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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

The village owns and manages the village library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the village that is subject to taxation. The revenue from the said tax shall be known as the library fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the library. The library fund shall at all times be in the custody of the village treasurer. (Neb. Rev. Stat. §§51-201, 51-202, 51-211)

SECTION 2-102: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of six members: five who are residents of the village and one who resides in the rural area surrounding the village. The Village Board shall by ordinance adopt the manner in which the members of the Library Board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the board. Each member shall serve a term of four years. No Village Board member shall be a member of the Library Board. No Library Board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-103: OFFICERS; MEETINGS

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204)

SECTION 2-104: POWERS AND DUTIES

The Library Board shall have the power and authority to appoint the librarian and to hire such other employees as it may deem necessary and may pass such other rules

and regulations for the operation of the library as may be proper for its efficient operation; however, the Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. All actions by the Library Board shall be under the supervision and control of the Village Board. The Library Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time. (Neb. Rev. Stat. §§51-205, 51-211)

SECTION 2-105: REPORTS

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

B. The library director shall make such other reports monthly or as the chairman and Village Board shall request or order.
(Neb. Rev. Stat. §51-213)

SECTION 2-106: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the village library and for the preservation and efficient management thereof. By general rules it shall fix and impose 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. (Neb. Rev. Stat. §§51-205, 51-211)

SECTION 2-107: LIBRARY; COST OF USE; VIOLATION OF RULES

Use of the public library shall be free for the residents of the village. The Village Board 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. (Neb. Rev. Stat. §§51-201, 51-212)

SECTION 2-108: LIBRARY; BOOK REMOVAL

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

§51-211)

SECTION 2-109: LIBRARY; DESTRUCTION OF PROPERTY; LOST MATERIALS

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

SECTION 2-110: LIBRARY; SALE, EXCHANGE, OR DISPOSAL OF 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 books so disposed of. (Neb. Rev. Stat. §51-207)

SECTION 2-111: LIBRARY; MONEY COLLECTED

Any money collected by the library shall be turned over monthly by the librarian to the village treasurer, along with a report of the sources of the revenue. (Neb. Rev. Stat. §51-209)

SECTION 2-112: LIBRARY; DONATIONS

Any person may make any donation of money, lands, or property for the benefit of the library. Title to the property donated may be made to and shall vest in the Friends of the Oakdale Public Library and its successors in office, and the Friends of the Oakdale Public Library shall thereby become the owner thereof in trust to the uses of the public library.

Article 2 – Board of Health

SECTION 2-201: MEMBERS; TERMS

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

SECTION 2-202: OFFICERS; MEETINGS

The members of the Board of Health shall reorganize at the first meeting in December each year. No member of the board shall hold more than one board position. The secretary shall keep full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board shall constitute a quorum for the purpose of doing business. The board shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairman or any two members of the Board of Health.

SECTION 2-203: DUTIES

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

SECTION 2-204: ENFORCEMENT OFFICIAL

The sheriff, if appointed as the quarantine officer, shall be the chief health officer of the village. It shall then be his or her duty to notify the Village Board and the Board of Health of health nuisances within the village and its zoning jurisdiction. (Neb. Rev. Stat. §17-208)

SECTION 2-205: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Nebraska Department of Health, is hereby incorporated by reference when the same is applicable to the village, in its present form and as it may hereafter be amended. One copy of the said publication shall be filed at the office of the village clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

Article 3 – Tree Board

SECTION 2-301: OPERATION

The Tree Board shall consist of three members who shall be citizens and residents of this village, appointed by the chairman with the approval of the Village Board. The terms shall be three years each and shall commence July 1. In the event that a vacancy shall occur during the term of any member, his or her successor shall be appointed for the unexpired portion of the term. Members of the Tree Board shall serve without compensation. The board shall choose its own officers, make its own rules and regulations, and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business. The Village Board shall have the right to review the conduct, acts, and decisions of the Tree Board. Any person may appeal any ruling or order of the Tree Board to the Village Board, which may hear the matter and make a final decision.

SECTION 2-302: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel, develop, and administer a written plan for the care, preservation, pruning, planting, replanting, removal, or disposition of trees and shrubs in parks, along streets, and in other public areas. Such plan will be updated periodically and presented to the Village Board and, upon its acceptance and approval, shall constitute the official comprehensive tree plan for the village. The Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report, and recommend upon any special matter or question coming within the scope of its work.

SECTION 2-303: TREES; DEFINITIONS

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

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

SECTION 2-304: TREES; SPECIES TO BE PLANTED

The official street tree list for the village as adopted and periodically modified by the Tree Board shall be filed in the office of the village clerk. No species other than those included in said list may be planted as street trees without written permission of the Tree Board.

SECTION 2-305: TREES; SPACING

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

SECTION 2-306: TREES; DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the tree list. No trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

SECTION 2-307: TREES; DISTANCE FROM STREET CORNERS AND FIRE HYDRANTS

No street tree shall be planted closer than 35 feet from any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet from any fire hydrant.

SECTION 2-308: TREES; UTILITIES

No street trees other than those species listed as small trees in Section 2-305 of this article may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

SECTION 2-309: TREES; MAINTENANCE, REMOVAL; PLANTING BY ADJACENT PROPERTY OWNERS

A. The village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

B. The Village Board or its designated representative may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason 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.

C. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 2-310: TREES; PUBLIC RIGHT OF WAY; CONSENT OF ADJACENT OWNERS

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

SECTION 2-311: TREES; TOPPING

It shall be unlawful as a normal practice for any person, firm, or village department to top any street tree, park tree, or other tree on public property. "Topping" is defined as the severe cutting back of limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree 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 Tree Board.

SECTION 2-312: TREES; PRUNING; CLEARANCE

Every owner of any tree overhanging any street or right of way within the village shall prune the branches so that they do not obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 8 feet above the surface of the street and 8 feet above the sidewalk. Said owner shall remove all dead, diseased, or dangerous trees and broken or decayed limbs which constitute a menace to the safety of the public. The village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION 2-313: TREES; INJURY OR DAMAGE

It shall be unlawful for any person to purposely or carelessly and without lawful authority to cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade, or other tree standing or growing on any land belonging to another person or on any public land in the corporate limits.

SECTION 2-314: TREES; PUBLIC SERVICE COMPANIES

Any public service company desiring to trim or cut down any tree, except on property owned and controlled by it, shall make an application to the Village Board to do so; and the written permit of the board in accordance with its decision to allow such an action shall constitute the only lawful authority on the part of the company to do so. (Neb. Rev. Stat. §17-555)

SECTION 2-315: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

A. The village shall have the right to cause the removal of any dead or diseased trees on private property when such trees constitute a hazard to life and property or harbor insects or disease, which constitute a potential threat to other trees. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of the owners to comply with such provisions, the village shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

B. In the event that the owner is a non-resident, notice shall be made by publication in a newspaper of general circulation or by certified mail if the name and address are known. The person charged with the removal may enter into an agreement with the village that such work be accomplished by the village and the expense shall be declared to be a lien upon such property from the time the same becomes due until paid. If the owner fails, neglects, or refuses to enter into such an agreement or to remove the trees, the Tree Board may enter upon the property and proceed to direct the removal of the trees; the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the village after being properly billed, the costs shall be assessed against the property and certified by the village clerk to the county treasurer to be collected in the manner prescribed by law.

C. In the event the property owner is a non-resident of the county in which the property lies, the village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 2-316: DEAD, DYING, OR DISEASED TREES

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead, dying, or diseased trees within the right of way of streets or on private property within the corporate limits of the village. For the purpose of carrying out the provisions of this section, the utilities superintendent shall have the authority to enter upon private property to inspect the trees thereon.

B. Notice to abate and remove such nuisances and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the village may have such work done and bill the property owner. If the owner fails to reimburse the village after being properly billed,

the village may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

C. In the event the property owner is a non-resident of the county in which the property lies, the village shall, before levying any special assessment against that property, send a copy of any notice required by law to be published by means of certified mail, return receipt requested, to the last known address of the non-resident property owner, which shall be that address listed on the current tax rolls at the time such required notice was first published.

(Neb. Rev. Stat. §§18-1720, 28-1321)

SECTION 2-317: TREES; 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.

SECTION 2-318: INTERFERENCE WITH TREE BOARD

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

Article 4 – Penal Provision

SECTION 2-401: VIOLATION; PENALTY

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