Commission, but shall not be bound by them. Prior to the adoption of a reduction in force policy the Mayor and Council shall, after giving reasonable notice to each Police Officer by First Class mail, conduct a public hearing.
- b. Factors. The Mayor and Council shall adopt a reduction in force policy which shall consider factors including, but not limited to:
 - 1) The multiple job skills recently or currently being performed by the employee;
 - 2) The knowledge, skills, and abilities of the employees;
 - 3) The performance appraisal of the employee including any recent or pending disciplinary actions involving the employee;

- 4) The employment policies and staffing needs of the department together with contracts, ordinances, and statutes related thereto;
- 5) Required federal, state, or local certifications or licenses; and,
- 6) Seniority.

§2-1107 CIVIL SERVICE; LEAVE OF ABSENCE. A leave of absence with or without payment be granted by the Mayor to any person under Civil Service. The Mayor shall give notice of such leave to the Commission. All appointments for temporary employment resulting from such leaves of absence shall be made from the eligible list, if any, of the Civil Service.

§2-1201 Commissions and Boards §2-1201

Article 12. Board of Electrical Examiners

§2-1201 BOARD OF ELECTRICAL EXAMINERS. (Ord. No. 1070, 12/7/76, Repealed by Ord. No. 35-00,11/3/2000)

§2-1301 Commissions and Boards §2-1301

Article 13. Policy Compliance

§2-1301 BOARD COMPLIANCE WITH UNIFORM POLICIES FOR PERSONNEL. In matter of employees salary benefits and administrative personnel actions and policies, the Library Board, the Board of Parks and Recreation Commissioners, the Municipal Cemetery, and the Civic Center Commission shall comply with the Uniform Policies as outlined in the current wage and benefit survey and personnel manual of the City of Seward, Nebraska, and insure that personnel forms required on all City personnel in their employ and under their supervision are filed with the City Clerk-Treasurer. (Ord. No. 49-81, 12/15/81)

§2-1401 Commissions and Boards §2-1416

Article 14. City Tree Board

[Editor's Note: Article 14 was adopted in its entirety by Ordinance No. 12-82, 6/1/82]

§2-1401 TREE BOARD; CREATION AND ESTABLISHMENT. There is hereby created and established a City Tree Board for the City of Seward, Nebraska, which shall consist of five (5) members, citizens and residents of this City, who shall be appointed by the Mayor, with the approval of the City Council.

§2-1402 TREE BOARD; TERM, COMPENSATION, DUTIES AND RESPONSIBILITIES. The term of the five (5) persons to be appointed by the Mayor shall be three (3) years, except that the term of two (2) of the members appointed to the first Board shall be for only one (1) year, and the term of two (2) members of the first Board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, his successor shall be appointed for the unexpired portion of the term. Members of the Board shall serve without compensation.

It shall be the responsibility of the Board to study, investigate, counsel and develop a written replanting, removal or disposition of trees and shrubs in public ways, streets and alleys. Such plan will be presented to the City Council and upon their acceptance and approval, shall constitute the official comprehensive City tree plan for the City of Seward, Nebraska. The Board shall review annually and update, if needed, the comprehensive City tree plan. The Board shall prepare and present an annual work plan to the City Council for their acceptance and approval. The Board, when requested by the City Council, shall consider, investigate, make findings, reports and recommendations upon any special matter(s) of questions coming within the scope of its work. (Amended by Ord. No. 4-94, 2/1/94)

§2-1403 TREE BOARD; OPERATION. Section 1. TREE BOARD; OPERATION. At the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a Chairman and Secretary. The Secretary shall keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk within ten working days, or prior to the next convened meeting, whichever occurs earlier. An additional ten days shall be allowed for providing the minutes in the event of the secretary's serious illness or an emergency which prevents him/her from writing such minutes. A majority of the members shall be a quorum for a transaction of business. The Board shall meet quarterly on the second (2nd) Tuesday of January, April, July and October, with additional meetings as needed. (Amended by Ord. No. 4-94, 2/1/94, Amended by Ord 52-05, 10-18-2005, Amended by Ord 1-09, 2-17-2009)

§2-1404 TREE BOARD DEFINITIONS.

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

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

SMALL TREES: "Small trees" are herein defined as trees which by their nature do not normally attain heights greater than twenty-five feet (25') at maturity.

MEDIUM TREES: "Medium trees" are herein defined as trees which by their nature normally attain heights of from twenty-five to forty-five feet (25' to 45') at

maturity.

LARGE TREES: "Large trees" are herein defined as trees which by their nature attain heights greater than forty-five feet (45') at maturity.

§2-1405 **TREE BOARD; TREE SPECIES TO BE PLANTED.** The City Tree Board shall establish and maintain a list of Tree Species which shall constitute the official Street Tree species for the Municipality of Seward, Seward County, Nebraska. Said list shall be reviewed on an annual basis by the City Tree Board, and a copy of the listing of official Street Tree species for the City shall be maintained on file with the City Clerk and said list shall be made available to any person upon request. (Amended by Ord. No. 4-94, 2/1/94)

§2-1406 **TREE BOARD; TREES; DISTANCE FROM UTILITY LINES.** No Street Trees or Park Trees other than those species listed as Small Trees in section 2-1405 of this Article, or species specifically approved by the Municipal Tree Board, may be planted under or within ten (10) lateral feet of any overhead utility wire, or over or within five (5) lateral feet of any underground water line, sewer line, transmission line or other utility, line, wire or main. No street tree shall be planted within ten feet (10') of any fire hydrant.

§2-1407 **TREE BOARD; TREES; CARE AND REMOVAL.** The Municipality shall have the right, after notifying the property owner(s) and allowing sufficient time for them to eliminate the problem(s), to plant, prune, maintain or remove Street Trees or Park Trees 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 and after approval by the Tree Board.

The Municipal Tree Board may, after notifying the property owner(s) and allowing sufficient time for them to eliminate the problem(s), cause or order to be removed any Street Tree or Park Tree or part thereof which is in an unsafe condition or which, by reasons of its nature, is injurious to sewers, electric power lines, gas lines, water lines or other public improvements, or is affected with any injurious fungus, insect or other pest.

The Utility Companies may remove, at their expense, trees or parts thereof which are injurious to their utility lines, after negotiating with the property owner(s).

No person or property owner shall remove any live Street Tree or Park Tree for any reason without written permission of the Municipal Tree Board. Provided, however, when said Utility Companies confront an emergency situation, they will have the authority to trim or remove the trees or parts thereof at their own discretion and expense.

§2-1408 **TREE BOARD; TREE TOPPING.** It shall be unlawful as a normal practice for any person, firm, or Municipal department to top any Street Tree, Park Tree or other tree on public property. Topping is defined as the severely cutting back of limbs to stubs larger than three inches (3") 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 Municipal Tree Board.

§2-1409 TREE BOARD: OBSTRUCTION, PRUNING, REMOVAL. All trees and shrubs within the Municipality shall be pruned or removed when such trees or shrubs obstruct the light from any street lamp, obstruct the visibility of any traffic control device or sign, obstruct the passage of pedestrians on sidewalks, or obstruct the view of any street or alley intersection. The minimum clearance of any overhanging portion thereof shall be fourteen feet (14') on all arterial and collector streets and eleven feet (11') on all residential streets and seven feet (7') over sidewalks.

All shrubs and hedges defined as Street Trees in this Article shall be kept trimmed by the abutting property owner at least one foot (1') back from all curbs, sidewalks, driveways or alleys; and the same shall at all times be kept trimmed to a height not greater than thirty inches (30") above the top of the curb unless the Municipal Tree Board, for other than corner lots, determines that a greater height would not constitute a hazard to pedestrian or vehicular traffic.

The Municipal Tree Board shall notify, in writing, the owners of such trees or shrubs on private property. Pruning shall be done by said owners at their own expense within sixty (60) days after the date of notification. In the event of failure of owners to comply with said notice, the Municipality shall have the authority to prune said trees or shrubs and assess the cost of said pruning to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner as provided by law.

§2-1410 TREE BOARD; DEAD OR DISEASED TREES, PRUNING, REMOVAL. All trees and shrubs within the Municipality shall be pruned or removed when such trees or shrubs constitute a hazard to life and property, or harbor insects or disease which constitute a threat to other trees or shrubs within the City.

The Municipal Tree Board shall have the power and authority to prune or remove, or order to prune or remove, any such trees or shrubs on private property. The Municipal Tree Board shall notify, in writing, the owners of such trees or shrubs. Pruning or removal shall be done by said owners at their own expense within sixty (60) days after the date of notification. In the event of failure of owners to comply with said notice, the Municipality shall have the authority to prune or remove said trees or shrubs and assess the cost of said pruning to the property owner. If the owner fails to reimburse the Municipality after being properly billed, the cost may be assessed against the real estate and the Governing Body shall have the assessment certified to the County Treasurer and the same shall be collected in the manner as provided by law.

§2-1411 TREE BOARD; WORK ORDERED OR DONE BY THE CITY. Written permission shall not be required for any tree, shrub or hedge planting, pruning, spraying or removing ordered or done by the City; however, all such work shall be done in

conformance with the requirements of sections 2-1405 through and including 2-1410 of this Article and the following regulations and provisions.

The City of Seward Electric Department is responsible for maintaining adequate clearance from trees and branches approaching overhead primary, secondary and service electrical lines. The City Street Department is similarly responsible for insuring that the City's streets, alleys and walkways are clear of any trees, branches or shrubs which could obstruct the path or sight-distance of the motorist and/or pedestrian.

The City of Seward is also cognizant of the fact that trees serve an important aesthetic and energy saving purpose for the residents of the City. It is therefore necessary to establish clear and specific rules regulating how the trimming and/or removal of trees and shrubs is to be implemented when necessary.

1. NOTICES TO RESIDENTS. When it is determined that a tree or shrub requires trimming or removal, the City shall deliver or mail by means of certified mail, return receipt requested, to the owner or tenant of the abutting or affected property a notice advising him/her of the problem, the approximate location, and the suggested remedy. In addition, the notice shall advise the owner/tenant that he/she has ten (10) days in which to contact the City if questions or objections concerning the action exist; and that if no contact is made with City Personnel during this time, the City will proceed with the project as described in the notice.

The notice, as described above, shall apply to all cases, except when an emergency exists or when it is necessary to remove a tree or branches in order to restore electrical service or to open up a street blocked by a tree or branch.

2. REMOVAL OF TREES OR SHRUBS. Trees shall be taken out only if the following conditions exist:

- a. If the tree of concern is dead or affected by disease to the extent that it could not survive on a long-term basis.
- b. If the tree or shrub of concern is located in such a position that it cannot be trimmed properly to resolve the problem, without ruining its aesthetic appearance,

3. TRIMMING OF TREES OR SHRUBS. If in the opinion of City personnel it is necessary and feasible to trim a tree or shrub, trimming shall be completed in the following manner:

- a. Tree branches affecting overhead power lines shall be trimmed back from the power line a minimum of forty -eight inches (48").
- b. Tree branches nearer to a street or sidewalk than the standards set forth in section 2-1410 of the City Codes shall be trimmed back to a point which meets these standards.
- c. Wherever feasible, branches shall not be stubbed In the middle of

a branch; rather the branch shall be trimmed at that point where it joins with a greater sized branch of the trees.

4. REMOVAL OF BRANCHES. Trees, branches and shrubs taken down by the City shall be removed from the property as soon as is practical after they have been felled. In no case shall the timber be left on the property longer than five (5) working days after the trimming took place.
5. APPEAL OF CONFLICTS BETWEEN CITY PERSONNEL AND PROPERTY OWNER OR TENANT. If a property owner and/or tenant objects to the action proposed by City personnel and efforts to mutually resolve the objection between the parties involved fail, the City's Tree Board shall serve as a Hearing Board to resolve the dispute. Appeal to the Tree Board shall be made in writing to the City Clerk/Treasurer's office. When an appeal is filed, City personnel shall taken no further action to trim or remove the tree or shrub until the Tree Board has acted on the appeal. The Tree Board shall hear all appeals of this nature within thirty (30) days after it has been filed with the City Clerk/Treasurer.
6. APPLICABILITY OF TREE POLICY FOR TREES LOCATED ON PRIVATE PROPERTY AND ON PUBLIC PROPERTY. The above policies shall be applicable to trees and shrubs located on private property, as well as those located on public property, rights-of-way and easements.
7. REMOVAL OF STUMPS. If a tree must be removed, the City will be responsible for removing the stump. Stumps are generally removed once a year, usually in October or November of the year. All stumps from trees removed from the City shall be removed within one (1) year of tree removed. (Amended by Ord. No. 8-86, 6/17/86)

§2-1412 TREE BOARD; ABUSE OR MUTILATION. Unless specifically authorized by the Municipal Tree Board, no person shall intentionally damage, cut, carve, transplant or remove any Street Tree or Park Tree; attach any rope, wire, nails, advertising posters or other contrivance to such trees; allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire or permit any fire to burn when such fire or the heat thereof will injure any portion of such trees. The preceding restrictions do not apply to proper planting, staking and guying practices.

§2-1413 TREE BOARD; PROTECTION OF TREES. All Street Trees or Park Trees near any excavation or construction of any building, structure or street work, shall be guarded with a substantial fence, frame or box not less than four feet high and eight feet square (8' x 8' x 4') and all construction materials, soil or other debris shall be kept outside the barrier. This shall be the responsibility of the persons or firms doing the construction work.

No person shall excavate any ditches, tunnels, trenches or lay any drive within ten feet (10') of any Street or Park Tree without first obtaining written permission from the Municipal Tree Board.

No person shall deposit, place, store or maintain upon any public property of the Municipality, any stone, brick, sand, soil, concrete or other material which may impede the free passage of water, air and fertilizer to the roots of any Street Tree or Park Tree, except by written permission of the Municipal Tree Board.

§2-1414 TREE BOARD; REMOVAL OF STUMPS. All stumps of Street and Park Trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

§2-1415 TREE BOARD; REVIEW BY THE GOVERNING BODY. The City Council of the Municipality shall have the right to review the conduct, acts and decisions of the Municipal Tree Board. Any person may appeal any ruling or order of the Municipal Tree Board to the Governing Body who may hear the matter and make final decision.

§2-1416. TREE BOARD; REMOVAL OF STREET OR PARK TREES WITHOUT PERMISSION. It shall be unlawful for any person or property owner to remove any Street Tree or Park Tree for any reason without written permission of the Municipal Tree Board. Upon conviction, the penalty for said offense shall not be less than \$100.00 nor more than \$500.00.(Ord, 18-07, 8-7-2007)

§2-1501

Community Redevelopment

§2-1502

Article 15

§2-1501 Community Redevelopment Authority of the City of Seward. The City Council of The City of Seward hereby finds and declares that certain substandard and blighted areas, or portions thereof, located in the City of Seward, may require acquisition, clearance, and disposition, subject to use restrictions, as provided in the Community Development Law, since the prevailing conditions of decay may make impracticable the reclamation of said areas by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in the Community Development Law, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils set forth in the Community Development Law may be eliminated, remedied, or prevented; and that salvageable substandard and blighted areas can be conserved and rehabilitated through appropriate public action and the cooperation and voluntary action of the owners and tenants of property in such areas. Therefore, The City of Seward hereby creates an authority as defined in the Community Development Act to henceforth be known as the Community Redevelopment Authority

of the City of Seward with all the power and authority granted to such authorities by the State of Nebraska under the Community Development Act. (Ord 16-09, 12-01-2009)

§2-1502 Community Redevelopment Authority; Appointment of Members. The Mayor shall, with the approval of the City Council, appoint five (5) persons who shall constitute the Community Redevelopment Authority. The terms of office of the initial members of the authority initially appointed shall be for one year, two years, three year, four years, and five years, as designated by the Mayor making the respective appointments. As the terms of the members of the authority expire, the mayor, with the approval of the City Council, shall appoint or reappoint a member of the authority for a term of five years to succeed the member whose term expires.(Ord 4-10, 2-16-2010)