

CHAPTER I CIVIL ADMINISTRATION

ARTICLE I - MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Central City, Nebraska, having a population of more than 800, but less than 5,000, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class.

SECTION 1-102: CITY COUNCIL: SELECTION AND DUTIES

The members of the City Council shall be elected and serve for a four year term. The City Council shall be the legislative division of the City Government and shall perform such duties and have such powers as may be authorized by law. The Council shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquillity; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding the amount permitted by Nebraska law for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-103: CITY COUNCIL; ORGANIZATION

The term of office of the City Council is four years. The election of the Council members shall be held on the date of the statewide general election.

The Council members who were elected in the 1994 statewide primary election shall hold their term of office until the first regular meeting of the Council in December of 1998, with a successor to be elected at the statewide general election of 1998 and every four years thereafter. The newly elected Council members who have qualified as prescribed by law, together with the members of the City Council holding over, shall assemble in a regular meeting at the hour and place hereinafter prescribed and perfect the reorganization of the City Council as herein provided, and all appointive offices in which the terms of incumbents are expired shall be filled by appointment. After the said meeting has been called to order, the city clerk shall report to the City Council the names of all Council members-elect who have qualified for their respective offices and this report shall be spread upon the minutes of the meeting preceding the roll call.

Each ward of the City shall be represented by at least three Council members. No person shall be eligible who is not at the time of his/her election an actual resident of the ward for which he/she is qualified, and should any Council member move from the ward from which he/she was elected, his/her office shall thereby become vacant.

SECTION 1-104: MAYOR; DUTIES AND POWERS

The mayor of the City shall have the general and immediate control over all property and officials, whether elective or appointed, of the City. He/she shall preside at all meetings of the City Council, and may vote when his/her vote shall be decisive on any pending matter, legislation or transaction and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His/her signature must appear on the city clerk's minutes of all meetings, and he/she must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds vote by the members of the City Council, but if the mayor neglects or refuses to sign any ordinance, and returns it to the Council with his/her objections in writing at the next regular council meeting, the same shall become a law without his/her signature. He/she shall from time to time communicate to the council such information and recommendations as, in his/her opinion, may improve the City.

He/she may require at reasonable intervals any city official to exhibit his/her accounts and make reports to the Council on any subject pertaining to his/her office. He/she shall have the power to remit fines or pardon any offense arising under the ordinances of the City. He/she shall have the authority to call on every inhabitant of the City over 18 years of age and under the age of 50 years to aid in enforcing the laws. He/she may remove at any time an appointed police officer of the City. His/her territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance, and one mile in all matters vested in him/her except taxation. He/she shall also have such other duties as the City Council may by resolution confer upon him/her, or in any other matters which the laws of the State of Nebraska repose in him. He/she shall be elected at the general election and shall serve a four year term of office. Any candidate for Mayor must be a resident and a registered voter of the City.

SECTION 1-105: MAYOR; VACANCY

In the event of the vacancy of a mayor by reason of resignation, death or inability to perform the functions of mayor, the City Council shall elect one of its members as mayor for the balance of the unexpired term.

SECTION 1-106: PRESIDENT OF COUNCIL; ACTING PRESIDENT

The City Council shall elect one of its own body each year who shall be styled the President of the Council, and who shall preside at all meetings of the City Council in the absence of the Mayor. In the absence of the Mayor and the President, the Council shall elect one of its own body to occupy his/her place temporarily, who shall be styled "Acting President of the Council." The President and Acting President, when occupying the place of the Mayor, shall have the same privileges as other members of the Council; and all acts of the President of the Council or Acting President of the Council, while so acting, shall be as binding upon the Council and upon the City as if done by the Mayor.

SECTION 1-107: SUCCESSION OF CONTROL

In order to designate the succession of control of the City and to declare and control a disaster or emergency when the mayor is not present or is unable to act as the principal executive officer of the City, then the following is the procedure used to determine who is next in line to fulfill those duties and responsibilities:

If the mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties. Should the president of the Council not be present or is unable to perform those functions and duties, then the next most senior elected official shall perform those duties and functions. The line of succession for the remaining elected officials shall follow by seniority from the date originally elected. If more than one council member has the same date of seniority, then the most senior in age shall assume control.

SECTION 1-108: VACANCIES IN CITY OFFICES

Vacancies shall be filled by the Council for the balance of the unexpired term. In the event of vacancies on the Council, the Council shall give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City, or posting in three public places in the City, notice of the office vacated and the length of the unexpired term. Within 30 days after the regular meeting at which such notice of vacancy has been presented, or after the death of the incumbent, the mayor shall call a special meeting of the Council, at which time he/she shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. The council members shall vote upon such nominee, and if a majority of the Council votes in favor of such nominee, the vacancy shall be declared filled. If a majority fails to confirm such appointment, the nomination shall be rejected and the mayor shall, at the next regular meeting, submit the name of another qualified elector to fill the vacancy.

If the vote on the nominee at such meeting fails to carry by a majority vote, the mayor shall continue at such meeting to submit the names of qualified electors of the City in nomination and the Council shall continue to vote until the vacancy is filled. The mayor shall vote for or against the nominee in case of a tie vote of the Council. All council members present shall cast a ballot for or against the nominee.

SECTION 1-109: OFFICERS' SALARIES

All elected officers shall receive such compensation as the Council shall fix by ordinance. The emoluments of appointive and elective officers of this city shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Council and the terms of one or more members commence and end at different times; the compensation of all members of

such Council may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be as follows:

Mayor	\$3,600.00 per year
Council Member	\$2,400.00 per year

The above sums shall be payable quarterly in the normal course of business. Further, the Mayor and each Council Member shall be paid an additional \$100 for each Special or Emergency City Council meeting.

No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses, if and when claims therefor are filed, audited and allowed. The mayor and Council may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this city in the performance of his/her duties as such shall be considered the property of this city, and shall be promptly paid over to the city treasurer and by him/her credited to the appropriate fund.

SECTION 1-110: COMPENSATION; CITY EMPLOYEES

The ranges of compensation of non-elected officers and employees of the City not already provided for in Section 1-109 shall be set by the Council and found in the Personnel Policy Manual of the City. Such ranges of compensation will be evaluated annually. Classification of all employees by job level shall be determined by the city administrator with approval by the mayor. Employees will be annually evaluated on performance and will receive salary increases based on such evaluations. Such increases will be determined by the city administrator with approval by the mayor and City Council. Employees may also receive salary increases for completion of probationary work period and for pay comparability if deemed necessary by the city administrator and mayor.

SECTION 1-111: COMPENSATION; CONFLICT OF INTEREST

For purposes of this section, "officer" shall mean any member of any board or commission of the City; or any appointed official if such official (a) serves on a board or commission which spends and administers its own funds and (b) is dealing with a contract made by such board or commission; or any elected city official.

Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers.

1. No officer or employee of the City, a member of that individual's immediate family, or business with which the individual is associated shall entered into a contract valued at \$2,000.00 or more in any one year with the City, unless the contract is awarded through an

open and public process which includes prior public notice and subsequent availability for public inspection during regular office hours at the city clerk's office. No contract may be divided for the purpose of evading the requirement of this section. This section shall not apply to a contract when a public official or employee does not in any way represent either party to the transaction.

Except as hereafter provided, no officer of the City may have an interest in any contract to which the City or anyone for its benefit is a party. The existence of such an interest in any contract shall render the contract voidable by a decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of such contract with actual knowledge of the prohibited conflict.

2. The provisions in subsection 1 shall not apply if the interested officer:

a. Makes a declaration on the record to the City Council regarding the nature and extent of his/her interest prior to official consideration of the contract;

b. Does not vote on the matter of granting the contract, except that if the number of members of the City Council declaring an interest in the contract would prevent the Council with all members present from securing a quorum on the issue, then all members may vote on the matter; and

c. Does not act for the City which is party to the contract as to inspection or performance under the contract in which he/she has an interest.

3. An officer who will not receive a direct pecuniary fee or commission as a result of the contract shall not be deemed to have an interest within the meaning of this section.

4. The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of the City by a financial institution shall not be considered a contract for purposes of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section.

5. If an officer's parent, spouse or child is an employee of the City, such officer may vote on all issues of the contract which are generally applicable to (a) all employees or (b) all employees within a classification and do not single out his/her parent, spouse or child for special action.

6. Any contract entered into with an interested officer or employee of the City shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the governing body.

7. The city clerk shall maintain, separately from other records, a record containing the information required below about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made pursuant to Section 49-

1499.01 or 49-14,103.01 of the Neb. Rev. Stat. Such information shall be kept in the record for five years from the date of the officer's last day in office and shall include the:

- a. Names of the contracting parties;
- b. Nature of the interest of the officer in question;
- c. Date that the contract was approved by the City involved;
- d. Amount of the contract; and
- e. Basic terms of the contract.

The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The record kept by the clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

8. An open account established for the benefit of the City with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to subsection 7 shall be filed within ten days after such account is opened. Thereafter, the city clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to requirement.

9. Any officer who knowingly violates any of the provisions herein shall be guilty of a Class III misdemeanor and shall be punished accordingly. Any officer who negligently violates any of the provisions herein shall be guilty of a Class V misdemeanor and punished accordingly.

ARTICLE II - APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The mayor, at the first regular meeting of the City Council held after he/she takes office or as soon after as he/she can reasonable do so, may appoint, with the advice and consent of the Council, a city clerk, city treasurer, city engineer, city attorney and police chief, who shall hold their offices for one year unless sooner removed by the Mayor. He/she shall also appoint whatever other officials of the City which he/she deems necessary, which officers shall serve at the pleasure of the City Council.

SECTION 1-202: MERGER OF OFFICES

The City Council may, in its discretion, by ordinance combine and merge any elective or appointive office or employment, except the mayor or a city council member with any other elective or appointive office so that one or more of such offices may be held by the officer or employee at the same time; provided, the offices so merged and combined shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only; and provided further, the salary of the combined office shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined.

SECTION 1-203: CITY CLERK; DUTIES

The city clerk shall have custody of all laws and ordinances. He/she shall keep a current journal of the proceedings of the City Council. He/she shall also maintain a complete record of all outstanding bonds against the City, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds. He/she shall take possession of all books, papers and all other official records of the City, and shall maintain said records in a safe place for the City. He/she shall have custody of the seal of the City and all written official papers of the City. The city clerk shall attend the meetings of the City Council and keep a minute record of the proceedings thereof.

The city clerk shall maintain an account of all of the appropriations of the several funds of the City. He/she shall draw, sign and attest all warrants ordered for the payment of money on a particular fund from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of warrants drawn thereon.

The city clerk shall further attest to the mayor's signature to be attested and shall attach the city seal to all official documents. Whenever any claim presented by any person has been disallowed by the City Council, the city clerk shall notify said claimant of said disallowance by the Council within five days after such disallowance.

The city clerk shall account for all money received by him/her in the normal course of city business and shall keep a proper record of all monies received by him/her, issuing a proper receipt to those parties making payment to him/her to the account of the City.

The city clerk shall publish all notices required in the performance of his/her duties and shall keep a record of all published notices issued by him/her, and shall keep a record of the publisher's affidavit of said publication if said notices are published in a legal newspaper.

He/she shall maintain all books and public records of the City for public inspection for any resident of the City during normal business hours. He/she shall make a notation on all correspondence received by him/her of the date of its receipt, and shall, as soon as possible, convey said correspondence to the appropriate official of the City. The city clerk shall keep and maintain all other legal papers required to be maintained by him/her by these ordinances or by Nebraska state law, and shall maintain a proper record wherein shall be recorded all of the formal and informal actions of the mayor and City Council, and shall maintain an ordinance record which shall record the various ordinances and resolutions passed by the City Council.

The city clerk may charge a reasonable fee for certified copies of any record in his/her office as set by resolution of the City Council. He/she shall destroy city records under the direction of the State Records Board pursuant to sections 84-1201 through 84-1220; provided, the City Council shall not have the authority to destroy the minutes of the city clerk, the permanent ordinances, resolution books or any other records as classified as permanent by the State Records Board.

The duties of the city clerk will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

SECTION 1-204: CITY TREASURER; DUTIES

The city treasurer shall be custodian of all monies belonging to the City; he/she shall deposit public funds which have come into his/her hands in such depository bank or banks or in other eligible financial institutions for depository purposes as designated by the mayor and City Council. He/she shall keep all money belonging to the City separate and distinct from his/her own money.

He/she shall keep a separate account of each and every fund or appropriation and the debits and credits belonging to the City; he/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid. Copies of said receipts shall be filed with his/her monthly reports made to the mayor and City Council; and the last copy of the said receipt shall be kept on file in the treasurer's office. The city treasurer's book and accounts shall always be open for inspection by any citizen of

the City whenever any city fiscal record, audit, warrant, voucher, invoice, purchase order, requisition, payroll check, receipt or other record of receipt, cash or expenditure involving public funds is involved. He/she shall cancel all bonds, coupons, warrants and other evidences of debt against the City, whenever paid by him/her, by writing or stamping on the face thereof, "Paid by the City Treasurer," with the date of payment written or stamped thereon. He/she shall collect all special taxes, allocate special assessments to the several owners, and shall obtain from the county treasurer a monthly report as to the collection of delinquent taxes. The treasurer's daily cash book shall be footed and balanced daily, and he/she shall adopt such bookkeeping methods as the City Council shall prescribe. He/she shall invest and collect all money owed by, or owed to, the City as directed by the City Council.

SECTION 1-205: CITY TREASURER; MONTHLY REPORT

He/she shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her, which warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid. He/she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, the City Council shall by resolution declare the office vacant, and the mayor and City Council shall fill the vacancy by appointment.

SECTION 1-206: CITY TREASURER; ANNUAL REPORT

The city treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City.

SECTION 1-207: CITY ATTORNEY; DUTIES

The city attorney when appointed shall be legal advisor to the mayor and the City Council and shall undertake all legal matters of the City as set forth by Nebraska Statutes. He/she shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the City, or that may be ordered by the Council. When requested, he/she shall attend meetings of the Council and give them his/her opinion upon any matters submitted to him/her either orally or in writing as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he/she shall perform such other duties as may be imposed upon him/her by general law or ordinance. He/she shall prepare complaints, attend and prosecute

violations of the city ordinances when directed to do so by the City Council. The City may, from time to time, hire a special prosecutor to prosecute violations of the city ordinances. When such special prosecutor is appointed, the city attorney will be relieved of prosecuting such violations. In the event that a special prosecutor is not retained by the City, the city attorney shall appear and prosecute all cases for violation of the city ordinances that have been appealed to and are pending in any higher court. He/she shall also examine, when requested to do so by the City Council, the ordinance records and advise and assist the city clerk as much as may be necessary to the end that each procedural step will be taken in the passage of each ordinance to insure that they will be valid and subsisting local laws in so far as their passage and approval are concerned. The City Council shall have the right to pay the city attorney compensation for legal services performed by him/her for it on such terms as the City Council and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the City.

SECTION 1-208: CITY POLICE CHIEF; DUTIES

The city police chief shall direct the police work of the City and shall be responsible for the maintenance of law and order. He/she shall act as health inspector, except in the event the City appoints another person. He/she shall file the necessary complaints in cases arising out of violations of city ordinances, and shall make all necessary reports required by the city ordinances or the laws of the State of Nebraska.

SECTION 1-209: CITY POLICEMEN

The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jail or some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city policeman shall be expected to be conversant and knowledgeable with the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City policemen shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska. Any city policeman who shall willfully fail, neglect or refuse to make an arrest, or who purposely and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the City Council to retain any city policeman in that position after he/she shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska, or any ordinance of the City, except minor traffic violations. It shall be the duty of every city policeman making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same

shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his/her badge, uniforms and all city-issued equipment to the police chief. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

SECTION 1-210: FIRE CHIEF

The city fire chief shall be elected by the members of the Fire Department. He/she shall enforce all laws and ordinances covering the prevention of fires; the storage and use of explosives and flammable substances; the installation of fire alarm systems; the maintenance of fire extinguishing equipment; the regulation of fire escapes; and the inspection of all premises requiring adequate fire escapes. He/she shall within two days investigate the cause, origin and circumstances of fires arising within his/her jurisdiction. He/she shall, on or before October 1 of each year, cause the secretary to file with the city clerk and the clerk of the District Court a certified copy of the rolls of all members in good standing in their respective companies in order to obtain the exemptions provided by law. The City Council shall purchase Workmen's Compensation Insurance and a group term life insurance policy for each active volunteer fireman. Said life insurance policy shall provide a minimum of \$5,000.00 for death from any cause to age 65 and shall at the option of the individual fireman, be convertible to a permanent form of life insurance at age 65.

He/she shall have the power during the time of a fire, and for a period of 36 hours thereafter, to arrest any suspected arsonist or any person for hindering the department's efforts, conducting himself/herself in a noisy and disorderly manner, or who shall refuse to obey any lawful order by the fire chief or assistant fire chief. The fire chief or his/her assistant in charge of operations at a fire may command the services of any person present at any fire in extinguishing the same or in the removal and protection of property. Failure to obey such an order shall be a misdemeanor punishable by a fine. The fire chief shall have the right to enter at all reasonable hours into buildings, and upon all premises within his/her jurisdiction for the purpose of examining the same for fire hazards and related dangers.

SECTION 1-211: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city engineer in making any particular estimate, survey or other work. The special engineer shall make a record of the minutes of his/her surveys and all other work done for the City. He/she shall, when directed by the City Council, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the City Council. He/she shall, upon request of the City Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges or culverts and for the building, constructing or repairing of any public improvement of the City. All records of the special engineer shall be public records, which shall belong to the City and shall be turned over to his/her successor. He/she shall, when directed by the City Council, inspect all works of public improvement, and if found to be properly done, shall accept the same and report his/her acceptance to the City

Council. He/she shall estimate the cost of all proposed city utilities and public improvements, together with any extensions thereof which the City council may propose to construct or improve.

SECTION 1-212: WATER SUPERINTENDENT

The city water superintendent shall have general supervision and control over the city water system, and shall be primarily responsible for its economic operation and prudent management. Included in the said water system shall be the water plants, the pump houses, all machinery and appliances used in connection with producing and distributing water to inhabitants of the City. All actions, decisions and procedures of the water superintendent shall be subject to the general directives and control of the City Council. The water superintendent shall have the general control and supervisory authority over all employees of the water system which the City Council from time to time may hire to operate and maintain the said system. He/she shall be under the direction and supervision of the city administrator and shall report directly to the city administrator, who in turn shall report to the City Council, of the condition of the said water system, of all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs and extensions thereof as he/she may think proper. No money shall be expended for improvements, repairs or extensions of the said waterworks system except upon the recommendation of the water superintendent and approval of the city administrator. The water superintendent shall perform such additional duties as may be prescribed by the City Council.

SECTION 1-213: ELECTRIC SUPERINTENDENT

The city electric superintendent shall have the immediate control and supervision over all the employees and property that make up the city electric system, subject to the general control and directives of the City Council. He/she shall be under the direction and supervision of the city administrator and shall report directly to the city administrator, who in turn shall report to the City Council on the condition of the electrical system, and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed along with an estimate of the cost thereof. He/she shall have such other duties as the City Council may delegate to him/her.

SECTION 1-214: SEWER SUPERINTENDENT

The city sewer superintendent shall have the immediate control and supervision over all the employees and property that make up the city sewer system, subject to the general control and directives of the City Council. He/she shall be under the direction and supervision of the city administrator and shall report directly to the city administrator, who in turn shall report to the City Council on the condition of the sewer system, and shall direct their attention to such improvements repairs, extensions, additions and additional employees as he/she may believe are needed along with an estimate of the cost thereof. He/she shall have such other duties as the City Council may delegate to him/her. He/she shall issue permits for all connections to the city sewer system and inspect and supervise all repairs made to the said system.

SECTION 1-215: GAS SUPERINTENDENT

The city gas superintendent shall have the immediate control and supervision of the city gas system, and of all employees and property that make up the gas system, subject to the general control and directives of the City Council. He/she shall be under the direction and supervision of the city administrator and shall report directly to the city administrator, who in turn shall report to the City Council on the condition of the gas system, and shall direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe are needed, along with an estimate of the cost thereof. He/she shall inspect and supervise all repairs made to the said system. He/she shall also have such additional duties as the City Council may delegate to him/her.

SECTION 1-216: CITY STREET SUPERINTENDENT

The city street superintendent shall, subject to the orders and directives of the City Council, have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City, and shall perform such other duties as the Council may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City, and direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe or need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. He/she shall issue such permits and assume such other duties as the City Council may direct.

SECTION 1-217: ZONING ADMINISTRATOR

The mayor may appoint a zoning administrator in accordance with the zoning regulations of the City.

SECTION 1-218: CITY ADMINISTRATOR; APPOINTMENT, RESERVATION OF POWER; COMPENSATION

There is hereby created and established the office of the city administrator, to be appointed by the mayor with the approval of the City Council; provided, no elective officer of the City shall hold the position of city administrator. The administrator may be removed at any time upon notice by the mayor with the approval of the majority of the elected members of the Council.

The purpose of the office of city administrator is to provide for the day-to-day administration of the City. The city administrator will remain under the direction of the mayor and Council and be responsible thereto for the efficient conduct of the office.

The city administrator shall not participate in a local election that affects the office of mayor or city council, or any other elective city position or issue, except for the casting of an individual ballot.

The mayor and Council specifically reserve the right to make inquiries of any personnel relative to city activities. Except for purpose of inquiry, the City Council shall deal with the administrative services of the City through the administrator and neither the Council nor its members shall give orders directly to any subordinate of the city administrator. The mayor will keep the city administrator informed and seek input on any proposed action.

The salary of the city administrator shall be established from time to time by the City Council.

SECTION 1-219: CITY ADMINISTRATOR; QUALIFICATIONS

The city administrator shall be chosen on the basis of executive and administrative qualifications with special reference to actual experience or knowledge of accepted practice in respect to the duties of the office. At the time of appointment, the administrator need not be a resident of Central City, Nebraska, but during the term of office shall reside in Central City, Nebraska.

SECTION 1-220: CITY ADMINISTRATOR; DUTIES

The city administrator shall:

1. Attend all meetings of the City Council and its committees unless excused, with the duty of reporting on any matter concerning the City under the administrator's direction; and to attend such other meetings of departments and officials as the duties may require or as may be directed by the mayor or Council.
2. Make investigation into all affairs of the City and to make recommendations to the mayor and Council for the adoption of such measures and ordinances as are deemed necessary and expedient for good city government.
3. Analyze the functions, duties and activities of the various departments, divisions and services of the City, and of all employees thereof, and to make recommendations regarding the same to the mayor and Council; and to faithfully carry out the directives and recommendations of the mayor and Council in coordinating the administrative functions and operations of the various departments, divisions and services.
4. Keep the mayor and Council fully advised as to the financial condition of the City and its needs. The administrator shall be responsible for the preparation of the annual estimates of revenues and expenditures of the proposed budget for the presentation of a complete financial plan for the City to the mayor and Council prior to the consideration and adoption of the annual appropriation ordinance by the City Council. With the adoption of the budget

and the passage of the appropriations ordinances by the Council, the city administrator shall be responsible for the supervision and control of the budgeted expenditures.

5. Prepare and submit to the mayor and Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
6. Recommend to the mayor the appointment, discipline, transfer or dismissal of all city personnel over which the administrator exercises jurisdiction.
7. Investigate or have investigated all complaints filed against an employee, department, division or service of the City, and to report such investigation with recommendation to the mayor and Council.
8. Act as the City's liaison to state and federal economic/industrial development agencies; actively pursue community grant funding and promote new business and industrial development within the City.
9. Perform all other duties and exercise such other power as may be required by ordinance or prescribed by resolution of the mayor and Council.

ARTICLE III - ADMINISTRATION

SECTION 1-301: CORPORATE SEAL

There shall be owned by the City, in the office of the city clerk, a common seal of the corporation, having engraved thereon the words "City of Central City, Nebraska, Seal."

The city clerk shall affix an impression of said seal on all papers or documents issued by order of the City Council and countersigned by the city clerk.

SECTION 1-302: OFFICERS, BONDS

Official bonds of the City shall be in form, joint and several, and shall be made payable to the City in such penalty as the City Council may set by resolution; provided, the penalty amount on any bond shall not fall below the legal minimum, when one has been set by the State of Nebraska, for each particular official. All official bonds of the city officials shall be executed by the principal named in such bonds and by at least two sufficient sureties who shall be freeholders of the country, or by the official as principal and by a guaranty, surety, fidelity, or bonding company; provided, no city official, while still in his/her official term of office, shall be accepted as surety on any other official's bond, contractor's bond, license bond, or appeal bond under any circumstances. Only companies that are legally authorized to transact business in the State of Nebraska shall be eligible for suretyship on the bond of an official of the City. All said bonds shall obligate the principal, and sureties for the faithful discharge of all duties required by law of such principal, and shall inure to the benefit of the City and any persons who may be injured by a breach of the conditions of such bonds. No bond shall be deemed to be given or complete until the approval of the City Council, and all sureties are endorsed in writing on the said instrument by the mayor and city clerk pursuant to the said approval of the City Council. The premium on any official bond required to be given may be paid out of the General Fund or other proper city fund, upon a resolution to that effect by the City Council at the beginning of any fiscal year. All official bonds meeting the conditions herein shall be filed with the city clerk for his/her official records, and it shall be the duty of the city clerk to furnish a certified copy of any bond so filed upon the payment of a fee which shall be set by resolution of the City Council. In the event that the sureties on the official bond of any officer of the City, in the opinion of the City Council, become insufficient, the City Council may, by resolution, fix a reasonable time within which the said officer may give a new bond or additional sureties as directed. In the event that the officer should fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the City Council, then the office shall by such failure, refusal or neglect, become vacant, and it shall be the duty of the City Council to appoint a competent and qualified person to fill the said office. Any official who is reelected to office shall be required to file a new bond after each election.

SECTION 1-303: OATH OF OFFICE

All officers of the City, whether elected or appointed, except when a different oath is specifically provided herein, shall before entering upon the duties of their respective offices declare and subscribe the following oath or affirmation which shall be endorsed upon their respective bonds:

I ", _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God." This oath or affirmation so subscribed shall be filed in the office of the city clerk.

SECTION 1-304: MEETINGS; CITY COUNCIL

The meetings of the City Council shall be held in the meeting place of the City. Regular meetings shall be held on the second Monday of each month at the hour of 7:00 P.M. Special meetings may be called by the Mayor, or by three members of the City Council, for the purposes of which shall be submitted in writing to the Council Members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the city clerk as well as the disposition of said meeting. No other business shall be transacted at such meeting unless all members of the City Council are present and consent thereto. On filing the call for a special meeting, the city clerk shall notify the Council Members of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a Council Member known to be out of the state or physically unable to attend.

Two-thirds of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members; provided that on the request of any two members, whether a quorum is present or not, all absent members shall be sent for and compelled to attend. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the City Council shall be called to order by the Mayor, if present; if absent, by the President of the Council. In the

absence of both the Mayor and the President of the Council, the City Council shall elect a President Pro Tempore.

SECTION 1-305: MEETINGS; ORDER OF BUSINESS

All meetings of the City Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the city clerk, the mayor, and such other city officials that may be required shall take their regular stations in the city hall, and the business of the City shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the city clerk.

SECTION 1-306: MEETINGS; PARLIAMENTARY PROCEDURE

The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the City Council. When any person is called to order, he shall be seated until the point is decided. When the mayor is putting the questions, no person shall leave the meeting room. Every person present, previous to speaking, shall rise from his/her seat, clearly state his/her name and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the city clerk or any member of the Council. Every member of the Council who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the City Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall be entered also. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Council. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Council seconding the said resolution, motion or ordinance. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the City Council for meeting may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the City Council shall decide all procedural disputes that may arise.

SECTION 1-307: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and City Council shall meet at the regular meeting in December each year and the outgoing officers and the outgoing members of the Council shall present their reports,

and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing members shall thereupon each surrender to his/her successor in office all property, records, papers and monies belonging to the same.

SECTION 1-308: MEETINGS; ORGANIZATIONAL

The newly elected Council shall convene at the regular place of meeting in the City at the regular meeting in December each year immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "president of the Council." The mayor shall then nominate his/her candidates for appointive offices. He/she shall then proceed with the regular order of business . It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the City and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the city clerk.

SECTION 1-309: MEETINGS; PUBLIC

All public meetings as defined by law shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public by a method designated by the City Council or by the mayor if the City Council has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda kept continually current shall be available for public inspection at the office of the city clerk. The City Council shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include the record of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then-known subjects was communicated, the time and specific place of the meetings, and the

names of each member of the City Council present or absent at each convened meeting. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the city clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted, or that the member was absent and did not vote.

Formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor. Nothing herein shall be construed to apply to any preliminary interview or recruitment of prospective officials or employees.

SECTION 1-310: MEETINGS; ATTENDANCE OF MEMBERS

All members of the City Council shall be required to attend council meetings regularly, and if any council member fails to attend three consecutive meetings his/her office shall be vacated and the City Council may fill the vacancy created pursuant to Section 1-108 herein; provided, however, the City Council may excuse said absences by majority vote for just cause shown, in which event said council member's office shall not be deemed vacated. Upon any member's absence for three consecutive meetings, the mayor shall call for a vote on whether to excuse said absences or not, which vote shall be duly recorded by the city clerk.

SECTION 1-311: MEETINGS; CLOSED SESSIONS

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed session may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation, which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portion to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any questions, motion, proposal, resolution, order or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counsel or other negotiators in closed sessions authorized under subdivision (1) of this section.

Any member of the public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (A) the protection of the public interest or (B) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this section. No closed session, informal meeting, chance meeting, social gathering or electronic communication shall be used for the purpose of circumventing the provisions of this section.

The provisions of this section shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction or advisory power.

ARTICLE IV - ORDINANCES

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, by-laws, rules, regulations and resolutions, not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government and welfare of the City and its trade, commerce and security.

SECTION 1-402: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Council. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

SECTION 1-403: SUSPENSION OF RULES

In the event that three-fourths of the members of the Council present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read by title a third time, and then put upon final passage. Three-fourths of the Council may require any ordinance to be read in full before final passage.

SECTION 1-404: STYLE

The style of all city ordinances shall be:

"Be it ordained by the Mayor and City Council of the City of Central City, Nebraska:"

SECTION 1-405: EFFECTIVE DATE

The city clerk shall, within 15 days after the passage of any ordinances, publish the same in a legal newspaper of general circulation in the City, or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication.

SECTION 1-406: TITLE

No ordinance shall contain a subject not clearly expressed in its title.

SECTION 1-407: EMERGENCY ORDINANCES

In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor, and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency and be passed by a three-fourths vote of the Council, and entered upon the city clerk's minutes.

SECTION 1-408: CERTIFICATE OF PUBLICATION

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the City Seal from the city clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted.

SECTION 1-409: AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed.

ARTICLE V - FISCAL MANAGEMENT

SECTION 1-501: FISCAL YEAR

The fiscal year of the City shall commence on October 1 and extend through the following September 30.

SECTION 1-502: BUDGET STATEMENT; FILING

The City Council shall, no later than October 1 of each year, on forms prescribed and furnished by the Nebraska State Auditor, prepare in writing and file with the city clerk a proposed budget statement containing the non-tax revenue which was allocated to each of the several funds, the unencumbered cash balance of each fund at the beginning and end of the prior fiscal year, the amount received by taxation allocated to each fund, and the actual expenditures for each fund. For the current fiscal year, the budget statement shall contain the actual and estimated revenue from non-tax sources, the actual unencumbered cash balance available at the beginning of the year, the amount to be received from taxation allocated to each fund, and the amount of actual and estimated expenditures. For the immediate ensuing fiscal year, the budget statement should include an estimate of the non-tax revenue from each source and which fund it is to be allocated to, the actual or estimated unencumbered cash balance for each fund which will be available at the beginning of the next fiscal year, amounts proposed to be expended during the year, and the amount of cash reserve which shall not exceed 50% of the total budget adopted exclusive of capital outlay items. The amount to be raised from taxation, as determined herein, plus the estimated revenue from sources other than taxation, and the unencumbered balances shall equal the estimated expenditures plus the required cash reserve for the ensuing year.

SECTION 1-503: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted, or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption.

SECTION 1-504: BUDGET FILING

The City Council shall file with and certify to the levying board November 1 of each year and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. The City Council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.

SECTION 1-505: BUDGET PROCEDURE

The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-506: ANNUAL AUDIT

The City Council shall cause an audit of the city accounts to be made by a qualified accountant or shall prepare an unaudited statement of cash receipts and disbursements, in lieu of an audit, as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the City Council, it shall be made on a cash or accrual method at the discretion of the City Council, and shall be completed within six months of the close of the fiscal year. In the event the City elects not to have an audit performed, the city treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the Auditor of Public Accounts, and shall submit not less than three copies of the unaudited report to the City Council. All public utilities shall be audited separately, and the results of such audits shall appear separately in the annual audit report. The audit shall be in a form that is in general conformity with accepted accounting principles and shall set forth the financial position for each fund of the City as well as an opinion by the accountant with respect to the financial statements. Two copies of the annual audit report shall become a part of the public records of the city clerk's office and will at all times thereafter be open for public inspection. One copy shall be filed with the Auditor of Public Accounts.

SECTION 1-507: APPROPRIATIONS

The City Council shall, within the last quarter of each fiscal year, pass an ordinance to be termed the annual appropriation bill, in which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City, not exceeding in the aggregate the amount of tax authorized to be levied. The said ordinance shall specify the objects and purposes for which such

appropriations are made and the amount appropriated for each purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse to the general fund.

The annual appropriation bill shall not be amended without a majority vote of the City Council after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the City. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.

SECTION 1-508: ALL-PURPOSE LEVY

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together.

SECTION 1-509: CONTRACTS

The City Council shall not enter into any contract unless bidding requirements set forth by state law have been fully complied with.

SECTION 1-510: CLAIMS

All claims against the City shall be presented to the City Council in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided that in the event there exist obligated funds from the Federal and/or State Government for the general purpose of such warrant, then such warrant may be drawn in excess of 85%, but not more than 100% of the current levy for the purpose for which said warrant is drawn.

SECTION 1-511: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No

money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included in the adopted budget statement for the fund upon which it is drawn, and the amount already expended of such fund.

SECTION 1-512: TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the City Council, said council shall file with the county clerk and the Nebraska State Auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The City Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

SECTION 1-513: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made, and such money shall be used for no other purpose unless to reimburse the City for money expended for any such improvement.

SECTION 1-514: SINKING FUNDS

The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, for the purpose of establishing a sinking fund for the construction, purchase,

improvement, extension or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The City Council may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund.

SECTION 1-515: GENERAL FUND

All money not specifically appropriated in the annual appropriation bill shall be deposited in and known as the General Fund.

SECTION 1-516: DEPOSIT OF FUNDS

The City Council, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the city treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the City meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the city treasurer shall not give a preference to any one or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits.

SECTION 1-517: INVESTMENT OF FUNDS

The City Council may, by resolution, direct and authorize the city treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased.

SECTION 1-518: BOND ISSUES

The City Council may, after meeting all the requirements of state law, issue bonds, fund bonds, and retire bonds for such purposes as may be permitted by state law. The City Council shall have the authority to levy special assessments for the payment of interest and principal on such bonds and may spread the payments up to the maximum number of years permitted by state law.

ARTICLE VI - POLICE DEPARTMENT

SECTION 1-601: POWER, DUTIES, RESPONSIBILITIES

The police department shall consist of the Chief of Police and such further number of regular policemen as may be duly ordered by the Council. The chief of police shall, subject to the direction of the mayor, have control and management of all matters relating to the police department, its officers and members, and shall have the custody and control of all property and books belonging to the department. He/she shall devote his whole time to the city affairs, interests of the City, and to the preservation of peace, order, safety and cleanliness thereof. The department shall execute and enforce all laws and also the orders of the mayor. It shall be the duty of the department to protect the rights of persons and property. There shall be a proper police force at all times. The department shall take notice of all nuisances, impediments, obstructions and defects in the streets, avenues, alleys, business places and residences of the City. The department shall execute or cause to be executed the processes issued and shall cause all persons arrested to be brought before the proper court for trial as speedily as possible. The chief of police and all regular and special policemen shall become thoroughly conversant with the laws of the City, and shall see that the same are strictly enforced and shall make sworn complaints against any person or persons for violation of the same.

SECTION 1-602: RESERVE OFFICER BOND

No appointment of a law enforcement reserve officer shall be valid until a bond in the amount of \$1,000.00, payable to the City, has been filed with the city clerk by the individual appointed, or a blanket surety bond arranged and paid for by the City Council and bonding all such officers of the City Council has been filed. Such bonds shall be subject to the provisions of Chapter 11, Article 1, Nebraska Revised Statutes.

SECTION 1-603: ARREST JURISDICTION

The city police chief or any other city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his/her primary jurisdiction. Primary jurisdiction shall mean the geographic area within the territorial limits of the City of Central City and two mile beyond such territorial limits.

The city police chief and any other city police officer who is within this state but beyond the territorial limits of his/her primary jurisdiction, shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or otherwise perform the functions of his/her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his/her primary jurisdiction in the following cases:

1. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspect of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

2. The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

3. The city police chief or any other city police officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean (A) a law enforcement officer whose life is in danger or (B) a law enforcement officer who needs assistance in making an arrest and the suspect (i) will not be apprehended unless immediately arrested, (ii) may cause injury to himself/herself or others or damage to property unless immediately arrested, or (iii) may destroy or conceal evidence of the commission of a crime; and

4. If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Section 13-1802 RS Neb.

SECTION 1-604: DISCHARGE OR DISCIPLINE OF POLICE MEMBERS

Any police officer or the city police chief may be disciplined or immediately discharged from duty for gross misconduct, neglect of duty or disobedience of lawful orders of the mayor or the City Council as a whole.

SECTION 1-605: APPEAL PROCEDURE FOR DISCHARGED OR DISCIPLINED POLICE OFFICERS

In the event of discharge for any of the causes set forth in Section 1-604, the police officer or city police chief shall have the right to appeal his/her discharge or disciplinary action to the City Council. Such appeal shall be made within 30 days of his/her discharge or disciplinary action by filing a written application for a hearing

before the Council. Such written application shall be made to the city clerk, and if such application is made the clerk shall immediately notify the mayor of the receipt of such application. Upon notice of the filing of such application, the mayor shall call a special meeting of the City Council, within 20 days of receipt of the written application, to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

ARTICLE VII - PLANNING COMMISSION

SECTION 1-701: PLANNING COMMISSION; MEMBERS

The City Council shall appoint the Planning Commission, which shall consist of nine members who shall be residents of the City. The members of the commission shall serve a three year term of office unless reappointed.

SECTION 1-702: COMPENSATION OF MEMBERS

All members of the City Planning Commission shall serve as such 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.

SECTION 1-703: MEMBERS; ORGANIZATION

No member of the City Council, or any other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office. No member of the Planning Commission shall serve in the capacity of both the chairman and secretary of the Commission.

At the time of the Commission's first meeting in June of each year, the Commission shall organize by selecting from its membership a chairman and a 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. The Planning Commission shall be funded by the City Council from time to time out of the General Fund. A majority of the Commission shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three members of the Commission.

The term of the chairman shall be one year, and he/she shall be eligible for re-election. The planning commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record.

SECTION 1-704: FUNDS AND GIFTS

The City Council may provide the funds, equipment and accommodations necessary for the work of the commission, but the expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council of Trustees and no expenditures, nor agreements for expenditures, shall be valid or legal in excess of such amount. Provided, however, that such commission shall have the

authority and the power to accept and receive donations of cash or property, gifts, bequests and grants and, with the approval of the City Council, may use such non-appropriated assets as the commission shall deem beneficial and advantageous to the City.

SECTION 1-705: PLANS FOR PHYSICAL DEVELOPMENT

It shall be the function and duty of the commission to make and adopt plans for the physical development of the City, including any areas outside of its boundaries but within its statute authority which, in the commission's judgment, bear relation to the planning of the City. All actions by the Commission shall be subject to the review and supervision of the City Council. Recommendations from the Commission shall be received by the City Council within 30 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 City Council may, from time to time, designate.

ARTICLE VIII - BOARD OF HEALTH

SECTION 1-801: MEMBERS

A Board of Health is hereby created, which shall consist of four members: the mayor, who shall serve a chairman; the city police chief who shall be secretary and quarantine officer; a city physician who shall serve as the medical advisor; and the president of the City Council. The members of the Board shall serve a one year term of office, unless reappointed or until their successors have been appointed, and shall reorganize at the first meeting in June of each year.

SECTION 1-802: POWERS AND DUTIES

A majority of the Board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the city and shall provide fines and punishments for the violations thereof. The Board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets and alleys, and vacant grounds and of private and public stock yards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the City relating to the matters of sanitation of the City. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the city clerk and be part of the public records of the City.

SECTION 1-803: STATE HEALTH RULES; INCORPORATED BY REFERENCE

Three copies of the Rules and Regulations relating to Public Health, published by the Department of Health of the State of Nebraska, as revised, adopted and promulgated in pamphlet form, are hereby incorporated by reference insofar as the same are applicable to cities, and they shall be incorporated herein, the same as though copied at full length in this article.

SECTION 1-804: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit, or permit the deposit or accumulation of any garbage, refuse of any kind or article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said city, and any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of

Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined not more than that amount permitted by Nebraska law, and the offensive matter removed by or at the expense of the defendant, and each 24 hour failure to comply with the orders of the Board shall constitute a separate and distinct offense.

SECTION 1-805. TATTOO/BODY PIERCING; LICENSE REQUIRED

It shall be unlawful for any person to engage in the business of operating a tattoo and/or a body piercing establishment without first obtaining a license to engage in such business in accordance with the provisions hereof.

SECTION 1-806. APPLICATION FEE

An application for a new or renewal license shall be filed with the Central City Clerk accompanied by a fee in the amount of one hundred dollars (\$100.00). Upon payment of the license fee, receipt of the application, and receipt of the certificate of inspection, the City Clerk shall issue a license, valid for one (1) year from the date of issuance, to the applicant, which he/she shall keep displayed in his/her place of business at all times. Any change of ownership of the business licensed shall require a new application and license, with payment of fees therefor.

SECTION 1-807. DEFINITIONS

For the purpose of this Article, the following words and phrases shall have the meanings ascribed to them by this section:

Certificate of Inspection: The term “certificate of inspection” shall mean written approval from the appropriate local, regional or state health inspection agency/service that said tattooing and/or body piercing establishment has been inspected and meets all of the terms of this Article relating to operation, maintenance, physical facilities, equipment and layout for operation of such business.

Body Piercing: The term “body piercing” shall mean the act of penetrating the skin, excluding the earlobes, to make generally permanent in nature, a hole, mark or scar.

Health Inspection Agency: The term “Health Inspection Agency” shall mean the local, regional or State Health Service Department/Agency, working on behalf of the City, which is responsible for health inspection services of a tattooing and/or Body Piercing establishment.

Operator: The term “operator” shall mean any individual, firm, company, corporation or association that owns or operates an establishment where tattooing and/or body piercing is performed and any individual who performs or practices the art of tattooing and/or body piercing on the person of another.

Tattoo: The term “tattoo” shall refer to any method of placing designs, letters, scrolls, figures, symbols or any other marks under the skin with ink or any other

substance resulting in the coloration of the skin by the aid of needles or any other instruments designed to puncture the skin.

SECTION 1-808. HEALTH AND SANITARY REQUIREMENTS

Each person who operates a tattooing and/or body piercing establishment shall comply with the following requirements:

(A) The room in which tattooing and/or body piercing is done shall have an area of not less than one hundred (100) square feet. The walls, floors and ceiling shall have an impervious, smooth and washable surface.

(B) A toilet shall be located in the establishment and shall be accessible at all times that the tattooing and/or body piercing establishment is open for business. A separate lavatory will be accessible to the operator to wash his/her hands prior to applying a tattoo or body piercing to a patron. The lavatory shall be supplied with hot and cold running water, soap and sanitary towels and shall be cleaned and sanitized at least daily.

(C) All tables and other equipment shall be constructed of easily cleanable material, shall be painted or finished in a light color, with a smooth washable finish, and shall be separated from waiting customers or observers by a panel at least four (4) feet high or by a door.

(D) The entire premises and all equipment shall be maintained in a clean, sanitary condition and in good repair.

(E) The operator shall wash his/her hands thoroughly with soap and water before starting to tattoo and/or body pierce; the hands shall be dried with individual, single-use towels. After washing his/her hands, the operator shall rinse his/her hands in seventy percent (70%) alcohol (Rubbing Alcohol) or in an antiseptic solution approved by the designated Health Inspection Agency. The operator will then don new surgical gloves, and shall wear them while in contact with the customer. Upon completion of his/her work on each customer, the operator shall dispose of the gloves by incineration or autoclave. The operator shall not perform service on more than one (1) person at a time; that is, he/she shall commence and complete or terminate services with a customer, prior to commencing work on another individual.

(F) No tattooing and/or body piercing shall be done on any skin surface that has rash, pimples, boils, infections or manifests any evidence of unhealthy conditions.

(G) No skin area shall be penetrated, abraded or treated with chemicals for the purpose of removing, camouflaging or altering any blemish, birthmark or scar. In the

event a tattoo is changed, a record must be made and be kept in the client's record.

(H) Only disposable razors with a new, single-service blade shall be used on each customer or patron and then shall be sterilized and disposed of as soon as possible by incineration.

(I) The area to be tattooed and/or pierced shall first be thoroughly washed for a period of two (2) minutes with warm water to which has been added an antiseptic liquid soap. A sterile single-use sponge shall be used to scrub the area. After shaving and before tattooing and/or piercing is begun, a solution of seventy percent (70%) alcohol shall be applied to the area with a single-use sponge used and applied with a sterile instrument. Sponges shall be disposed of by sterilization and incineration.

(J) Only sterile petroleum jelly in single-service disposable containers, if available, or collapsible metal or plastic tubes, or its equivalent as approved by the Health Inspection Agency, shall be used on the area to be tattooed and/or pierced and it shall be applied with sterile gauze which shall then be discarded and disposed of by incineration or autoclave. Petroleum jelly or an approved alternate substance shall not be applied directly with the fingers.

(K) The use of styptic pencils, alum blocks or other solid styptic to check the flow of blood is prohibited.

(L) Inquiry shall be made of each customer, and anyone giving a history of jaundice, hepatitis, lymphadenopathy or lymphadenitis (swelling of lymph nodes) aids (HIV+) positive, or a history of blood donation exclusion (for other than hypertension and immediate illness) may not be tattooed and/or body pierced. Inquiry shall be recorded on an appropriate form which shall be executed by the customer and operator, and retained by the licensee for a period of not less than three (3) years.

(M) Single-service individual containers of dye or ink shall be used for each patron, and the container therefor shall be discarded immediately after completing work on a patron and any dye in which the needles were dipped shall not be used on another person. Excess dye or ink shall be removed from the skin with an individual sterile sponge or a disposable paper tissue which shall be used only on one (1) person and then immediately discarded and disposed of with other hazardous medical waste/ After completing work on any person, the tattooed and/or pierced area shall be washed with sterile gauze saturated with an antiseptic soap solution approved by the Health Inspection Agency, or a seventy percent (70%) alcohol solution. The tattooed and/or pierced area shall be allowed to dry and sterile petroleum jelly from a single-service disposable container, if available, or from collapsible metal or plastic tubes, shall be applied, using sterile gauze. A sterile gauze dressing shall then be fastened to the tattooed area with adhesive and/or the pierced area as needed.

(N) All tattoo and/or body piercing work shall be performed with a single-service sterile needle, which shall be disposed of immediately after use on one (1) customer by sterilization and incineration. The operator shall not remove tattoos, nor shall they be done over the site of obviously recent hypodermic injections. A single-service tube should be used in conjunction with a new needle. After use the tube shall be sterilized.

(O) Operator is responsible for issuing after-care instructions for each body piercing.

(P) No animals may be kept or allowed in the place of business at any time.

(Q) Private residences or dwelling units are prohibited in the place of business unless the tattooing and/or body piercing operation is conducted in a separate and distinct location from the normal living quarters of a residential dwelling.

SECTION 1-809. STORING OF INSTRUMENTS

All clean and ready-to-use needles and instruments shall be kept in a closed glass or metal case or storage cabinet while not in use. Such cabinet shall be maintained in a sanitary manner at all times.

SECTION 1-810. STERILIZING OF INSTRUMENTS

A steam sterilizer (autoclave) shall be provided for sterilizing all needles and similar instruments before use on any customer, person or patron. (Alternate sterilizing procedures may only be used when specifically approved by the Health Inspection Agency.) Sterilization of equipment will be accomplished by exposure to live steam for at least sixty (60) minutes at a minimum pressure of fifteen (15) pounds per square inch, temperature of two hundred fifty degrees Fahrenheit (250°) or one hundred twenty-one degrees Celsius (121°).

Preparation of Instruments for Sterilization. After each tattoo job, the tattoo machine shall be placed in an ultrasonic type machine to remove the excess dye from the tubes and needle bars. When this process is completed the tubes and needle bars shall be removed from the tattoo machines. They shall then be placed into a covered container for sterilization by autoclaving.

Sterilizing of Instruments. Steam sterilizers, approved by the Health Inspection Agency, shall be provided for each establishment. All needle bars, grips, tubes and instruments which pierce the skin, directly and in piercing the skin or come in contact with instruments which pierce the skin shall be sterilized before using on each customer by autoclaving under fifteen (15) pounds pressure for fifteen (15) minutes. The temperature maintained in autoclaving shall not be less than two hundred fifty degrees Fahrenheit (250°) or one hundred twenty-one degrees Celsius (121°).

Storing of Instruments. All tubes, grips and needle bars shall be left in the wrappers used during the autoclaving process. These wrapped articles shall be stored in a closed glass case or storage cabinet and shall be maintained in a sanitary manner at all times. The wrappers shall not be removed from the tubes, grips or needle bars until a tattoo and/or body piercing job is begun.

SECTION 1-811. USE OF INSTRUMENTS

The needles and instruments required to be sterilized shall be so used, handled and temporarily placed during tattooing and/or body piercing so that they will not be contaminated. Each operator should have a minimum of eight (8) sets of tubes. (A set consist of 1 outliner, 1 shade).

SECTION 1-812. INCINERATION OF WASTES

All used items and equipment must be autoclaved at fifteen (15) PSI and two hundred fifty degrees Fahrenheit (250°) for fifteen (15) minutes and then discarded in double-lined plastic bags in clean closable receptacle, and shall be incinerated as soon as possible after use.

SECTION 1-813. RECORDS

(A) Permanent records for each patron or customer shall be maintained by the licensee or operator of the establishment. Before the tattooing and/or body piercing operation begins, the patron or customer shall be required personally to enter, on a record form provided for such establishments, the date, his/her name, address, age, driver's license number or other acceptable photo identification, the responses to the inquiries set forth in §25-14(L), and his/her signature. A copy of the driver's license or photo identification shall be attached to and retained with the permanent record.

(B) Daily logs must be kept detailing sterilization of instruments.

(C) All such records required to be retained shall be kept by the operator or licensee for a period of not less than five (5) years. In the event of a change of ownership or closing the business, all such records shall be made available to the Health Inspection Agency or law enforcement officer of the City upon request.

SECTION 1-814. INFECTIONS

No person, customer or patron having any skin infection or other disease of the skin or any communicable disease shall be tattooed and/or body pierced. All infections resulting from the practice of tattooing and/or body piercing which become known to the operator shall promptly be reported to the Health Inspection Agency by the person owning or operating the tattooing and/or body piercing establishment, and

the infected client shall be referred to a physician.

SECTIONS 1-815. PIGMENTS AND DYES

All pigments, dyes, colors, etc. used in tattooing shall be sterile and free from bacteria, virus particles and noxious agents and substances, and the pigments, dyes and colors used from stock solutions for each customer or patron shall be placed in a single-service receptacle and such receptacle and remaining solution shall be discarded and disposed of after use on each customer or patron.

SECTION 1-816. BANDAGES AND SURGICAL DRESSING

All bandages and surgical dressings used in connection with the tattooing and/or body piercing of a person shall be sterile.

SECTION 1-817. CERTIFICATE OF INSPECTION

An applicant for license to operate a tattooing and/or body piercing establishment shall first obtain a certificate of inspection from the Health Inspection Agency, indicated the establishment has been inspected and is in compliance with the provisions of the Article.

SECTION 1-818. INSPECTIONS

The Health Inspection Agency shall conduct periodic inspections of any tattooing and/or body piercing establishment for the purpose of determining whether or not said establishment and the persons performing the art of tattooing and/or body piercing thereon are in compliance with all applicable health provisions contained within this Article and other pertinent ordinances at least once each calendar year. It shall be unlawful for any person or operator of a tattooing and/or body piercing establishment willfully to prevent or restrain the Health Inspection Agency from entering any licensed establishment where tattooing and/or body piercing is being performed for the purpose of inspecting said premises, after proper identification is presented to the operator.

SECTION 1-819. TATTOOING AND/OR BODY PIERCING OF MINORS

No person in the City shall tattoo and/or body pierce any unmarried minor under the age of eighteen (18) years unless the parent, guardian or other person having charge and custody of said minor shall first have given his/her written consent to such tattooing and/or body piercing of such minor. The identity of the consenting party shall be verified by drivers license number or other acceptable photo identification. The written consent must be signed at the tattooing and/or body piercing establishment by the parent, guardian or other person having charge and custody of said minor. A copy of the driver's license or pot identification shall be

attached to and retained with the written consent. The burden for ensuring compliance with this section shall be on the operator.

SECTION 1-820. HOURS OF OPERATION

Operators of tattoo and/or body piercing businesses shall not commence new tattoo and/or body piercing work after the hour of eleven o'clock (11:00) P.M.

SECTION 1-821. PENALTY

In addition to the revocation and suspension of any license, any person violating any provisions of the Article shall be punished in accordance with the penalties set forth in §1-7 of the Code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

ARTICLE IX - CITY TREE BOARD

SECTION 1-901: MEMBERS

The Tree Board for the City shall consist of five members, citizens and residents of this City, who shall be appointed by the mayor with the approval of the City Council.

SECTION 1-902: 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 City.

"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 City, or to which the public has free access as a park.

"Public community forest" is defined as all street and park trees, and other trees owned by the City as a total resource.

"Private community forest" is defined as all trees within city boundaries but not owned by the City.

"Community forest manager" is defined as the official representative of the Tree Board and as such is responsible for administration of the community forestry program.

SECTION 1-903: TERM OF OFFICE

The term of the five persons to be appointed by the mayor shall be three years, except that the term of two of the members appointed to the first board shall be for only one year and the term of two members of the first board shall be for two years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for a new three year term.

SECTION 1-904: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-905: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually 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 presented annually to the City Council and, upon their acceptance and approval, shall constitute the official comprehensive City Tree Plan for the City. The Tree Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-906: OPERATION

The Tree 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.

SECTION 1-907: STREET TREE SPECIES TO BE PLANTED

The City 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.

SECTION 1-908: SPACING

Street trees may be planted in the tree lawn where there is more than 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 trees shall be planted closer than 10 feet from any fire hydrant. Special permission must be obtained from the tree board when planting street trees within 10 feet of any point on a line on the ground immediately below any overhead utility wire.

SECTION 1-909: PUBLIC TREE CARE

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, 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. 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. The abutting property owners shall have the right to perform normal tree care on all street trees.

SECTION 1-910: PERMITS REQUIRED

No person shall plant a street tree without first obtaining a permit from the Tree Board. There will be no fee for such permit.

SECTION 1-911: 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 Tree Board 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 of 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.

SECTION 1-912: 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 is defined as the severe cutting back of limbs 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 City Tree Board. The topping of private trees by persons or firms engaged in the business will not be recommended by the City.

SECTION 1-913: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the City shall prune the branches, so that such branches shall 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 eight feet above the surface of the sidewalk and a clearance of 12 feet 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.

SECTION 1-914: DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

All trees that are in a diseased, dying or dead condition are declared to be a public nuisance and shall be removed by the property owner from the private property on which they are located. For the purpose of carrying out the provisions of this section,

the City Tree Board shall have the authority to enter on private property to inspect the trees thereon. In the event that the trees are diseased or dead, notice shall be given to the owner of the property by mail or personal service, and such notice shall allow the said owner 60 days to remove the said tree or trees. 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 is known. The person charged with the removal may enter into an agreement with the City that such work be accomplished by the City, 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 City Tree Board may enter upon the property and proceed to direct the removal of the trees and the cost thereof shall be chargeable to the property owner. If the owner fails to reimburse the City after being properly billed, the costs shall be assessed against the property and certified by the city clerk to the county treasurer to be collected in the manner prescribed by law. In the event the property owner is a non-resident of the county in which the property lies, the City 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. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

SECTION 1-915: 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 1-916: INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest or to prevent, delay or interfere with access to private property by the City in the legal performance of any section of this article.

SECTION 1-917: ARBORIST'S LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing trees within the City without first applying for and procuring a license; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage, indemnifying the

City or any person injured or damaged resulting from the pursuit of such endeavors as herein described. There shall be no license fee required for an arborist's license.

SECTION 1-918: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the Council, who may hear the matter and make a final decision.

ARTICLE X - LIBRARY

SECTION 1-1001: OPERATION AND FUNDING

The City owns and manages the library through the Library Board. 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 actual valuation of all real estate and personal property within the City 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 city treasurer. The Board shall have the power and authority to appoint the librarian and to hire such other employees as they 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. All actions by the Board shall be under the supervision and control of the City Council.

SECTION 1-1002: 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.

SECTION 1-1003: RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the 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.

SECTION 1-1004: DAMAGED AND LOST MATERIALS

Any person who injures or fails to return any materials taken from the library shall forfeit and pay to the library not less than the value of the item in addition to any replacement costs and penalty which the library board may assess.

SECTION 1-1005: ITEM REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the library board to take an item from the library, without the consent of the librarian or

an authorized employee of the library. Any person removing an item from the library without properly checking it out shall be deemed to be guilty of a misdemeanor.

SECTION 1-1006: LIBRARY USAGE

The library shall be free for the use of the inhabitants of Merrick County. 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. The Library Board shall have the power and authority to set fines for overdue books and to set such rules and regulations necessary to enforce the payment of such fines.

SECTION 1-1007: MONEY COLLECTED

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.

SECTION 1-1008: LIBRARY BOARD; APPOINTMENT, TENURE OF OFFICE

At the first regular or special meeting in September of each even-numbered year, the mayor, by and with the consent of the Council or a majority of the same, shall appoint five persons to be chosen from the citizens at large for the managing of such public library for a term of two years. Members of the Library Board shall be limited to three two-year terms. Provided, however, if the mayor shall fail or neglect to appoint such member as above provided, the Council shall appoint such member by a majority vote of its members. Neither the mayor nor any member of the City Council shall be a member of such Library Board. No director shall receive any pay or compensation for his/her services as a member of such board. In cases of vacancies by resignation, removal or otherwise, the mayor and Council shall fill such vacancy for the unexpired term. The Library Board shall consist of five members. In receipt of County Funding, one member of the Library Board may reside outside city limits to provide representation of Merrick County. The Library Board shall have the power, with the approval of the mayor and Council, to prepare and adopt such rules and regulations for the efficient management of said library as they deem expedient.

SECTION 1-1009: LIBRARY BOARD: OFFICERS; QUORUM; PROCEDURE; DUTIES

The members shall, at their first meeting of October of each year, organize by electing from their number a chairman and a secretary. Three of such board shall constitute a quorum; provided, however, any motion, resolution or order passed by said board, in order to be valid, shall require the vote or assent of three members of said board. They shall have the power to adopt such by-laws, rules and regulations for their guidance and for the government of the library as they deem expedient,

subject to the supervision and control of the mayor and Council and not inconsistent with this ordinance. They shall have exclusive control of the expenditure of all the money collected or donated to the credit of the Library Fund, and the exclusive control of all library property and of the renting or 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.

SECTION 1-1010: LIBRARIAN, ASSISTANTS; BY-LAWS

The Library Board shall have power to appoint a suitable librarian and assistants, to fix their compensation and remove their appointees at pleasure and shall have power to establish such regulation for the government of such library as may be deemed necessary for its preservation, and to maintain its usefulness and efficiency they shall fix and impose by general rules, penalties and forfeitures for trespass or injury upon or to the library building, grounds, rooms, books or other property or for the failure to return any book or for the violation of any by-laws or regulations, and shall have and exercise such power as may be necessary to carry out the spirit and intent of this ordinance in establishing and maintaining a public library.

SECTION 1-1011: LIBRARY REPORTS

The Library Board shall, in October of each year, make a report to the mayor and council of the condition of their trust on the first day of October of each year, showing all monies received and expended, number of books or periodicals purchased or acquired by gift during the year, the number lost or missing, the number of visitors attending, the number and characters of books loaned or issued, with such statistics, information and suggestions as may be deemed of general interest or as the City Council may require, which report shall be verified by affidavit of the proper officers of said board. The Library Board shall make such other reports from time to time as the mayor and Council shall request or order.

SECTION 1-1012: DESTRUCTION OF LIBRARY PROPERTY; VIOLATION, PENALTY

Any person who shall willfully and maliciously write upon, injure, deface, tear or destroy any book, newspaper, plats, engraving or any property or thing of value belonging to the public library shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than the cost of replacement of such publication and the cost of prosecution.

ARTICLE XI - COMMUNITY REDEVELOPMENT AUTHORITY

SECTION 1-1101: OFFICERS

Five persons, all of whom shall be residents of the City, shall constitute the Authority. The five members shall be selected by the mayor and approved by the City Council. At least one member of the Authority shall be a duly elected member of the City Council. In the event that such member's term as city council member expires, the mayor shall appoint a current member of the City Council to fill such vacancy. The mayor shall designate the term of office for each member, as provided in Neb. Rev. Stat. Sections 18-2102-01. The Authority shall select one of its members as chairman and one as vice chairman. A total of four members of the Authority shall constitute a quorum for the transaction of business. The Authority shall adopt rules for the transaction of its business, and shall keep a records of its resolutions, transactions, findings and determinations, which records shall be made available for public inspection during regular business hours.

SECTION 1-1102: DIRECTOR

The Authority shall select a person to serve as the Director and ex officio secretary of the Community Redevelopment Authority, and that person shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in Neb. Rev. Stat. Sections 18-2102-01 et.seq.

SECTION 1-1103: FUNDS

All income, revenue, profits and other funds received by the Authority shall be deposited with the city treasurer as ex officio treasurer of such Authority without commingling such money with any other money under his/her control and disbursed by him/her by check or draft only upon warrants, orders or requisitions by the chairman of the Authority or other person authorized by the Authority, which shall state distinctly the purpose for which the same are drawn; and a permanent record shall be kept by the Authority of any such activity.

ARTICLE XII - ECONOMIC DEVELOPMENT PROGRAM

SECTION 1-1201: ADOPTION OF PROGRAM; FUNDING

The Economic Development Program as defined by the City Council on March 18, 1997, and approved by the electors of the City at the special election held on May 20, 1997, pursuant to the provisions of the Local Option Municipal Economic Development Act is hereby adopted. The Economic Development Program is published in pamphlet form and incorporated herein by reference as though printed in full. At least one copy of the economic development plan shall be kept on file with the city clerk and made available for inspection by any member of the public during office hours.

The City shall provide funding for the economic development program equal to 1/2 the city sales tax collected by the City not to exceed \$90,000.00 annually. Funding for the economic development program as, from time to time amended, shall remain in effect for a ten year period ending September 30, 2007. The program shall remain in effect for a period of 20 years.

SECTION 1-1202: CITIZENS ADVISORY REVIEW COMMITTEE

There is hereby created a Citizens Advisory Review Committee consisting of ten registered voters of the City to review the functions and progress of the economic development program and to advise the City Council with regard to the program. The Citizens Advisory Committee shall establish a regular meeting schedule but shall meet no less frequently than semi-annually. The Committee shall at least once in every six month period report to the City Council on its findings and suggestions at a public hearing called for the purpose. The City Economic Development Director shall serve as an ex officio member of the committee with responsibility for assisting the committee and providing it with necessary information and advise on the economic development program.

ARTICLE XIII - BOARD OF ADJUSTMENT

SECTION 1-1301: MEMBERS

The City Council shall appoint members to the zoning Board of Adjustment pursuant to Nebraska law.

SECTION 1-1302: ORGANIZATION

The Board shall organize at its first meeting in November of each year and elect from its membership a chairman and vice-chair. It shall be the duty of the secretary to keep complete and accurate minutes of all Board meetings and to file the same at the office of the city clerk for examination at any reasonable time by the public.

SECTION 1-1303: FUNDING; MEETINGS; DUTIES

The Board of Adjustment shall be funded from time to time out of the General Fund by the City Council. Meetings of the Board shall be held at such times as the City Council may designate, or at such other times as the chairman may in his 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. It shall be the duty of the Board to hear and decide appeals where it is alleged that there is error in any order, requirement, decision or determination made by a city official based on any zoning ordinance of the City; to hear and decide in accordance with the provisions of any zoning ordinance, requests for interpretation of any map or decision relating to zoning regulations; and authorize a variance from the strict application of any zoning ordinance if it is found that a specific piece of property, due to exceptional specifications existing at the time of passage of the said ordinance would result in exceptional difficulties and undue hardship; provided that no variance shall be granted if the undue hardship appears to affect the property in the district generally, or if the situation of the property concerned appears to be so general or recurring in nature as to make reasonably practicable, the formulation of a general regulation to be adopted by the City Council as an ordinance. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision or determination made by a city official on any matter which was governed by any city zoning ordinance.

ARTICLE XIV - MUNICIPAL CEMETERY

SECTION 1-1401: OPERATION AND FUNDING

The City owns and manages the Municipal Cemetery. The mayor and City Council for the purpose of defraying the cost of the care, management, maintenance and beautification of the cemetery 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 be known as the Cemetery Fund and shall 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. The Cemetery Fund shall at all times be in the custody of the city treasurer. The mayor and City Council shall hire and supervise such employees as they may deem necessary and pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation.

SECTION 1-1402: CEMETERY SUPERINTENDENT

The mayor and City Council shall have the authority to appoint a cemetery superintendent who shall perform such duties and make such reports as the mayor and City Council shall direct. It shall be the duty of the cemetery superintendent to coordinate all funeral activities at the cemetery.

SECTION 1-1403: CEMETERY SUPERINTENDENT'S DUTIES AND RESPONSIBILITIES

All fees and money received by the cemetery superintendent must be strictly accounted for and turned over to the City by the first day of each month, together with an itemized statement thereof. The cemetery superintendent shall perform no work, outside of his/her regular duties, for any person, unless authorized by the mayor, city administrator or City Council. Parties desiring work done on lots in the cemetery by the cemetery superintendent, other than hereinafter mentioned, may have the same done and the work shall be done by the cemetery superintendent, and he/she shall receive a reasonable compensation for such work, giving a receipt therefor. All work of this class shall be paid for in advance.

The cemetery superintendent shall make record following each burial, not only the location of the lot, but the location of the grave on each individual lot. In addition, he/she shall so locate the grave on his/her own cemetery chart and keep a property record of the same. It is hereby made the duty of the cemetery superintendent to establish all boundary markers and keep and maintain all landmarks and corner stones already established and to be established in the cemetery.

The cemetery superintendent, with the consent of the City Administrator, shall have the right to remove from any lot or avenue any trees or shrubs that may be detrimental to any adjacent lot or avenue, or which in his/her judgment may mar the general good appearance of the grounds.

No grave or tomb shall be dug or opened for disinterment by any persons other than the cemetery superintendent or an employee of the City under the supervision of the cemetery superintendent and in full compliance with the rules and regulations adopted by the State of Nebraska. The mayor and City Council shall establish such fees and charges from time to time as they deem necessary.

The said cemetery superintendent shall keep a map in his/her possession for public use, showing the vacant and unsold lots in the cemetery together with their prices, and shall at all times give full information to parties desiring to purchase lots. The placing of all monuments, where permitted, shall be done only under the direct supervision of the cemetery superintendent and in conformity with the rules of the cemetery.

The cemetery superintendent shall have full supervision of the cemetery and, in addition to duties aforementioned, shall maintain all roads, boulevards and avenues, keep all lots and other cemetery property free from weeds and rubbish, keep mowed all lots and grass avenues, trim all trees and shrubbery, and as far as possible care for all flowers, etc., on individual lots. He/she shall also care for all personal property of the cemetery and not permit any personal property to leave the cemetery. The cemetery superintendent shall assist the undertaker in directing and attending all interments, unless relieved by one of his/her assistants.

SECTION 1-1404: LOTS

The price of lots shall be adopted by the City Council, subject to revision as the City Council may see fit from time to time. A price list of lots shall be kept both by the cemetery superintendent and the city treasurer. All lots and opening of graves shall be paid for in advance to either the cemetery superintendent or treasurer. The City Council reserves the right to refuse the sale of any lot or lots where in their opinion the same is being purchased for speculative purposes. Provisions shall be made for the sale to the County of such lots as may be needed for the burial of destitute persons. Such persons shall be buried without further charge other than the usual fee for opening graves, to be paid by the County.

SECTION 1-1405: CONVEYANCE OF LOTS

The City may convey cemetery lots by certificate signed by the mayor and countersigned by the city clerk and under the city 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 certificate shall give a right in fee simple to the proprietor, his/her heirs and assigns. The certificate shall then be recorded in the office of the county clerk.

SECTION 1-1406: Not Used

SECTION 1-1407: DESTRUCTION OF PROPERTY

Any person who shall willfully destroy, mutilate, deface, injure or remove any tomb, monument or gravestone placed in the cemetery, or any fence, railing or other work for the protection or ornamentation of the cemetery, or who shall willfully destroy, cut, break or injure any tree, shrub or plant, or vandalize anything in the cemetery, shall be deemed to be guilty of a misdemeanor for each item vandalized, destroyed, injured or removed.

SECTION 1-1408: GENERAL REGULATIONS

1. No shrubbery, trees or plants will be permitted to be planted unless approved by the cemetery superintendent.
2. No mounds, buttresses, terracing, fencing or curbing will be permitted anywhere in the cemetery.
3. The erection of all monuments, headstones or markers may only be done during regular business hours (8 am to 5 pm, Monday thru Friday) and shall be under the direct supervision of the cemetery superintendent and in compliance with the rules of the cemetery. The cemetery superintendent shall be notified at least 24 hours prior to the erection of all monuments. The superintendent must be notified after the wet cement is poured for his inspection and approval. All monuments shall have a cement base built up flush with the ground.

The erection of all monuments, headstones or markers shall be under the direct supervision of the cemetery superintendent and in compliance with the rules of the cemetery. All monuments shall have a cement base built up flush with the ground. Temporary markers may only be placed in the ground for a period of no longer than one year. All monuments should face the West for uniformity and general appearance. Any variation from this must first be approved by the Cemetery Superintendent.

4. No gravel, brick, stone, cement or any kind of artificial walks, or any boxes, chairs or settees of wood, iron or cement, will be permitted on lots, except on approval by the Cemetery Superintendent.

5. Underground vaults may be built under the supervision of the cemetery superintendent, but if allowed to come to the surface must be covered with natural stone, in which case they shall have a six inch cement apron built entirely around the natural stone cover and level with the ground.

6. The footings for all monuments shall be built in the following manner and under the supervision of the cemetery superintendent:

Any pre-cast concrete foundation used must have a wet cement footing poured underneath it. If marker or monument is over 200 pounds, the footing shall be at a depth to ensure the marker or monument will not tilt or lean when ground settles. The monument company will be responsible for determining the depth of these footings. It shall be the responsibility of the monument company and/or the family of the deceased to straighten the marker or monument should it start leaning or tilting. If in the judgment of the cemetery superintendent, the marker or monument becomes hazardous, dangerous or mars the appearance of the cemetery, the family of the deceased and/or the monument company will be notified. If 30 days after notification to the family and/or the monument company the problem has not been corrected, the cemetery superintendent shall remove the marker or monument. No footing will be required for flat military markers; however, they will be required to have a base under the marker no less than four inches in depth and have an apron of six inches in width around the marker. It shall be securely fastened to the marker, and must be flat with the surface of the ground.

The erection of all monuments, headstones or markers shall be under the direct supervision of the cemetery superintendent and in compliance with the rules of the cemetery. All monuments shall have a cement base built up flush with the ground. Temporary markers may only be placed in the ground for a period of no longer than one year. All monuments shall face the west for uniformity and general appearance.

7. Stone bases for monuments are permitted but no monument or head markers will be allowed to be erected on sockets, and no curbing will be allowed around graves. Only two monuments/markers may be placed on each grave, only one of which may be above the ground, and this must be placed at the head of the grave space. An additional marker may be placed at the foot of the grave space, but must be placed flat and level with the ground. These requirements become effective on 1 January 2000. An above the ground foot marker may only be added if matching and existing family marker(s) that is located on the same lot.

8. No hunting or shooting will be permitted or allowed on the grounds, except that the cemetery superintendent may discharge a firearm in the execution of his/his duties.

9. No persons shall be permitted to pick any flowers of any kind or to break any twigs of trees, shrubbery or plants, or to remove any plants from any grave or lot, except the owner of said lot allows the same, under penalty of the law.
10. Persons engaged in the erection of monuments or other structures are prohibited from attaching any ropes to trees or shrubbery and from scattering any material over adjacent lots, or leaving the same on the ground longer than it is necessary to complete the work.
11. Owners of lots are prohibited from leaving any rubbish in the streets or alleys adjoining the lots.
12. Heavily laden vehicles will not be allowed to enter the grounds in wet weather, except under direction of the cemetery superintendent.
13. All vehicles shall follow the established roads, boulevards or avenues, and in no case will be permitted to cross lots or burial places.
14. No transfer of lots by sale or otherwise, by a lot or space owner, will be recognized where made without the notification of the cemetery superintendent.
15. The City will not act as an agent for any individual or organization to sell cemetery plots previously purchased from the City by an individual or organization. The City will not buy back any cemetery plots.
16. Spaces, lots and/or plots may be sold in any quantity. However, all single spaces sold will be in locations determined by the cemetery superintendent, so as to provide adequate areas available for those who want multiple sites.
17. Persons who have purchased or had cemetery property transferred to them shall have the same recorded and kept on file at the county clerk's office and the cemetery office.
18. No monuments will be erected in the cemetery until the ground has fully settled in the spring and is in proper condition.
19. Mortuaries shall arrange the time of funerals so as to comply with the duties of the cemetery superintendent. Established hours will be Monday through Friday from 8:00 A.M. to 5:00 P.M. Funeral services may be held on Saturdays during the same time period. There will be no funeral services or disinterments on Sundays or holidays observed by the city. Also, no funerals will be held before 2:00 P.M. on Monday, unless the cemetery superintendent is notified no later than 12:00 noon of the preceding Friday.

20. When funeral ceremonies are concluded, mortuary directors shall see that sufficient help is provided for interment of the casket.

21. No fires of any description shall be permitted within the boundaries of the cemetery, except that the cemetery superintendent may burn leaves, limbs and other such rubbish in the execution of his/her duties.

22. Gates of the cemetery will be open from 8:00 A.M. to 5:00 P.M. and at the discretion of the cemetery superintendent. The gates may be locked at the discretion of the cemetery superintendent. When the gates are locked, no person may enter the cemetery except by permission of the cemetery superintendent. Cemetery patrons may not be in the cemetery after daylight hours.

23. Between the dates of 1 April and 31 October of each year, flowers may only be placed in permanent vases or cradles, except for on the following holiday: Mother's Day, Father's Day, Easter and Memorial Day, when flowers may be placed in any, non-glass container, on or near any marker of monument. On these holidays, decorations may be on the graves for a period not to exceed seven consecutive days. On the eighth day, all decorations not in permanent vases or cradles will be removed by the cemetery superintendent. Between the dates of 1 November and 31 March of each year, flowers, wreaths, etc., may be placed in any non-glass container and securely anchored on or near any marker or monument.

24. All special markers/flag holders denoting service in the military, volunteer fire department, clergy, etc. must be mounted in the base and as close to the upright or monument as possible.

25. All burials, other than cremations, shall be in a sealed cement vault. No cement box or other type of containers that do not seal may be used, with the exception of county burials.

26. Permanent vases may only be placed between markers or monuments or on top of the markers or monuments. Vases will not be permitted in front or behind a monument. No gravel, rocks, stone or any other material that may be harmful to attendants may be used in vases.

27. No burial shall be permitted in any church yard or other place within the limits of this City. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance, and required to disinter and bury in an established cemetery.

28. All graves must be paid for in advance.

29. The space and walks between all graves remains the property of the city.

30. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined in any sum not exceeding that permitted by Nebraska law for violation of a municipal ordinance. Violation of item #27, this section, also requires disinterment and burial in an established cemetery.

ARTICLE XV - MUNICIPAL AIRPORT

SECTION 1-1501: DEFINITIONS

"Aircraft" shall mean any aeroplane, airplane, blimp, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation or flight in the air.

"Airport" means the Central City Municipal Airport.

"Based" means the keeping of an aircraft for commercial aeronautical activity at the airport.

"Commercial aeronautical activity" means the use of any aircraft for hire, aerial photography, rental of space for aircraft storage, for crop spraying or dusting, flight training activity, aircraft charter and taxi, air ambulance service, aircraft engine and accessory maintenance, including sale of parts for engines and airframes and sale of accessories, aircraft rental and sales, and aircraft storage, gasoline and lubricant sales.

"Inspector" shall mean the building official or agent who performs under any zoning or building ordinances of the City.

"Landing area" shall mean the area of airport used for the landing, taking off and taxiing of aircraft.

"Permit" means a permit issued under the authority of the City to carry on any or all of the above commercial activities.

"Structure" means any objects constructed or installed by man, including but without limitation, buildings, towers, smoke stacks, overhead transmission lines and radio antennas.

SECTION 1-1502: GOVERNING BODY TO CONTROL

All of the regulations and controls as set forth in this chapter and permits issued hereunder shall be under the control of the City Council.

SECTION 1-1503: CONTROL, RULES AND REGULATIONS

The airport shall be under the control of the city administrator. The airport manager is hereby charged with the duty of maintaining and operating said airport, under the terms and provisions of resolutions adopted by the Council. The city administrator is hereby authorized to promulgate such rules, regulations and policies as may be deemed necessary by the city administrator or the airport manager for the proper

management, control and operation of said airport. Said rules and regulations as are adopted shall be in full force and effect upon the filing of copies of the same with the city clerk and shall be subject to the violation penalties of this article.

SECTION 1-1504: FEDERAL REGULATIONS TO PREVAIL

No aircraft shall be permitted to operate over the corporate limits of the City nor upon or from the airport, nor within any control zone thereof unless the operation thereof is done within strict compliance of all federal rules and regulations.

SECTION 1-1505: PARKING REGULATIONS

No vehicle or truck of any kind or type shall be allowed upon any area of the airport except in designated parking or unloading areas and as required for maintenance or snow removal, or as otherwise expressly authorized in writing by the city administrator or airport manager.

SECTION 1-1506: PERMIT, REQUIREMENT; APPLICATION FOR

No person shall hereafter operate or conduct any commercial aeronautical activity upon or from the airport for any commercial purpose or any purpose whatsoever for hire by such person without first obtaining a permit for such operation or activity from the City. No permit for any commercial aeronautical activity will be issued until the person seeking such permit shall have submitted to said city an application stating the applicant's name, address, complete description of the commercial activity and of the equipment to be used in connection therewith, and, if the applicant be a non-resident of the City, the person or persons he/she has designated to accept notice, services of process and summons on his/her behalf, which designation shall continue during the time any permit is in force. All permits and leases issued by the City shall be done so as to comply with minimum federal and state rules and regulations so far as the same shall apply.

SECTION 1-1507: PERMIT, ISSUANCE; TERM

The City shall, upon receipt of the fees in such sums as the Council shall determine, issue to the applicant a permit to conduct commercial aeronautical activity or activities. Said permit shall clearly state the aeronautical activities in which the holder may engage. Permit shall be issued for a period of one year and shall expire on December 31 of the year issued.

SECTION 1-1508: PERMIT, FEES

1. The following permits shall be required for operations based at or originating from the airport and shall be issued on an annual basis:

A. The fixed base operator permit shall be \$500.00 per year, plus the fees as set forth in Paragraphs B through E following;

B. Air taxi permit: \$150.00 per year to carry on regular air taxi operations;

C. Instructor's permit: \$150.00 per year to carry on pilot instruction;

D. Crop spraying permit: \$500.00 per year to carry on crop spraying operations;

E. Aircraft sales and repair permit: \$150.00 per year to repair and sell aircraft.

2. Any permit may be canceled by the Council for the violation of this article or for the violation of any pertinent provisions of this Code, State Department of Aeronautics or Federal Aviation Administration rules and regulations by the holder of said permit, his/her agents, employees or servants upon 15 days written notice to the permit holder.

SECTION 1-1509: HANGAR RENTAL

The City Council will establish the monthly rental charge for each hangar space. Such charge shall be paid to the City by each person who stores an airplane in any city-owned hangar. Such charges may be amended by resolution of the City Council. The rental shall be due and payable the first of each month to the City; no refund shall be made because of abandonment or cessation of use of space rented during the month.

SECTION 1-1510: STORAGE OF INFLAMMABLE MATERIALS

The storage of any gasoline or highly inflammable material in any hangar located on the airport is expressly prohibited. All paints, dopes, varnishes and solvents shall be stored and kept in accordance with appropriate fire and safety rules and regulations. No gasoline may be sold or dispensed on the city airfield except from the City's aboveground storage tanks through an approved stationary gasoline pump, except that trucks may be used to deliver gasoline to aircraft parked in designated parking or unloading areas.

SECTION 1-1511: RIGHT OF INSPECTION

The City, through its designated officials, reserves the right to enter and inspect any hangar or building located on the airport at the City's discretion and any and all leases shall have in their provisions an agreement permitting such entry and inspection.

SECTION 1-1512: BUILDING PERMIT REQUIRED FOR CONSTRUCTION

No construction, building, alteration and the like in any manner or form or any structure upon the airport shall be done or performed unless a building permit shall have been obtained therefor from the building official. The places where construction shall be allowed shall be as designated by the airport master plan. A permit must be obtained for the location of any facility such as, but not necessarily limited to, gasoline pumps, advertising signs and similar facilities from said building official in the same manner and form as building permits.

SECTION 1-1513: USE OF FUNDS

Proceeds from application and rental fees shall go into the Airport Fund.

ARTICLE XVI - HOUSING AUTHORITY BOARD

SECTION 1-1601: HOUSING AUTHORITY COMMISSIONERS

The Housing Authority of the City shall consist of five members who shall constitute the Housing Authority Board and such persons shall be called the commissioners. Each of such commissioners shall be appointed for a five year term or until his/her successor is duly appointed. Each commissioner's term shall be staggered so that not more than one commissioner's term shall expire in any one year. In the event of the resignation, removal from the City, or death of any commissioner, such commissioner's unexpired term shall be filled by the mayor with the consent of the City Council. Commissioners shall receive no compensation for their duties.

Three commissioners shall constitute a quorum of the Housing Authority for purposes 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 chairperson and vice-chairperson from among the commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary for the Authority. The Authority may also employ legal counsel or it may call upon the chief law officer of the City 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/her tenure, and for one year thereafter, no commissioner, officer or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project, or in any contract or proposed contract relating to any housing project. If any such commissioner, officer or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he/she shall immediately disclose his/her interest in writing to the Authority, and he/she shall not participate in any action by the Authority relating to the property or contract in which he/she has any 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/her. Unless within ten days from the receipt of such notice such commissioner files with the city clerk a request for a hearing before the City Council, the commissioner shall be deemed as

removed from office. If a request for a hearing is filed with the city clerk, the City Council shall hold a hearing at which the commissioner shall have the right to appear in person or by counsel, and the City Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his/her position. The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report to the City Council on all such information.

SECTION 1-1602: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska Statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended.

SECTION 1-1603: OPERATIONS AND MANAGEMENT

The Authority shall at all times observe the following duties with respect to rentals and tenant selection:

1. It may rent or lease dwelling accommodations therein only to persons of low income, elderly or handicapped persons of low income, and displaced persons in need.
2. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, religion, color, creed, national origin or ancestry.
3. The authority shall not accept any person as a tenant in any dwelling in the housing project if the applicant has an annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure safe, sanitary and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.
4. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.
5. The Authority shall fix income limits for occupancy and rents after taking into consideration (a) the family size, composition, age, physical handicaps, and other facts which might affect the rent-paying ability of the person; (b) the economic factors which affect the financial stability and solvency of the project.
6. The Authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as tenants

of the Authority for more than a period of six months unless such persons also qualify as persons of low income, elderly, or handicapped persons of low income.

7. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this article and the Authority may establish rules and regulations consistent with the purpose of this article concerning eligibility and occupancy of the housing project or such other shelter.

8. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal and employment history of any tenant or prospective tenant.

9. The Authority shall prohibit subletting by tenants.

SECTION 1-1604: RULES AND REGULATIONS

The Housing Authority may establish from time to time rules and regulations consistent with the purposes of this article concerning the priority of eligible applicants for occupancy. The Authority may give preferential treatment to applicants who are servicemen or veterans, relatives of servicemen or veterans, to disabled servicemen or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income; provided that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons; and provided further, no tenant in good standing then in occupancy and qualified for continued occupancy shall have his/her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Authority may establish.

SECTION 1-1605: REPORTS

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report at the second regular meeting in January of each year to the City Council.

ARTICLE XVII - FAIR HOUSING

SECTION 1-1701: PURPOSE

The purpose of this article is to promote the general welfare of the residents of Central City, Nebraska, by endorsing the provisions of the Nebraska Fair Housing Act, Sections 20-301 through 20-344, R.S. Neb., to the effect that there shall be no discrimination in the City in the acquisition, ownership, possession or enjoyment of housing in accordance with Article 1, Section 25, of the Constitution of the State of Nebraska.

SECTION 1-1702: DEFINITIONS

1. "Aggrieved person" shall include any person who: (a) claims to have been injured by a discriminatory housing project, or (b) believes that he or she will be injured by a discriminatory housing practice that is about to occur.
2. "Commission" shall mean the Nebraska Equal Opportunity Commission.
3. "Dwelling" shall mean any building, structure or portion thereof which is occupied as or designed or intended for occupancy as a residence for one or more families and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure or portion thereof.
4. "Familial status" shall mean one or more minors being domiciled with: (a) a parent or another person having legal custody of such individual; or (b) the designee of a parent or other person having legal custody, with written permission of the parent or other person.
5. "Handicap" shall mean, with respect to a person: (a) a physical or mental impairment, excluding the current illegal use of or addiction to a controlled substance as defined in Section 28-401 R.S. Neb., which substantially limits one or more of such person's major life activities, (b) a record of having such an impairment, or (c) being regarded as having such an impairment.
6. "Person" shall include one or more individuals, corporations, partnerships, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees, trustees in bankruptcy, receivers and fiduciaries.
7. "Rent" shall include lease, sublease, let and otherwise grant for consideration the right to occupy premises not owned by the occupant.

8. "Restrictive covenant" shall mean any specification limiting the transfer, rental or lease of any housing because of race, creed, religion, color, national origin, sex, handicap, familial status or ancestry.

SECTION 1-1703: UNLAWFUL ACTS

It shall be unlawful to:

1. Refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental of or otherwise make unavailable or deny, refuse to show, or refuse to receive and transmit an offer for a dwelling to any person because of race, color, religion, national origin, familial status or sex;
2. Discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection therewith because of race, color, religion, national origin, familial status or sex;
3. Make, print, publish or cause to be made, printed or published any notice, statement or advertisement with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, color, religion, national origin, handicap, familial status or sex or an intention to make any such preference, limitation or discrimination;
4. Represent to any person because of race, color, religion, national origin, handicap, familial status or sex that any dwelling is not available for inspection, sale or rental when such dwelling is in fact so available;
5. Cause to be made any written or oral inquiry or record concerning the race, color, religion, national origin, handicap, familial status or sex of a person seeking to purchase, rent or lease any housing;
6. Include in any transfer, sale, rental or lease of housing any restrictive covenants or honor or exercise or attempt to honor or exercise any restrictive covenant pertaining to housing;
7. Discharge or demote an employee or agent or discriminate in the compensation of such employee or agent because of such employee's compliance with this article or the Nebraska Fair Housing Act; and
8. Induce or attempt to induce, for profit, any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, religion, national origin, handicap, familial status or sex.

The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of a minor.

SECTION 1-1704: HANDICAPPED PERSON; DISCRIMINATORY PRACTICES
PROHIBITED; DESIGN AND CONSTRUCTION
STANDARDS

1. It shall be unlawful to:

A. Discriminate in the sale or rental of or otherwise make unavailable or deny a dwelling to any buyer or rent because of a handicap of:

1. The buyer or renter;
2. Any person associated with the buyer or renter; or
3. A person residing in or intending to reside in the dwelling after it is sold, rented or made available; or

B. Discriminate against any person in the terms, conditions or privileges of sale or rental of a dwelling or in the provision of services or facilities in connection with a dwelling because of a handicap of:

1. Such person;
2. Any person associated with such person; or
3. A person residing in or intending to reside in the dwelling after it is sold, rented or made available.

2. For purposes of this section, discrimination shall include:

A. A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications may be necessary to afford the person full enjoyment of the premises, except that in the case of rental, the landlord may, when it is reasonable to do so, condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted;

B. A refusal to make reasonable accommodations in rules, policies, practices or services when such accommodations may be necessary to afford the handicapped person equal opportunity to use or enjoy a dwelling; and

C. In connection with the design and construction of covered multi-family dwellings for first occupancy after September 1, 1991, a failure to design and construct the dwellings in such a manner that:

1. The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;

2. All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
3. All premises within the dwellings contain the following features of adaptive design:
 - a. An accessible route into and through the dwelling;
 - b. Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - c. Reinforcements in bathroom walls to allow later installation of grab bars; and
 - d. Kitchens and bathrooms such that a handicapped person in a wheelchair can maneuver about the space.
3. Compliance with the appropriate requirements of the American National Standards Institute standard for buildings and facilities providing accessibility and usability for physically handicapped people, ANSI A117.1, shall satisfy the requirements of subdivision (2) (C) (3) of this section.
4. For purposes of this section, covered multi-family dwellings shall mean:
 - A. Buildings consisting of four or more units if such buildings have one or more elevators; and
 - B. Ground floor units in other buildings consisting of four or more units.
5. Nothing in this section shall require that a dwelling be made available to an individual whose tenancy would constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

SECTION 1-1705: TRANSACTION RELATED TO RESIDENTIAL REAL ESTATE; DISCRIMINATORY PRACTICES PROHIBITED

1. It shall be unlawful for any person or other entity whose business includes engaging in transactions related to residential real estate to discriminate against any person in making available such a transaction because of race, color, religion, sex, handicap, familial status or national origin.
2. For purposes of this section, transaction related to residential real estate shall mean any of the following:
 - A. The making or purchasing of loans or providing other financial assistance:
 1. For purchasing, constructing, improving, repairing or maintaining a dwelling; or
 2. Secured by residential real estate; or

- B. The selling, brokering or appraising of residential real property.
3. Nothing in this section shall prohibit a person engaged in the business of furnishing appraisals or real property from taking into consideration factors other than race, color, religion, national origin, handicap, familial status or sex.

**SECTION 1-1706: MULTIPLE LISTING SERVICE; OTHER SERVICE;
DISCRIMINATORY PRACTICES PROHIBITED**

It shall be unlawful to deny any person access to or membership or participation in any multiple listing service, real estate brokers organization or other service, organization or facility relating to the business of selling or renting dwellings or to discriminate against any person in the terms or conditions of such access, membership or participation on account of race, color, religion, national origin, handicap, familial status or sex.

**SECTION 1-1707: RELIGIOUS ORGANIZATION, PRIVATE HOME; PRIVATE
CLUB, OR HOUSING FOR OLDER PERSONS;
RESTRICTING USE NOT PROHIBITED**

1. Nothing in this article shall prohibit a religious organization, association or society or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society from limiting the sale, rental or occupancy of a dwelling which it owns or operators for other than commercial purposes to persons of the same religion or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, national origin, handicap, familial status or sex.
2. Nothing in this article shall prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than commercial purposes, from limiting the rental or occupancy of such lodging to its members or from giving preference to its members.
3. Nothing in this article shall prohibit or limit the right of any person or his/her authorized representative to refuse to rent a room or rooms in his/her own home for any reason or for no reason or to change tenants in his/her own home as often as desired, except that this exception shall not apply to any person who makes available for rental or occupancy more than four sleeping rooms to a person or family within his/her own home.
4. Nothing in this article regarding familial status shall apply with respect to housing for older persons. For purposes of this subsection, housing for older persons shall mean housing:

A. Provided under any state program that the commission determines is specifically designed and operated to assist elderly persons or defined in the program;

B. Intended for and solely occupied by persons 62 years of age or older; or

C. Intended and operated for occupancy by at least one person 55 years of age or older per unit.

SECTION 1-1708: EXEMPTIONS

This article does not affect the sale or rental of single-family houses by a private individual if:

A. The person owns three or fewer houses.

B. A real estate broker is not used.

C. Discriminatory advertising is not used.

D. No more than one house in which the owner was not the most recent resident is sold during any two-year period.

E. Rooms or units in owner occupied multi-family dwellings for two to four families are rented, and discriminatory advertising is not used.

F. The sale, rental or occupancy of dwellings that a religious organization owns or operates for other than a commercial purpose is limited to persons of the same religion, if membership in that religion is not restricted on account of race, color or national origin.

G. The rental or occupancy of lodging that a private club owns or operates for other than a commercial purpose is limited to the club's members. This exemption does not allow discrimination if the reason is race.

SECTION 1-1709: INFORMATION

The city clerk, upon inquiry, shall make available to an aggrieved person or any other person information regarding the Nebraska Fair Housing Act and the Nebraska Equal Opportunity Commission without cost to such individual.

ARTICLE XVIII - ELECTIONS

SECTION 1-1801: GENERAL MUNICIPAL ELECTIONS

The city election shall be held in conjunction with the primary general election conducted by the Merrick county clerk. Such election shall be held pursuant to Nebraska election laws and the county clerk shall have charge of such election and shall have the authority to deputize the city clerk for municipal election purposes.

SECTION 1-1802: ELECTION OF COUNCIL MEMBERS

The election of council members shall take place by wards. Each nominee for council member shall be a resident and qualified elector of the ward for which he/she is a candidate, and only residents of that ward may sign the candidate's nomination petitions.

SECTION 1-1803: VOTER QUALIFICATIONS

Electors shall mean every person of the constitutionally prescribed age or upwards, who shall have the right to vote for all officers to be elected to public office, and upon all questions and proposals lawfully submitted to the voters at any and all elections authorized or provided for by the Constitution or the laws of the State of Nebraska, except school elections; provided, no person shall be qualified to vote at any election unless such person shall be a resident of the State and shall have been properly registered with the election official of the county.

SECTION 1-1804: WARDS

The City shall redistrict as often as necessary using the most recent Federal Census to insure that each ward is substantially equal in population. The City shall stand divided into the following wards as set forth herein:

First Ward: All that portion of Central City within the corporate limits lying south and west of a line running north on 17th Avenue to C Avenue, northwest on C Avenue to 13th Street and west on 13th Street shall constitute and be numbered the First Ward.

Second Ward: All that portion of Central City within the corporate limits lying north and east of a line running north on 17th Avenue to C Avenue, northwest on C Avenue to 13th Street and west on 13th Street shall constitute and be numbered the Second Ward.

ARTICLE XIX - PENSION PLAN

SECTION 1-1901: PENSION PLAN ADOPTED

The City has adopted a pension and retirement plan for its employees. Such plan is presently on file with the city clerk in the city office and shall be available for inspection during regular city business hours by an employee of the City. Such plan and its provisions are specifically adopted herein and made a part hereof by reference. Such plan may be amended from time to time by the mayor and City Council.

SECTION 1-1902: CONTINUANCE AND AMENDMENT OF THE PLAN

The City of Central City may continue the retirement plan and the payments of the contributions hereunder indefinitely, but the same is not assumed as a contractual obligation of the City and the right is reserved by the City by action of the City Council at any time to discontinue the plan and its contributions hereunder. The contributions under the plan for employees of each department of the City shall be paid only from funds appropriated for, or otherwise duly available from the payment of such expenses of such department.

Nothing in the pension plan, nor any amendments thereto, shall be construed so as to permit any part of the contributions to the plan, or the principal or income of the plan, to be used for or diverted to any purpose other than for the exclusive benefit of members hereunder or their beneficiaries.

ARTICLE XX - PARKS AND SWIMMING POOL

SECTION 1-2001: CITY PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Parks and Pool Committee. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the city 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 Park Fund and shall remain in the custody of the city treasurer. The committee shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The committee shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.

SECTION 1-2002: CITY 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. It shall be unlawful for any person to injure or destroy any sodded 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.

SECTION 1-2003: CITY 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 be known as the Swimming Pool Fund and shall include all gifts, grants, deeds of conveyance, bequests or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The Swimming Pool Fund shall at all times be in the custody of the city treasurer. The city administrator, working in conjunction with the Parks and Pool Committee, shall provide overall supervision of the swimming pool. The city administrator shall have the power and authority to hire and supervise the swimming pool manager and such employees as he/she may deem necessary and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. All actions by the city administrator shall be under the supervision and control of the City Council.

SECTION 1-2004: CITY SWIMMING POOL; ADMISSION CHARGE

The Parks and Pool Committee may, for the purpose of defraying the expenses involved in maintaining, improving, managing and beautifying the swimming pool, make a reasonable admission charge for the use by any person of the city swimming pool. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the swimming pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided that nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color or national origin in the classification of persons for admission charges.

SECTION 1-2005: CITY SWIMMING POOL; RENTALS

The city administrator shall have the authority to rent the city swimming pool to such organizations and other persons as they may in their discretion see fit, subject to the review of the City Council. The Parks and Pool Committee shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the city clerk and posted in a conspicuous place at the swimming pool.

SECTION 1-2006: CITY SWIMMING POOL; RULES AND REGULATIONS

The Parks and Pool Committee shall have the power and authority to enact by-laws, rules and regulations for the protection of those using the swimming pool and for the efficient management thereof. They may provide suitable penalties for the violation of such by-laws, rules and regulations subject to the review and supervision of the City Council.

ARTICLE XXI - PENAL PROVISION

SECTION 1-2101: 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 length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than that amount permitted by Nebraska law for violation of a municipal ordinance. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.