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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: LIBRARY; OPERATION AND FUNDING

- A. The City owns and manages the city library through the Library Board.
- B. The City Council, for the purpose of defraying the cost of the management, purchases, improvements, and maintenance of the library may each year levy a tax not exceeding the maximum limit prescribed by state law on the taxable value of all the taxable property within the City. The amount collected from the levy shall be known as the Library Fund. (Neb. Rev. Stat. § 51-201)
- C. The fund shall also 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 city library.
- D. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the city library shall be kept for the use of the

Library separate and apart from all other funds of the City, shall be drawn upon and paid out by the city treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the Board, and shall not be used or disbursed for any other purpose or in any other manner. The City Council may establish a public library sinking fund for major capital expenditures. (Neb. Rev. Stat. §51-209)

E. Any money collected by the library shall be turned over monthly by the librarian to the city treasurer along with a report of the sources of the revenue.
(Ord. No. 778, 4/16/02)

SECTION 2-102: MEMBERS

A. *Appointment.* The Library Board shall consist of five members who shall be residents of the City. The board members shall be appointed by the mayor and approved by a vote of the City Council.

B. *Terms; Vacancies.* Board members shall serve terms of four years. The terms of members serving on the effective date of a change in the number of members shall not be shortened, and any successors to those members shall be appointed as the terms of those members expire. In cases of vacancies by resignation, removal or otherwise, the City Council shall fill the vacancy for the unexpired term.

C. *Compensation; Bond.* No member shall receive any pay or compensation for any services rendered as a member of the Library Board. The City Council may require the members of the Library Board to give a bond in a sum set by resolution and conditioned upon the faithful performance of their duties.

D. *Officers.* The members of the Library Board shall immediately after their appointment meet and organize by electing from their number a president, a secretary, and such other officers as may be necessary. No member of the Board shall serve in the capacity of both president and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk, where they shall be available for public inspection at any reasonable time.

E. *Meetings; Quorum.* The Board shall meet at such times as the members may designate. Special meetings may be held upon the call of the president or a majority of the members of the Board. A majority of the members of the Library Board shall constitute a quorum for the transaction of business.

(Am. by Ord. Nos. 646, 2/2/99; 762, 4/16/02; 910, 7/17/07; 1007, 12/6/11; 1032, 1/7/14)

SECTION 2-103: GENERAL POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §51-201 through 51-219. (Neb. Rev. Stat. §51-205)

B. The Library Board shall have exclusive control of expenditures, of all money collected or donated to the credit of the Library Fund, of the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose. (Neb. Rev. Stat. §51-207)

C. The Library Board shall have the power to appoint a suitable librarian and assistants, to fix their compensation, and to remove such appointees at pleasure. It shall have the power to establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. It shall have the power to fix and impose by general rules, penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or regulation. The Board shall have and exercise such power as may be necessary to carry out the spirit and intent of Neb. Rev. Stat. §51-201 through 51-219 in establishing and maintaining the library and reading room.

D. All actions of the Library Board are subject to the review and supervision of the City Council.

(Neb. Rev. Stat. §51-211) (Ord. No. 778, 4/16/02; 984, 8/3/10)

SECTION 2-104: 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 proper officers of the Library Board. (Neb. Rev. Stat. §51-213) (Ord. No. 778, 4/16/02)

SECTION 2-105: LIBRARY GROUNDS AND BUILDING

The Library Board may purchase or lease grounds, exercise the power of eminent domain, and condemn real estate for the purpose of securing a site for a Library building. The procedure to condemn property shall be exercised in the manner set forth in Neb. Rev. Stat. §76-704 through 76-724. The Board may erect, lease, or occupy an appropriate building for the use of the library. (Neb. Rev. Stat. §51-210, 51-211) (Ord. No. 778, 4/16/02)

SECTION 2-106: LIBRARY; DONATIONS

Any person may make donation of money, lands, or other property for the benefit of the library. The title to property so donated may be made to and shall vest in the Library Board and their successors in office and the Board shall thereby become the owners thereof in trust to the uses of the library. (Neb. Rev. Stat. §51-215) (Ord. No. 778, 4/16/02)

SECTION 2-107: SALE AND CONVEYANCE OF REAL ESTATE

The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the Board or by the library, which is not used for library purposes, or of any real estate so donated or devised to the Board or to the library upon such terms as the Board may deem best and as otherwise provided in Neb. Rev. Stat. §51-216. (Neb. Rev. Stat. §51-216) (Ord. No. 778, 4/16/02)

SECTION 2-108: RELEASE OR RENEWAL OF MORTGAGES

The president of the Library Board shall have the power to release, upon full payment, any mortgage constituting a credit to the Library Fund and standing in the name of the Library Board. The signature of the president on any such release shall be authenticated by the secretary of the Board. The president and secretary in like manner, upon resolution duly passed and adopted by the Board, may renew any such mortgage. (Neb. Rev. Stat. §51-206) (Ord. No. 778, 4/16/02)

SECTION 2-109: LIBRARY; COST OF USE

A. Except as provided in subsection (B) of this section, the City Library and reading room shall be forever free to the use of the inhabitants of the City, subject always to such reasonable regulations as the Library Board may adopt to render the Library of the greatest use to such inhabitants. The Board may exclude from the use of the library and reading rooms any person who willfully violates or refuses to comply with rules and regulations established for the government thereof. (Neb. Rev. Stat. §51-212)

B. The library shall make its basic services available without charge to all residents of the City. The Library Board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services. (Neb. Rev. Stat. §51-211)

C. For purposes of this section:

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

(Neb. Rev. Stat. §51-201.01) (Ord. No. 778, 4/16/02)

SECTION 2-110: LIBRARY; DISCRIMINATION PROHIBITED

No library service shall be denied to any person because of race, sex, religion, age, color, national origin, ancestry, physical handicap, or marital status. (Neb. Rev. Stat. §51-211) (Ord. No. 778, 4/16/02)

SECTION 2-111: LIBRARY; IMPROPER BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book or any other material from the library without the consent of the librarian or an authorized library employee. Any person removing a book or other material from the library without properly checking it out shall be deemed to be guilty of an offense. (Ord. No. 778, 4/16/02)

SECTION 2-112: LIBRARY; RECOVERY OF PENALTIES; FEES

Penalties imposed or accruing by any bylaw or regulation of the Library Board and any court costs and attorney's fees may be recovered in a civil action before any court having jurisdiction, such action to be instituted in the name of the Board. Money, other than any court costs and attorney's fees, collected in such actions shall be placed in the treasury of the City to the credit of the Library Fund. Attorney's fees collected pursuant to this section shall be placed in the city treasury and credited to the budget of the city attorney's office. (Neb. Rev. Stat. §51-214) (Ord. No. 778, 4/16/02)

Article 2 – Planning Commission

SECTION 2-201: MEMBERS

The Planning Commission shall consist of seven regular members who shall represent, insofar as is possible, the different professions or occupations in the City and shall be appointed by the mayor, by and with the approval of a majority vote of the City Council. Two of the regular members may be residents of the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of a resident in the area over which the City exercises extraterritorial zoning and subdivision regulation, one regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulations, 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 500 residents. The term of each regular member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the mayor with the consent of a majority vote of the 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.

SECTION 2-202: ALTERNATE MEMBER

The mayor, with the approval of a majority vote of the City Council, shall appoint one alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other city office. The term of the alternate member shall be three years, and he/she shall hold office until his/her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the mayor with the approval of a majority vote of the 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. (Neb. Rev. Stat. §19-924 through 19-929) (Am. by Ord. Nos. 407, 6/19/90; 484, 5/17/94; 520, 3/6/95; 548, 1/16/96; 660, 2/16/99)

SECTION 2-203: MEETINGS

A number of commissioners equal to a majority of the number of regular members ap-

pointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently, and the chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may be held upon the call of any three members of the Commission.

SECTION 2-204: DUTIES

The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the City, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the City, and shall carry out the other duties and exercise the powers specified in Neb. Rev. Stat. §19-929. All actions by the Commission shall be subject to the review and supervision of the mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within ten 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.

SECTION 2-205: TERMS

A. All regular members of the Commission shall serve without compensation and shall hold no other City office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. All members of the Commission may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the Council, and conditioned upon the faithful performance of their duties.

B. The Commission shall elect its chairperson and a secretary from its members and create and fill such other of its offices as it may determine. The term of the chairperson and secretary shall be one year and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the chairperson and secretary 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 them with the city clerk, where they shall be available for public inspection during office hours.

C. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

Article 3 – Board of Adjustment

SECTION 2-301: MEMBERS

The mayor shall appoint, with the consent of the City Council, a Board of Adjustment which shall consist of five regular members plus one additional member designated as

an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member of the Board shall serve a term of three years, unless reappointed, and shall be removable only for cause by the City Council upon written charges and after a public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. After the effective date of this section, the first vacancy occurring on the Board of Adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the City at such time as more than 200 persons reside within such area. Thereafter, at all times, at least one member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction.

SECTION 2-302: TERMS; MEETINGS

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

B. The Board shall organize at its first meeting in June of each year and elect from its membership a chairperson and secretary. It shall be the duty of the secretary to keep complete and accurate minutes of all board meetings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. All meetings of the Board shall be open to the public and shall be held at such times as the City Council may designate, or at such other times as the chairperson may, in his or her discretion, call a meeting. Special meetings may be also held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall adopt rules in accordance with the provisions of Neb. Rev. Stat. §19-901 to 19-914.

SECTION 2-303: DUTIES

A. It shall be the duty of the Board:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by a City official based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures;
2. To hear and decide, in accordance with the provisions of the zoning regulations, requests for interpretation of any map; and
3. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and ex-

ceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

B. The Board shall be responsible for making such reports and performing such other duties as the City Council may designate. No member of the City Council shall serve as a member of the Board of Adjustment. No member of the Board of Adjustment shall serve in the capacity of both chairperson and secretary of the Board.

SECTION 2-304: APPEALS TO BOARD

A. No variance shall be authorized by the Board unless it finds that:

1. The strict application of the zoning regulation would produce undue hardship;
2. Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;
3. The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and
4. The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice. No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

B. In exercising the above-mentioned powers, the Board may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such City official, or to decide in favor of the applicant on any matter upon which it is required to pass under any such regulation or to effect any variation in such regulation.

(Neb. Rev. Stat. §19-907 through 19-910) (Am. by Ord. No. 549, 1/16/96)

Article 4 – Board of Health

SECTION 2-401: MEMBERS

The City Council shall appoint a Board of Health which shall consist of four members. The members of the Board shall include the mayor, who shall serve as chairperson, the president of the City Council, and two other members. One member shall be a physician

or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. The chief law enforcement officer of the City or his/her designated officer shall serve on the Board as secretary and quarantine officer. The members of the Board shall serve, without compensation, a one-year term of office, unless reappointed, and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one Board of Health position.

SECTION 2-402: TERMS

The secretary shall keep full and correct minutes and records of all meetings and file the same with the city clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the City Council 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 City Council may designate. Special meetings may be held upon the call of the chairperson, or any two members of the Board.

SECTION 2-403: DUTIES

The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the City. 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 enforce all laws of the State of Nebraska and city ordinances relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the City Council may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate. (Neb. Rev. Stat. §17-121) (Am. by Ord. No. 588, 6/3/97)

SECTION 2-404: HEALTH REGULATIONS

For the purpose of promoting the health and safety of the residents of the City, the Board of Health shall, from time to time, adopt such rules and regulations relative thereto and shall make such inspections, prescribe such penalties, and make such reports as may be necessary toward that purpose. (Neb. Rev. Stat. §17-121)

SECTION 2-405: ENFORCEMENT OFFICIAL

The chief law enforcement officer, or his/her designated officer, as the quarantine officer shall be the chief health officer of the City. It shall be his/her duty to notify the City Council and the Board of Health of health nuisances within the City and its zoning jurisdiction. (Neb. Rev. Stat. §17-121)

SECTION 2-406: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the City.

SECTION 2-407: ABATEMENT OF PUBLIC NUISANCES; PROCEDURE

A. It shall be the duty of every owner, occupant, lessee, or mortgagee of real estate in the City to keep such real estate free of public nuisances. Upon determination by the Board of Health that said owner, occupant, lessee, or mortgagee has failed to keep such real estate free of public nuisances, the City Council shall thereupon cause notice to be served upon the owner, occupant, lessee, mortgagee or agent thereof, by publication and by certified mail. Such notice shall describe the condition as found by the Board of Health and state that said condition has been declared a public nuisance, and that the condition must be remedied at once.

B. If the person receiving the notice has not complied therewith or taken an appeal from the determination of the Board of Health within five days after receipt of certified mail or within five days after date of publication whichever is later, the Board of Health shall notify the City Council of such noncompliance and the City Council shall, upon receipt of such notice, cause a hearing date to be fixed and notice thereof to be served upon the owner, occupant, lessee, or mortgagee, or agent of the real estate. Such notice of hearing shall be by personal service or certified mail and require such party or parties to appear before the City Council to show cause why such condition should not be found to be a public nuisance and remedied. A return of service shall be required by the City Council. Such notice shall be given not less than five days prior to the time of hearing, provided that whenever the owner, lessee, occupant, or mortgagee of such real estate is a non-resident or cannot be found in the State, then the city clerk shall publish, in a newspaper of general circulation in the City, such notice of hearing for two consecutive weeks, the last publication to be at least one week prior to the date set for the hearing.

C. Upon the date fixed for the hearing and pursuant to notice, the City Council shall hear all objections made by interested parties and shall hear evidence submitted by the Board of Health. If after consideration of all of the evidence, the City Council shall find that the said condition is a public nuisance, it shall, by resolution, order and direct the owner, occupant, lessee, or mortgagee to remedy the said public nuisance at once; provided, the party or parties may appeal such decision to the appropriate court for adjudication, during which proceedings the decision of the City Council shall be stayed.

D. Should the owner or occupant refuse or neglect to promptly comply with the order of the City Council, the City Council shall proceed to cause the abatement of the described public nuisance. Upon completion of the work by the City, a statement of the cost of such work shall be transmitted to the City Council, which is authorized to bill the property owner or occupant, or to levy the cost as a special assessment against the land. Such special assessment shall be a lien on the real estate and shall be collected in the manner provided for special assessments.

(Neb. Rev. Stat. §18-1720)

Article 5 – City Parks and Swimming Pool

SECTION 2-501: PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas. The City Council, for the purpose of defraying the cost of the care, management, and maintenance of

the city parks, 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 remain in the custody of the city treasurer. The City Council shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. (Neb. Rev. Stat. §17-948 through 17-952) (Am. by Ord. No. 1033, 3/4/14)

SECTION 2-502: PARKS; INJURY TO PROPERTY

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub, or to injure or destroy any sodden or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the city parks and recreational areas. No person shall commit any waste on or litter the city parks or other public grounds. (Am. by Ord. No. 1033, 3/4/14)

SECTION 2-503: PARKS; CLOSING TIME

Unless otherwise provided and posted, all park and playground areas in the City and city cemeteries shall be closed to the public between the hours of 11:00 p.m. and 5:00 a.m. daily. Exceptions to such closing time shall be for the purpose of playing tennis or basketball on the courts in the Gretna City Park (Tax Lot X, Sec. 36, T14, R10E) and may be granted to supervised or organized activities sponsored by or permitted by the City Council. (Ord. No. 295, 11/8/84) (Am. by Ord. No. 1033, 3/4/14)

SECTION 2-504: SWIMMING POOL; OPERATION AND FUNDING

The City owns and manages the city swimming pool. The City Council, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the City that is subject to taxation. The revenue from the said tax 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 swimming pool. The City Council shall have the power and authority to hire and supervise the swimming pool manager and such employees as it may deem necessary and shall pass such rules and regulations for the operation of the pool as may be proper for its efficient operation. (Neb. Rev. Stat. §17-948, 17-951, 17-952) (Am. by Ord. No. 1033, 3/4/14)

SECTION 2-505: SWIMMING POOL; RULES AND REGULATIONS

The City Council shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. The City Council may provide suitable penalties for the violation of such bylaws, rules, and regulations. (Neb. Rev. Stat. §17-949) (Am. by Ord. No. 1033, 3/4/14)

Article 6 – Tree Board

SECTION 2-601: DEFINITIONS

“Street trees” shall mean trees, shrubs, bushes and all other woody vegetation on land

lying between property lines on either side of all streets and avenues within the City.

“Park trees” shall mean trees, shrubs, bushes and all other woody vegetation in public parks.

“Public community forest” shall mean all street and park trees, and other trees owned by the City as a total resource.

“Private community forest” shall mean all trees within City boundaries but not owned by the City.

(Ord. No. 335, 4/7/87) (Am. by Ord. Nos. 443, 9/15/92; 967, 12/1/09)

SECTION 2-602: CREATION AND ESTABLISHMENT; ADMINISTRATION

A. There is hereby created and established a City Tree Board for the City of Gretna, which shall consist of the members of the Gretna Arbor Society and which shall operate under the authority of the Mayor and the City Council.

B. The Chairman of the Gretna Tree Board shall be responsible for administration of the Community Forestry Program.

(Ord. No. 443, 9/15/92)(Am. by Ord. No. 967, 12/1/09)

SECTION 2-603: COMPENSATION

Members of the Tree Board shall serve without compensation. (Ord. No. 443, 9/15/92)

SECTION 2-604: DUTIES AND RESPONSIBILITIES

A. It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually, and administer written plans (annual and long range) for the care, replacement, maintenance, and removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon its acceptance and approval shall constitute the official comprehensive city tree plan.

B. The Tree Board, when requested by the City Council, shall consider, investigate, make finding, report and recommend upon any special matter or question relating to trees.

(Ord. No. 443, 9/15/92)

SECTION 2-605: OPERATION

The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (Ord. No. 443, 9/15/92)

SECTION 2-606: INTERFERENCE WITH TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its representatives or agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest. (Ord. No. 443, 9/15/92)

SECTION 2-607: SPECIES OF STREET TREES TO BE PLANTED

The City of Gretna shall maintain an extensive list of recommended trees for planting in public areas. The purpose of this listing will be to maintain diversity in the total tree population. This list shall be available to residents of the City upon request to aid in the selection of trees for private and public properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest. (Ord. No. 443, 9/15/92)

SECTION 2-608: DISTANCES AND CLEARANCES FOR PLANTING

Street trees may be planted in the street right-of-way green area where there is a minimum of six feet between the edge of the sidewalk and the curb of the street. Street trees shall be planted no closer than three feet from a sidewalk, driveway, or street. No street tree shall be planted closer than 35 feet from any street corner, measured from the point of the nearest intersection of curbs or curblines. No street tree shall be planted closer than ten feet from any fire hydrant. Special permission must be obtained from the community forest manager when planting street trees within ten feet of any point on a line on the ground immediately below any overhead utility wire, or within five feet of any existing buried utility line. (Ord. No. 443, 9/15/92)

SECTION 2-609: PUBLIC TREE CARE

A. The City shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within the right-of-way or bounds of all streets, alleys, lanes, squares, and public grounds, as may be necessary to insure the public safety.

B. The City 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 electric power lines or other public improvements, or is seriously affected with any fatal disease.

C. The abutting property owners shall have the right to perform normal tree care on all street trees. Care and maintenance of private trees are the responsibility of the property owner. If neglected, the City can provide for proper care at the property owner's expense.

(Ord. No. 443, 9/15/92)

SECTION 2-610: TREE PLANTING OR REMOVAL; PERMITS REQUIRED

No person shall plant or remove a street tree without first obtaining approval by the chairman of the Tree Board or a designee and the zoning administrator. There will be no fee for such approval. (Ord. No. 443, 9/15/92) (Am. by Ord. No. 967, 12/1/09)

SECTION 2-611: EQUIVALENT VALUES; COMPENSATORY PAYMENTS

No person shall remove any public tree without replacing such tree with a tree or trees of equivalent dollar value in the vicinity of the removed tree. The value of trees shall be determined by the community forest manager in accordance with regulations considering the species, location, size and condition of trees adopted by the Tree Board. If no suitable location exists in the vicinity of the tree removed or if the replacement tree is of

lesser value, the person causing the tree to be removed shall make a compensatory payment to the City equal to the difference in value between the tree removed and any replacement tree. Such compensatory payment shall be paid into a fund established by the director of finance and used solely for the purpose of enhancing the community forest. (Ord. No. 443, 9/15/92)

SECTION 2-612: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree or other tree on public property. Topping, rounding off or pollarding is defined as the systematic cutting back of limbs 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 section at the determination of the Tree Board or the community forest manager. (Ord. No. 443, 9/15/92)

SECTION 2-613: CLEARANCE OVER STREETS AND WALKWAYS

Clearance over streets and walkways shall be the responsibility of the abutting property owner. A clearance of eight feet must be maintained over walkways and a clearance of 12 feet must be maintained over streets and alleys. Property owners are responsible for trees on their own property as well as trees on the public way that abuts their property. (Ord. No. 443, 9/15/92)

SECTION 2-614: INJURY TO TREES

It shall be unlawful for any person to purposely or carelessly, and without lawful authority, cut down, carry away, injure, break down, or destroy any fruit, ornamental, shade or other tree or trees standing or growing on any land belonging to another person or persons or on any public land in the corporate limits. 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 City Council to do so, and the written permit of the Council 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, 18-806, 28-519) (Ord. No. 335, 4/7/87)

SECTION 2-615: 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 within the corporate limits of the City.

B. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the City. For the purpose of carrying out the provisions of this section, the law enforcement officials shall have the authority to enter upon private property to inspect the trees thereon.

C. Notice to abate and remove such nuisance 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 City may have such work done and 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.

(Neb. Rev. Stat. §17-555, 18-1720, 28-1321) (Ord. No. 521, 3/6/95) (Am. by Ord. No. 967, 12/1/09)

SECTION 2-616: ACCESS TO PRIVATE PROPERTY

It shall be unlawful for any person to prevent, delay, or interfere with access to private property by the City or its representative in the legal performance of any section of this article. (Ord. No. 443, 9/15/92)

SECTION 2-617: ARBORIST CERTIFICATION AND INSURANCE

Persons or firms engaged in the business or occupation of pruning, treating or removing any street tree, park tree, or other privately owned tree must be recognized by the Nebraska Arborists Association as a certified arborist or tree technician. Tree technicians must carry evidence of liability insurance and workmen's compensation. No certification shall be required by any public employee doing such work in the pursuit of their public service endeavors. (Ord. No. 443, 9/15/92)

Article 7 – Community Development Agency

ARTICLE 2-701: NECESSITY AND PURPOSE

It is hereby declared necessary and expedient to create and empower the City of Gretna Community Development Agency to undertake such duties and functions as authorized by the Nebraska Community Development Law and Neb. Rev. Stat. §18-2145 through 18-2154. (Ord. No. 998, 3/15/11)

ARTICLE 2-702: ESTABLISHMENT

Pursuant to Neb. Rev. Stat. §18-2101.01 of the Nebraska Community Development Law, the City of Gretna Community Development Authority is hereby created and empowered, consisting of the City Council of the City of Gretna. (Ord. No. 998, 3/15/11)

ARTICLE 2-703: POWERS AND PROCEDURES

The City Council, whenever acting as the Community Development Agency, shall exercise all power and authority of a community development authority pursuant the Nebraska Community Development Law and Neb. Rev. Stat. §18-2145 through 18-2154. (Ord. No. 998, 3/15/11)

Article 8 – Penal Provision

SECTION 2-801: 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.