

CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

ARTICLE 1 – COMMUNITY CENTER

SECTION 2-101: RENTAL CONDITIONS

ARTICLE 2 – PLANNING COMMISSION

SECTION 2-201: MEMBERS

SECTION 2-202: ALTERNATE MEMBER

SECTION 2-203: TERMS; REMOVAL; VACANCIES

SECTION 2-204: OFFICERS; MEETINGS

SECTION 2-205: FUNDING

SECTION 2-206: POWERS AND DUTIES; APPEAL

ARTICLE 3 – PENAL PROVISION

SECTION 2-301: VIOLATION; PENALTY

CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Community Center

SECTION 2-101: RENTAL CONDITIONS

The Community Center/town hall is available for rent to any village resident within a 1.5-mile radius. Nonresidents may not rent the hall. The Village Board shall prescribe rules and regulations for such rentals and may assess reasonable rental charges for use of the building, including a damage deposit. Rental rates may be structured for classes of persons and organizations in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons and organizations for rental purposes. All rental fees, rules, and regulations shall be as set by resolution of the Village Board and kept on file at the office of the village clerk. (Neb. Rev. Stat. §17-953)

Article 2 – Planning Commission

(Neb. Rev. Stat. §§19-926, 19-927, 19-929)

SECTION 2-201: MEMBERS

A. The Planning Commission shall consist of five regular members who shall represent, as far as is possible, the different professions or occupations in the Village and shall be appointed by the chairman of the Village Board by and with the approval of a majority vote of the members of the board. Two of the regular members may be residents of the area designated pursuant to Neb. Rev. Stat. §16-902 or 17-1001 over which the Village is exercising extraterritorial zoning jurisdiction. When there is a sufficient number of residents in such area over which the Village exercises extraterritorial zoning jurisdiction, one regular member of the commission shall be a resident from such area. If it is determined by the Village Board that a sufficient number of residents reside in such area and no such resident is a regular member of the commission, the first available vacancy on the commission shall be filled by the appointment of such an individual. For purposes of this section, “a sufficient number of residents” shall mean 200 residents.

B. A regular or alternate member of the Planning Commission may hold any other municipal office except (1) a member of the Village Board, (2) a member of any community redevelopment authority or limited community redevelopment authority created under Neb. Rev. Stat. §18-2102.01, or (3) a member of any citizen advisory review committee created under Neb. Rev. Stat. §18-2715.

SECTION 2-202: ALTERNATE MEMBER

The Village may by ordinance provide for the appointment of one alternate member to the Planning Commission, who shall be chosen by the chairman with the approval of the Village Board. The alternate member shall serve a three-year term, without compensation. He or she shall hold office until a successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the chairman with the approval of the Village Board. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

SECTION 2-203: TERMS; REMOVAL; VACANCIES

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 Village Board, be removed by the chairman with the consent of a majority vote of the members of the board 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 appointment by the village chairman.

SECTION 2-204: OFFICERS; MEETINGS

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for reelection. The commission shall hold at least one regular meeting in each calendar quarter, except as provided in this section. The Village Board may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending. If no business is pending before the commission, the chairman may cancel a quarterly meeting but no more than three quarterly meetings may be cancelled per calendar year. 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. 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. All regular members of the commission shall serve without compensation.

SECTION 2-205: FUNDING

The Village Board may provide the funds, equipment, and accommodations necessary for the work of the Planning Commission but the expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board. No expenditures or agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-206: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §§19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the Village, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such village and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The Village Board shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development,

the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The commission shall make its recommendations to the Village Board so that they are received within 30 days after the commission begins consideration of a matter. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights of way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of such lots and blocks, if the Village Board has designated an agent by ordinance pursuant to Neb. Rev. Stat. §19-916.

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

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

Article 3 – Penal Provision

SECTION 2-301: 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.