

CHAPTER 1

ADMINISTRATIVE

ARTICLE 1. ELECTED OFFICIALS

1-101 VILLAGE BOARD CHAIRMAN; SELECTION AND DUTIES. The Village Board Chairman shall be selected at a meeting held on the first (1st) regularly scheduled Village Board of Trustees Meeting in the month of December of each year by the Village Board from their own membership. The Village Board Chairman shall preside at all meetings of the Village Board. In the absence of the Village Board Chairman, the Village Board shall elect one of their own body to occupy the place temporarily who shall hold the title of Chairman pro tempore of the Village Board. The Chairman and Chairman pro tempore shall have the same powers and privileges as other members of the Board. The Chairman shall cause the Ordinances of the Board to be printed and published for the information of the inhabitants. The Village Board Chairman shall have the same general qualifications that apply to the Village Board Members. (Ref. 17-202 through 17-210 RS Neb.)

1-102 VILLAGE BOARD; ORGANIZATION. The Board of Trustees shall consist of five (5) members. Any person who is a citizen of the United States, a resident of the Municipality at the time of his election and a registered voter may be eligible to be elected to the Board of Trustees. Every trustee so elected and so qualified shall hold his office for the term of four (4) years; provided, a trustee's term shall expire and the office will become vacant upon a change of residence from the Municipality. The Board of Trustees shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and the Constitution of the State of Nebraska and faithfully and impartially discharge the duties of their office. The Board of Trustees shall qualify and meet on the first (1st) regularly scheduled Village Board of Trustees meeting in the month of December, each year, organize and appoint the Municipal Officers required by law. (Ref. 17-201 through 17-204 RS Neb.)

1-103 VILLAGE BOARD; POWERS AND DUTIES. The Board of Trustees shall have the power to pass Ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly house; to license and regulate amusements; to establish police protection; to prevent the spread of contagious disease; to regulate business; to erect, repair, construct and regulate the 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 One Hundred Dollars (\$100.00) for any one (1) offense. (Ref. 17-207 RS Neb.)

1-104 MUNICIPAL ELECTED OFFICIALS; VACANCY Whenever a vacancy occurs in an elected office of the Municipality, notice of said vacancy shall be presented in writing to the Board of Trustees at a regular meeting and said notice shall appear as part

of the minutes of said meeting.

The Board of Trustees shall at once give public notice of the vacancy by causing to be published in a newspaper of general circulation within the Municipality or by posting in three (3) places in the Municipality the office vacated and the length of the unexpired term.

The Chairman of the Board of Trustees, shall within two (2) weeks after the regular meeting, at which such notice has been presented or upon the death of the incumbent, call a special meeting of the Board, at which time the Chairman shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. Upon a majority vote of approval by the Board, the vacancy shall be filled.

If a majority is not reached, the nomination shall be rejected. The Chairman shall at the next regular meeting submit the name of another qualified elector. If the nominee fails to carry by a majority vote, the Chairman shall continue at such meeting to submit names of qualified electors in nomination and the Board of Trustees shall continue to vote upon such nominations until the vacancy is filled. The Chairman and Board of Trustees may, in lieu of filling a vacancy as described above, call a special municipal election to fill the vacancy. If there is a vacancy in the offices of a majority of the members of the Village Board, there shall be a special municipal election conducted by the Secretary of State to fill such vacancies.

All Municipal Board Members shall cast a ballot for or against each nominee. (Ref. 32-4,152 RS Neb.)

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ARTICLE 2. APPOINTED OFFICIALS

1-201 APPOINTED OFFICIALS: GENERAL AUTHORITY. The Village Board may appoint a Municipal Clerk, a Municipal Treasurer, a Municipal Utilities Superintendent, Street Commissioner and a Village Marshall. It shall also appoint a Board of Health consisting of three (3) members. The Chairman of the Village Board shall be the Chairman of the Board of Health, the Marshall (or chief law enforcement officer) shall be the Quarantine Officer, a second member shall be a physician, when none lives in the community another Health Professional is desired, but not required. The third member shall be a Village member selected by the Village Board. They shall also appoint other officials and employees as they determine the Municipality needs. All such appointees shall hold office for one year, unless sooner removed by the Chairman of the Board and with the advice and consent of the Village Board. (Ref. 17 - 208 RS Neb)

1-202 APPOINTED OFFICIALS: MERGER OF OFFICES. The Governing Body of the Municipality may at its discretion by Ordinance combine any elective or appointive offices, except Trustee, so that one or more of such offices may be held by the same officer at the same time, provided, the offices so merged and combined shall always be construed to be separate and the effect of the combination shall be limited to a consolidation of the official duties only; and provided further, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of the office so combined. (Ref. 17-209.02 RS NEB)

1-203 APPOINTED OFFICIALS: CLERK-TREASURE POSITION CREATED. The appointee offices of Municipal Clerk and Municipal Treasure are hereby combined and merged, in accordance with the authority granted to the Governing Body by Section 1-202. The office 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. The salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law.

1-204 APPOINTED OFFICIALS: MUNICIPAL CLERK. The Municipal Clerk shall attend the meetings of the Governing Body and keep a correct journal of the proceedings of that body. They shall make at the end of the fiscal year a report of the business of the Municipality transacted through their office for the year. That record shall describe particularly the bonds issued and sold during the year and the terms of the sale with each and every item and expense thereof. They shall file all official bonds after the same shall have been properly executed and approved. They shall make the proper certificate of passage which shall be attached to original copies of all bond ordinances hereafter enacted by the Governing Body.

The Municipal Clerk shall issue and sign all licenses, permits and occupation tax receipts authorized by law and required by the Municipality, except where some other Municipal Officer is specifically charged with that duty. They shall keep an register of all licenses, and the purpose.

Employees and their current annual, monthly or hourly salaries shall be published and any changes in salaries or the hiring of new employees during the calendar year shall be published. Said publication shall be charged against the general fund. The Clerk shall keep a book with a proper index, copies of all notices required to be published or posted by the Municipal Clerk by order of the Governing Body or under the Ordinances of the Municipality. To each of the file copies of said notices shall be published or the Municipal Clerk's Certificate under seal where the same are required to be posted only.

The Municipal Clerk shall receive all objections to creation of paving districts and other street improvements. They shall receive the claims of any person against the Municipality and, in the event that the said claim is disallowed in part or in whole, the Municipal Clerk shall notify such claimant, his agent or attorney by letter within five (5) days after such disallowance and the Municipal Clerk shall then prepare transcripts on appeal of any disallowance of a claim in all proper cases.

The Municipal Clerk may charge a reasonable fee for certified copies of any record in their office as set by resolution of the Governing Body. The Clerk shall destroy Municipal records under the direction of the State Records Board pursuant to sections 19-1102 and 84-1220; provided, the Governing Body shall not have the authority to destroy the Minutes of the Municipal Clerk, the permanent ordinances and resolution books or any other records classified as permanent by the State Records Board. (Ref 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb)

1-205 APPOINTED OFFICIALS: MUNICIPAL TREASURE. The Municipal Treasure shall be the custodian of all moneys belonging to the municipality. The Treasure shall keep all money belonging to the Municipality separate and distinct from personal accounts. The Treasure shall keep a separate account of each fund or appropriations and debits and credits belonging thereto. The Treasurer shall give to every person paying money into the Municipal Treasury a receipt therefor specifying the date of payment and the account paid. One (1) of the receipts shall be filed with monthly reports and the last copy of the said receipt shall be kept on file in the Treasurer's Office. The Treasurer's books and account shall always be open for inspection by any citizen of the Municipality whenever any Municipal 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. The Treasurer shall cancel all bonds, coupons, warrants and other evidences of debt against the Municipality whenever paid by the Treasurer by writing or stamping on the face thereof "Paid by the Municipal Treasurer" with the date of payment written or stamped thereon. The Treasurer 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 the Treasurer shall adopt such bookkeeping methods as the Governing Body shall prescribe. The Treasurer shall invest and collect all money owed by or owed to the Municipality as directed by the Governing Body. (Ref. 17-606 through 17-609, 84-712 RS Neb.)

1-206 APPOINTED OFFICIALS: TREASURER'S MONTHLY REPORT. The Municipal Treasurer shall at the end of each and every month and at such other times as the Governing Body may deem necessary render an account to the Governing Body under oath showing the financial state of the Municipality at that date, the amount of money remaining in each fund and the amount paid therefrom and the balance of money remaining in the Treasury. The Treasurer shall accompany the said account with a statement of all receipts and disbursements, together with all warrants redeemed and paid by him. The Treasurer shall also produce depository evidence that all Municipal money is in a solvent and going bank in the name to the Municipality. If the Municipal Treasurer shall neglect or fail for the space of ten (10) days from the end of each and every month to render the accounts as aforesaid, the Governing Body shall by resolution declare the office vacant and appoint some person to fill the vacancy. The Municipal Treasurer shall be present at each regular meeting of the Governing Body at which time they will share the monthly report with the Village Board of Trustees. (Ref 17-606 RS Neb)

1-207 APPOINTED OFFICIALS: TREASURER'S ANNUAL REPORT. The Municipal Treasurer shall publish in a legal newspaper having general circulation with the Municipality within sixty (60) days following the first (1st) day of August of each year a report of the activities of the Treasurer's Office which said report shall show in detail a statement of the receipts and expenditures by funds of the Municipality for the preceding fiscal year. Said report shall include all receipts, disbursements, warrants, outstanding and the debit or credit balance of the Municipality. (Ref 19-1101 RS Neb)

1-208 APPOINTED OFFICIALS: SPECIAL ENGINEER. The Governing Body may employ a special engineer to make any particular estimate, survey or other work. The special engineer shall make a record of the minutes of his surveys and all other work done for the Municipality. They shall when directed by the Governing Body accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the Governing Body. Upon request of the Governing Body the Special Engineer shall make estimates of the costs of labor and material which may be done or furnished by contract with the Municipality and make all surveys, estimates and calculations necessary for the establishment of grads, bridges or culverts and for the building, construction or repairing of any public improvement of the Municipality. All records of the engineer shall be public records which shall belong to the Municipality and shall be turned over to the engineer's successor. The engineer shall when directed by the Governing Body inspect all works of public improvement and, if found to be properly done, shall accept the same and report acceptance to the Governing Body. The engineer shall estimate the cost of all proposed Municipal utilities and public improvements, together with any extensions thereof which the Governing Body may propose to construct or improve. (Ref 17-405, 17-568, 17-919 RS Neb.)

1-209 APPOINTED OFFICIALS: MUNICIPAL UTILITIES SUPERINTENDENT. A

Utilities Superintendent shall be appointed in the event that there is more than one Municipal Utility and the Governing Body determines that it is in the best interest of the Municipality to appoint one (1) official to have the immediate control over all the said Municipal utilities and Municipal streets. The Utilities Superintendent may be removed at any time by two-thirds (2/3) vote of the Governing Body. Any vacancy occurring in the said office by death, resignation or removal may be filled in the manner thereinbefore provided for the appointment of all Municipal Officials. The Utilities Superintendent duties over the following departments shall be as stated herein:

Water Department

The Utilities Superintendent shall have the general supervision and control over the Municipal water system and shall be primarily responsible for its economic operations and prudent management. Included in the said Water System shall be the water plan, the pump house, all machinery and appliances used in connection with producing water to inhabitants of the Municipality. All actions, decision and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Water System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the Municipality on account of the said system of water works and shall faithfully account for and pay over to the Municipal treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Utilities Superintendent. There shall be a detailed report to the Governing Body at least once every six (6) months of the condition of the said Water System of all mains, pipes, hydrants, reservoirs and machinery and such improvements, repairs and extension thereof as the Utilities Superintendent deems proper. This report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions or the said waterworks system except upon the recommendation to the Utilities Superintendent. The Superintendent shall provide a bond conditioned upon the faithful discharge of his duties and on file in the office of the Municipal Clerk. They shall perform such additional duties as may be prescribed by the Governing Body.

Sewer Department

The Utilities Superintendent shall have the general supervision and control over the Municipal Sewer System and shall be primarily responsible for its economic operation and prudent management. Included in the said sewer collection system and all machinery and appliances used in connection with providing sewage disposal to inhabitants of the Municipality. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Sewer System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, they shall collect all money received by the Municipality on account of the said system of sewer works and shall faithfully account for an pay over to the Municipal Treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasure for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Superintendent. They shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said sewer system of all mains, pipes, machinery and such improvements, repairs and extension thereof as deemed proper. This report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions of the said sewer system except upon the recommendation of the Utilities Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his duties which shall amount to not less than the amount set by Resolutions of the Governing Body and on file in the office of the Municipal Clerk. They shall perform such additional duties as may be prescribed by the Governing Body.

Electrical Department

The Village of Madrid, as of January 10, 2000, the date of adoption for Ordinance 99-00-1, has a franchise agreement with NPPD of Ogallala, whereby NPPD provides the operation and maintenance of the municipal electrical system in the Village of Madrid.

They shall have the general supervision and control over the Municipal Electrical System and shall be primarily responsible for its economic operation and prudent management. Included in the said electrical system shall be the electrical plant, the electricity distribution system and all machinery and appliances used in connection with producing and distributing electricity to inhabitants of the Municipality. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and controls of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Electric System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the Municipality. At present all franchises are to collect their own billings. The Utilities Superintendent shall be the liaison between the franchise provider and the Village and will contact them in cases where repairs are needed. He/she will also keep the Governing Body informed of any such needs. The Utilities Superintendent will also carry out any additional duties as prescribed by the Governing Body.

Street Department

He/she shall have general supervision and control over the Municipal Street System and shall be primarily responsible for its economic operation and prudent management. Included in the said street system shall be all the streets and alleys within the Municipality, with the exception of responsibilities for certain streets which may be part of the Nebraska

Department of Roads highway system, and all machinery and appliances used in connection with the operation and maintenance of the street system for use by inhabitants of the Municipality. All actions, decisions and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Street System which the Governing body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the Municipality on account of the said system of streets and shall faithfully account for and pay over to the Municipal Treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasure for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Utilities Superintendent. He shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said street system of all streets and alleys and machinery and such improvements, repairs and extension thereof as he may think proper. This report shall show the amount of receipts and expenditures on account thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions of the said street system except upon the recommendation of the Utilities Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his duties which shall amount to no less than the amount set by resolution of the Governing Body and on file in the office of the Municipal Clerk. He shall perform such additional duties as may be prescribed by the Governing Body.

Municipal Solid Waste Management Department

He shall have general supervision and control over the Municipal Solid Waste Management System and shall be primarily responsible for its economic operation and prudent management. Included in the said Municipal Solid Waste Management Department shall be the municipal solid waste management program for the Municipality. All actions, decisions, and procedures of the Utilities Superintendent shall be subject to the general directives and control of the Governing Body. The Utilities Superintendent shall have the general control and supervisory authority over all employees of the Municipal Solid Waste Management System which the Governing Body may from time to time hire to operate and maintain the said system. Unless some other official is specifically designated, he shall collect all money received by the Municipality on account of the said system of municipal solid waste management system and shall faithfully account for and pay over to the Municipal Treasurer all such money collected in the name of the Municipality and receive a receipt from the Municipal Treasurer for the depository evidence of his faithful discharge of this duty. This receipt shall be kept by the Utilities Superintendent. He shall make a detailed report to the Governing Body at least once every six (6) months of the condition of the said municipal solid waste management system and machinery and such improvements, repairs and extension thereof a he may think proper. This report shall show the amount of receipts and expenditures on account

Thereof for the preceding six (6) months. No money shall be expended for improvements, repairs, extensions of the said municipal solid waste management system except upon the recommendation of the Utilities Superintendent. The Utilities Superintendent shall provide a bond conditioned upon the faithful discharge of his/her duties which shall amount to not less than the amount set by Resolution of the Governing Body and on file in the office of the Municipal Clerk. The Utilities Superintendent shall perform such additional duties as may be prescribed by the Governing Body.

1-210 APPOINTED OFFICIALS: MUNICIPAL ATTORNEY. The Municipal Attorney is the Municipality's legal advisor and as such he shall commence, prosecute and defend all suits on behalf of the Municipality. When requested by the Governing Body, he shall attend meetings of the Governing Body and shall advise any Municipal Official in all matters of law in which the interests of the Municipality may be involved. The Attorney shall draft such ordinances, bonds, contracts and other writings as may be required in the administration of the affairs of the Municipality. The Attorney will also examine all bonds, contracts and documents on which the Governing Body will be required to act and attach thereto a brief statement in writing to all such documents as to whether or not the document is in legal and proper form. The Attorney shall prepare complaints, attend and prosecute violations of the Municipal Ordinances when directed to do so by the Governing Body. Without direction, the attorney shall appear and prosecute all cases for violation of the Municipal Ordinances that have been appealed to and are pending in any higher court. The Attorney shall also examine when requested to do so by the Governing Body the Ordinance records.

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ARTICLE 3. BONDS AND OATHS

1-301 BOND; FORM. Official bonds of the Municipality shall be in form, joint and several and shall be made payable to the Municipality in such penalty as the Governing Body 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 Municipal Officials shall be executed by the principal named in such bonds and by at least two (2) sufficient sureties who shall be freeholders of the County or while still in his official term of office shall be accepted as surety on any other official's bond, contractor's 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 Municipality. 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 Municipality and any person 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 Governing Body and all sureties are endorsed in writing on the said instrument by the chairman of the board of Trustees and Municipal Clerk pursuant to the said approval of the Governing body. The premium on any official bond required to be given may be paid out of the General Fund or other proper Municipal fund upon a resolution to that effect by the Governing Body at the beginning of any Municipal year. All official bonds meeting the conditions herein shall be filed with the Municipal Clerk for his official record and it shall be the duty of the Municipal 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 Governing body. In the event that the sureties of the official bond of any officer of the Municipality in the opinion of the Governing Body become insufficient, the Governing Body 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 Governing Body, then the office shall by such failure, refusal or neglect become vacant and it shall be the duty of the Governing body 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. (Ref. 11-103 through 11-118, 17-604 RS Neb.)

1-302 OATH OF OFFICE; MUNICIPAL OFFICIALS. All officials of the Municipality, whether elected or appointed, except, when a different oath is specifically provided herein shall before entering upon their respective duties take and subscribe the following oath which is 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 will 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. (Ref. 11-101 RS Neb.)

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ARTICLE 4. CORPORATE SEAL

1-401 OFFICIAL SEAL; OFFICIAL CORPORATE SEAL. The official Corporate Seal of the Municipality shall be kept in the office of the Municipal Clerk and shall bear the following inscription:

"Village Seal, Village of Madrid, Perkins County, Nebraska"

The Municipal Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances and all other official papers issued by order of the Governing Body and countersigned by the Municipal Clerk. (Ref. 17-502 RS Neb.)

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ARTICLE 5. MEETINGS

1-501 MEETINGS; DEFINED. Meetings as used in this Article shall mean all regular, special or called meetings of a public body for the purposes of briefing, discussion or public business, formation of tentative policy or the taking of any formal action.

1-502 MEETINGS; PUBLIC BODY DEFINED. Public Body as used in this Article shall mean:

- A. The Governing Body of the Municipality
- B. The independent boards, commissions, bureaus, committees, councils, sub-units or any other bodies now or hereafter created by Constitution, statute or otherwise pursuant to law, and,
- C. Advisory committees of the bodies listed above.

This Article shall not apply to subcommittees of such bodies unless subcommittees have been given authority to take formal action on behalf of their parent body.

1-503 MEETINGS; PUBLIC. All public meetings as defined by law should be held in a Municipal public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the Governing Body usually holds such meetings unless the publicized notice hereinafter required, shall designate some other public building or other specified place. The advanced publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the Governing Body and to the public by a method designated by the Governing Body or by the Chairman if the Governing Body 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 Municipal Clerk. The Governing Body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings. The minutes of the Municipal 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 Governing Body present or absent at each convened meeting. The minutes of the Governing Body shall be a public record open to inspection by the public upon request any reasonable time at the office of the Municipal Clerk. An official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the Governing Body in open session. The record of the Municipal Clerk shall show how each member voted or that the member was absent and did not vote. (Ref. 84-1408 through 84-1411 RS Neb.)

1-504 MEETINGS; CLOSED SESSIONS. Any public body may hold a closed session by the affirmative vote of a majority vote 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:

- A. Strategy sessions with respect to collective bargaining, real estate purchases or litigation;
- B. Discussion regarding deployment of security personnel or devices; or,
- C. Investigate proceedings regarding allegations of criminal misconduct.

Nothing in this Section shall permit a closed meeting for discussion of the appointment or election of a new member to a 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 meeting shall be reconvened in open session before any formal action may be taken.

Any member of any 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. 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. (Ref. 84-1410 RS Neb.)

1-505 MEETINGS; EMERGENCY MEETINGS. When it is necessary to hold an emergency meeting without reasonable advance public notice, the nature of the emergency shall be stated in the minutes and any formal action taken in such meeting shall pertain only to the emergency. Such emergency meetings may be held by means of electronic or telecommunication equipment. The provisions of Section 1-508 of this Article shall be complied with in conducting emergency meetings. (Ref. 84-1411 RS Neb.)

1-506 MEETINGS; MINUTES. Each public body shall keep minutes of all meetings showing the time, place, members present and absent and the substance of all matters discussed.

The minutes shall be public records and open to public inspection during normal business hours.

Minutes shall be written and available for inspection within ten (10) working days or prior to the next convened meeting, whichever occurs earlier. (Ref. 84-1411)

1-507 MEETINGS; VOTES. Any action taken on any question or motion duly moved and seconded shall be by roll call vote of the public body in open session and record shall state how each member voted or if the member was absent or not voting.

The vote to elect leadership within a public body may be taken by secret ballot but the total number of votes for each candidate shall be recorded in the minutes. (Ref. 84-1413 RS Neb.)

1-508 MEETINGS; NOTICE TO NEWS MEDIA. The Municipal Clerk, Secretary or other designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting. (Ref. 84-1411 RS Neb.)

1-509 MEETINGS; PUBLIC PARTICIPATION. Subject to the provisions of this Article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to this article, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, camera, video equipment, or any other means of pictorial or sonic reproduction, provided notification of any type of recording of the meetings is made to those attending such meeting.

It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting, or recording its meetings. A body is not required to allow citizens to speak at each meeting nor may it forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself or herself. No public body shall, for the purposes of circumventing the provisions of this Article, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this Section if it holds its meetings in its traditional meeting place which is located in this State. An agency which contracts with Municipalities outside the State of Nebraska may hold meetings of any Committee outside the State of Nebraska if such meetings are held only in such contracting Municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Sections 84-1408 through 84-1414 RS Nebraska. The public body shall upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one (1) copy of all reproducible written material to be discussed at an open meeting. (Ref. 84-1412, 18-243 RS Neb.)

Any public body may take and enforce reasonable rules and regulations regarding the conduct of persons attending its meetings and regarding their privilege to speak. A body is not required to allow citizens to speak at each meeting nor may it forbid public participation at all meetings. However, the public body does have the power to set time limits for each speaker. (Ref. 84-1412 RS Neb.)

1-510 MEETINGS; GOVERNING BODY. The meetings of the Village Board of Trustees shall be held in the meeting place of the Municipality. Regular meetings shall be held on the second ~~Wednesday~~ day of each month at the hour of seven thirty o'clock (7:30) P. M., local time. Notice of both regular meetings and special meetings of the Village Board may be made by either publishing meeting notice five (5) days prior to the meeting in a local newspaper of general circulation or such meeting notice may be made by posting in three public places three (3) days prior to the meeting, notice of such meeting. Emergency meetings may also be called by the Village Board of Trustees necessary to deal with matters of an emergency nature. Special meetings may be called by the Board Chairman or by a majority of the Village Board members in writing. The call and object, as well as the disposition thereof, shall be entered upon the journal by the Municipal Clerk. No other business shall be transacted at such meeting unless all members of the Village Board are present and consent thereto. On filing the call for a special meeting, the Municipal Clerk shall notify the Village Board of the special meeting, stating the time and its purpose. Notice of a special meeting need not be given to a member of the Village Board who is known to be out of the state or physically unable to be present. A majority of the members of the Village Board shall constitute a quorum for the transaction of business but a small number may adjourn from day to day and compel the attendance of the absent members; provided, that on the request of any two (2) 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 Municipal Clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present, the Village Board shall be called to order by the Board Chairman. In the absence of the Board Chairman from any meeting of the board of Trustees, the Board shall have the power to appoint a chairman pro tempore who shall exercise and have the powers and perform the same duties as the regular Village Board Chairman. (Ref. 17-204, 17-205, 17-210 RS Neb.)

1-511 MEETINGS; ORDER OF BUSINESS. All meetings of the Governing Body shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the Governing Body, the Municipal Clerk and such other Municipal officials that may be required shall take their regular stations in the meeting place and the business of the Municipality shall be taken up for consideration and disposition in the manner prescribed by the official agenda on file at the office of the Municipal Clerk.

1-512 MEETINGS; CHANGE IN OFFICE. The Chairman and Board of Trustees shall meet at seven thirty o'clock (7:30) P. M., local time, on the first (1st) regularly scheduled Village Board of Trustees Meeting in the month of December each year and the outgoing officers and the outgoing members of said Board shall surrender their offices to the incoming members and the outgoing officers shall thereupon each surrender to his successor in office all property, records, papers and moneys belonging to the same. (Ref. 17-203.01 RS Neb.)

1-513 MEETINGS; REORGANIZATIONAL MEETING. The newly elected Board shall convene at the regular place of meeting on the first (1st) regularly scheduled Village board of Trustees Meeting in the month of December each year immediately after the prior Board adjourns and proceed to organize themselves for the ensuing year. The Chairman pro tempore shall call the meeting to order. The Board shall then proceed to examine the credentials of its members and other elective officers of the Municipality 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 and officers are fully qualified, the Board shall then elect one (1) of its own body who shall be styled as Chairman of the Board of Trustees. The Chairman shall then nominate his candidates for appointive offices and said officers shall hold office until their successors are duly appointed and qualified. He shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Board or of its successors in office and of each officer hereafter elected to any office to qualify prior to the first (1st) regularly scheduled Village Board of Trustees Meeting in the month of December each year following the election, each officer elected at the regular Municipal Election shall take possession of his office. Each appointive officer who is required to give bond shall qualify by filing the required bond, approved by the Board of Trustees, in the offices of the Village Clerk within two (2) weeks from the date of his said appointment; provided, on said bond shall be endorsed the same oath as required of a Village Board Trustee. Failure to qualify by elective or appointive officers within the time and manner provided in this Section shall and does in itself create a vacancy in the office to which said person failing to qualify shall have been elected or appointed. (Ref. 17-203.01 RS Neb.)

1-514 ORDINANCES; CONTRACTS; QUORUM; COMPULSORY ATTENDANCE; APPOINTMENTS; VOTE; RECORD. On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract, by the board of trustees, the yeas and nays shall be called and recorded. At all meetings of the board of trustees a majority of the trustees shall constitute a quorum to do business. To pass or adopt any bylaw, ordinance or any such resolution or order a concurrence of a majority of the whole number of members elected to the trustees shall be required. A smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as the board of trustees by ordinance

may have previously prescribed. All appointments of the officers by any board of trustees shall be made viva voce; and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by the village which utilizes an electronic voting device which allows the yeas and nays of each member of the board of trustees to be readily seen by the public.

CHAPTER 1

ADMINISTRATIVE

ARTICLE 6. ORDINANCES

1-601 ORDINANCES; GRANT OF POWER. The Governing Body 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 Municipality and its trade, commerce and security. (Ref. 17-505 RS Neb.)

1-602 ORDINANCES; INTRODUCTION. Ordinance shall be introduced by members of the Governing Body in either of the following ways:

1. With the recognition of the Chairman, a member of the Board of Trustees may in the presence and hearing of a majority of the members elected to the Board read aloud the substance of his proposed ordinance and file a copy of the same with the Municipal Clerk for future consideration; or,
2. With the recognition of the Chairman, a member of the Board of Trustees may present his proposed ordinance to the Municipal Clerk who is in presence and hearing of the majority of the members elected to the Board shall read aloud the substance of the same and shall file the same for future consideration.

1-603 ORDINANCES; RESOLUTIONS AND MOTIONS. Resolutions and motions shall be introduced in one (1) of the methods prescribed for the introduction of ordinances. After their introduction, they shall fully and distinctly read one (1) in the presence and hearing of majority of the members elected to the Board of Trustees. The issue raised by said resolutions or motions shall be disposed of in accordance with the usage of parliamentary law adopted for the guidance of the Board of Trustees. A majority vote shall be required to pass any resolution or motion and shall be by roll call vote.

1-604 ORDINANCES; STYLE. The style of all Municipal Ordinances shall be: "Be It Ordained by the Chairman and Board of Trustees of the Village of ~~Maywood~~, ~~Frontier~~, County, Nebraska". (Ref. 17-613 RS Neb.)

1-605 ORDINANCES; TITLE. No ordinance shall contain a subject not clearly expressed in its title. (Ref. 17-614 RS Neb.)

1-606 ORDINANCES; PASSAGE. Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members of the Governing Body. Ordinances of a general or permanent nature shall

Be read by the title on three (3) different days. This requirement maybe suspended by three-fourths (3/4) vote of the Board of Trustees, in such case such ordinance may be read by title or number then moved for final passage. Three-fourths (3/4) of the Board of Trustees may require any ordinance to be read in full before final passage under either process. (Ref. 17-613 RS Neb.)

1-607 ORDINANCES: PUBLICATION. All ordinances of a general nature shall be published one (1) time within fifteen (15) days after they are passed in some newspaper published in the Municipality or, if no paper is published in the Municipality, then by posting a written or printed copy thereof in each of three (3) public places in the Municipality. (Ref. 17-613 RS Neb.)

1-608 ORDINANCES: CERTIFICATE OF PUBLICATION. The passage, approval, and publication or posting of all ordinances shall be sufficiently proven by a certificate under the Seal of the Municipality from the Municipal 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. (Ref. 17-613 RS Neb.)

1-609 ORDINANCES: EMERGENCY ORDINANCES. In the case of riot, infectious contagious diseases or there impending danger, failure of a public utility or other emergency requiring its immediate operation such ordinance shall take effect upon the proclamations of the Chairman of the Board of Trustees and the posting thereof in at least three (3) of the most public places in the Municipality. Such emergency notice shall recite the emergency and be passed by a three-fourths (3/4) vote of the Governing Body and entered upon the Municipal Clerk's minutes. (Ref 17-613 RS Neb.)

1-610 ORDINANCES: AMENDMENTS AND REVISIONS. No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance and section as revised or amended and the ordinance or section so amended shall be repealed. (Ref 17-614 RS Neb.)

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ARTICLE 7. ELECTIONS

1-701 ELECTIONS; GENERAL MUNICIPAL. The general Municipal Election shall be held in accordance with the provisions of Chapter Thirty-Two (32), Revised Statutes of Nebraska. The Governing Body has determined by ordinance duly adopted to hold the Municipal Election in conjunction with the Statewide General Election held on the first (1st) Tuesday after the second (2nd) Monday in November of each even numbered year. Prior to September One (1) of the year in which the first such joint election takes place, the Governing Body shall receive the consent in writing of the County Board to so hold the election and such authorization shall be prescribed according to State law. The County Clerk shall have charge of the election and shall have the authority to deputize the Municipal Clerk for Municipal election purposes. (Ref. 19-621, 32-505,32-4147 RS Neb.)

1-702 ELECTIONS; SPECIAL MUNICIPAL. In lieu of submitting a matter or issue at a separate special Municipal Election, the Municipality may submit such matter or issue at a statewide General or Primary Election. Such matter or issue must be certified by the Municipal Clerk to the County Clerk or Election Commissioner at least fifty (50) days prior to the election. The Municipal Clerk shall be responsible for the publication or posting of any required special notice of the submission of such matter other than that required to be given to the statewide election issues.

1-703 ELECTIONS; SPECIAL ELECTION NOTICE. No less than five (5) days nor more than ten (10) days prior to any special Municipal Election, the Municipal Clerk shall prepare and cause to be published once in a newspaper that is in or of general circulation in the Municipality, then by posting in each of three (3) public places in the Municipality a notice containing the proclamation concerning the said special election. The notice shall be in the form prescribed by State law. (Ref. 19-3006 RS Neb.)

1-704 ELECTIONS; PETITION CANDIDATES. Candidates for any Municipal office in the Municipality may be nominated by petition. Such petitions shall contain signatures of registered voters equal in number to five (5) percent of the votes cast in the voting unit at the most recent Municipal Election. Petitions must be filed at least sixty (60) days prior to the State Primary. (Ref. 32-504, 32-535 RS Neb.)

1-705 ELECTIONS; 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 in 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. (Ref. 32-102 RS Neb.)

1-706 ELECTIONS; CAUCUS CANDIDATES. The Governing Body of the Municipality may by ordinance call a caucus for the purpose of nominating candidates for offices to be filed in the Village Election. Such caucus shall be held at least ten (10) days prior to the filing deadline for such election. Notice of such caucus must be published in one (1) newspaper of general circulation in the Municipality at least once in each of two (2) consecutive weeks prior to said caucus. The Municipal Clerk shall notify the person so nominated of his nomination and such notification shall take place not less than five (5) days after the said caucus. A candidate so nominated shall not have his name placed upon the ballot unless, not more than ten (10) days after the holding of such caucus, he shall have filed with the Municipal Clerk a written statement accepting the nomination of the Caucus and shall have paid the filing fee, if any, for the office for which he was nominated. (Ref. 17-601.01, 17-601.02 RS Neb.)

1-707 ELECTIONS; BALLOTS. It shall be the duty of the County Clerk to provide printed ballots for every general Municipal Election and the expense of printing and delivering the ballots and cards of instruction shall be a charge upon the Municipality. (Ref. 32-417, 32-418 RS Neb.)

1-708 ELECTIONS; CERTIFICATE OF ELECTION. After the canvass of the vote at the Municipal Election, the Municipal Clerk shall prepare a certificate of election for each person whom the Canvassing Board has declared to have received the highest vote and in the form as nearly as possible prescribed by State law which shall be signed by the Chairman of the Board of Trustees under the seal of the Municipality and countersigned by the Municipal Clerk. The said certificate shall then be delivered to the persons so elected.

1-709 ELECTIONS; INABILITY TO ASSUME OFFICE. In a general election where the person who received the highest number of votes is ineligible, disqualified, deceased or for any other reason is unable to assume the office for which he was a candidate and the electorate had reasonable notice of such disability at the time of the election, the candidate in such election who received the next highest number of votes shall be declared elected and shall be entitled to the certificate of election; provided, that any candidate so declared elected received not less than thirty-five (35) percent of the total number of votes cast for such office in the election. If any of the qualifications of this Section are not met by the candidate to be declared elected or reasonable notice of the winner's ineligibility is not available to the voters, a vacancy in such office shall be declared to exist at the time of commencement of the term and shall be filled as prescribed by law. (Ref. 32-537 (7) and (8) RS Neb.)

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ARTICLE 8: FISCAL MANAGEMENT

1-801 FISCAL MANAGEMENT: FISCAL YEAR. The fiscal year of the Municipality for the purposes of taxation and appropriates shall begin the first (1st) day in October of each year. (Ref 17-701 RS Neb.)

1-802 FISCAL MANAGEMENT: BUDGET STATEMENT. The Governing Body shall not later than the twentieth (20th) day of September of each year on forms presented and furnished by the Nebraska State Auditor prepare in writing and file with the Municipal Clerk a proposed budget statement containing the nontax revenue which was allocated to each fund and the actual expenditures for each fund. For the current fiscal year, the budget statement 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 estimated expenditures. For the immediate ensuing year, the budget statement should include and estimate of the nontax revenue from each source and which fund to which it is to be allocated, 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 fifty percent (50%) of the total 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. (Ref 23-923, 23-924 RS Neb.)

1-803 FISCAL MANAGEMENT: BUDGET HEARING. Subsequent to the filing of the proposed budget statement, the Governing Body 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 (5) days prior to the date set for the hearing in a newspaper of general circulation in the Municipality. After such hearing, the statement shall be adopted or amended and adopted as amended and 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 twenty (20) days after its adoption. (Ref. 23-925 RS Neb.)

1-804 FISCAL MANAGEMENT: BUDGET FILING. The Governing Body shall file with and certify to the levying board on or before October first (1st) the 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 Governing Body shall not certify any

tax that exceeds the amount to be levied, allowance may be made for delinquent taxes not exceeding five percent (5%) of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year. (Ref. 23-927 RS Neb.)

1-805 FISCAL MANAGEMENT; 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.

1-806 FISCAL MANAGEMENT; APPROPRIATIONS. The Governing Body shall, or before, September twentieth (20th), pass an ordinance to be termed the Annual Appropriation Bill which are appropriated such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the Municipality, 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 appropriation is to be made and the amount appropriated for each purpose. Any balance unexpended and unobligated at the end of the fiscal year shall, unless reappropriated, lapse into the general fund. (Ref. 17-706 RS Neb.)

1-807 FISCAL MANAGEMENT; ALL PURPOSE LEVY. The Governing Body 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. Said all purpose levy shall not exceed an annual levy of one dollar and five cents (\$1.05) on each one hundred dollars (\$100.00) upon the actual valuation of all taxable property in the Municipality except intangible property. (Ref. 19-1309 RS Neb.)

1-808 FISCAL MANAGEMENT; EXTRAORDINARY LEVY. Otherwise authorized extraordinary levies to service and pay bonded indebtedness of the Municipality and to pay judgments obtained against the Municipality may be made in addition to the all purpose levy. (Ref. 19-1309 RS Neb.)

1-809 FISCAL MANAGEMENT; INADEQUATE VALUATION. If the valuation of the Municipality has been reduced so that the maximum levy permitted by Section 1-807 is inadequate to produce the necessary revenue, said maximum levy may be exceeded upon presentation to the Governing Body of petitions signed by a majority of the registered voters of the Municipality requesting such action and specifying the extent and the period of time not to exceed five (5) years in which such maximum may be exceeded. No signature may be withdrawn after the petitions have been filed with the Governing Body. The Governing Body shall cause such petitions, accompanied by the certificate of the County Clerk that he had examined the petitions and that they have been signed by a majority of the registered voters of the Municipality, to be filed with the County Board in

which the Municipality is located. After such filing, the Governing Body may exceed the maximum mill levy to the extent and for the period of time specified in the petitions. (Ref. 19-1309 RS Neb.)

1-810 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ALLOCATION. The Governing Body shall allocate the amount raised by the all purpose levy to the several departments of the Municipality in its annual budget and appropriation ordinance or in other legal manner as the Governing Body shall deem best. (Ref. 19-1310 RS Neb.)

1-811 FISCAL MANAGEMENT; ALL PURPOSE LEVY, ABANDONMENT. The Municipality shall be bound by their election of the all purpose levy during the ensuing fiscal year but may abandon such method in succeeding fiscal years.

1-812 FISCAL MANAGEMENT; EXPENDITURES. No Municipal official shall have the power to appropriate, issue or draw any order or warrant on the Municipal Treasury for money unless the same has been appropriated or ordered by ordinance. No expenditure for any improvement to be paid for out of the general fund of the Municipality shall exceed in any one (1) year the amount provided for that improvement in the adopted budget statement. (Ref. 17-708 RS Neb.)

1-813 FISCAL MANAGEMENT; CONTRACTS. The Governing Body shall, before entering into any contract for labor, materials or any public improvement which exceeds twenty thousand dollars (\$20,000.00) in cash as estimated by the Municipal Engineer, advertise for bids once each week for three (3) consecutive weeks in a legal newspaper of general circulation in the Municipality or post a printed or written copy thereof in each of three (3) public places in the Municipality; provided, that in the case of a public emergency which is a serious danger to life, health or property estimates of costs and advertising for bids may be waived in the emergency ordinance when adopted by a three-fourths (3/4) vote of the Governing Body.

If, after advertising for bids as provided in this Section, the Governing Body receives fewer than two (2) bids on a contract for any work or improvement or, if the bids received by the Governing Body contain a price which exceeds the estimated cost of the project, the Governing Body shall have the authority to negotiate a contract in an attempt to complete the proposed project at a cost commensurate with the estimate given.

If the materials are of such a nature that, in the opinion of the manufacturer and with the concurrence of the Governing Body, no cost can be estimated until the materials have been manufactured or assembled to the specifications of the Municipality, the Governing Body may authorize the manufacture and assemblage of such materials and may thereafter approve the estimated cost expenditure when it is provided by the manufacturer. (Ref.

17-568.01 RS Neb.)

1-814 FISCAL MANAGEMENT; UNAUDITED STATEMENT OF CASH

RECEIPTS AND DISBURSEMENTS. The Governing Body may cause an unaudited statement of cash receipts and disbursements to be filed annually in lieu of an annual audit. Such unaudited statement shall be filed with the Auditor of Public Accounts in a form prescribed by him. The person preparing the unaudited statement of cash receipts and disbursements shall submit not less than three (3) copies of the unaudited statement to the municipal authorities of the municipality. The Auditor of Public Accounts may require an audit of any Municipality's account based upon information contained in its unaudited statement and may specify the period within which such audit must be performed. The unaudited statement of cash receipts and disbursements shall become a part of the public records of the Clerk of the Municipality involved and shall at all times thereafter be open and subject to public inspections. (Ref. 19-2903, 19-2905 RS Neb.)

1-815 FISCAL MANAGEMENT; CLAIMS. All claims against the Municipality shall be presented to the Governing Body 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 Municipality in any action brought against it for an unliquidated claim which has not been presented to the Governing Body 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 eighty-five percent (85%) of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the Municipal Treasury for the appropriate fund against which it is to be drawn; provided, that in the event there exists 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 eight-five percent (85%) but not more than one hundred percent (100%) of the current levy for the purpose for which said warrant is drawn. (Ref. 17-714, 17-715 RS Neb.)

1-816 FISCAL MANAGEMENT; WARRANTS. All warrants drawn upon the Municipal Treasury must be signed by the Chairman of the Board and countersigned by the Municipal 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 adapted budget statement for such fund upon which it is drawn and the amount already expended of such fund. (Ref. 17-711 RS Neb.)

1-817 FISCAL MANAGEMENT; SPECIAL ASSESSMENT FUNDS. All money received on 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 Municipality for money expended for any such improvement. (Ref. 17-710

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ARTICLE 9. COMPENSATION

1-901 COMPENSATION: MUNICIPAL OFFICIALS. The compensation of any elective official of the Municipality shall not be increased or diminished during the term for which he/she shall have been elected except when there has been a merger of offices; provided, the compensation of the members of the Governing Body, a board or commission may be increased or diminished at the beginning of the full term of any member whether or not the terms of one (1) or more members commence and end at different times. No elected official may be rehired at a greater salary if he resigns and desires to be rehired during the unexpired term of office. He may be rehired after the term of office during which he resigned at a greater salary. All salaries shall be set by resolution of the Governing Body and will be available for public inspection at the office of the Municipal Clerk. (Ref 17-209.02, 17-612 RS Neb.)

1 - 902 COMPENSATION:

1-903 COMPENSATION: CONFLICT OF INTEREST. No officer of the Municipality shall be permitted to benefit from any contract to which the Municipality is a party when the consideration of the said contract is in an amount in excess of twenty thousand dollars (\$20,000) in any one (1) year and no contract may be divided for the purpose of evading the requirements of this Section. Any such interest in a conflict shall void any obligation on the part of the Municipality, provided the receiving of deposits, cashing of checks and buying and selling of the warrants and bonds of the Municipality shall not be considered a contract under the provisions of this Section. No official shall receive any pay as compensation from the Municipality other than his salary. The Governing Body shall not pay or appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service or duty which shall come within the proper scope of the duties of any officer of the Municipality; provided that ownership of less than one percent (1%) of the outstanding stock of any class in a corporation shall not constitute an interest within the meaning of this Section. (Ref. 17-611, 18-301 through 18-312 RS Neb.)

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ADMINISTRATIVE

ARTICLE 10. FORMS

1-1001 FORMS; OFFICIAL MUNICIPAL. Unless otherwise provided, all Municipal license applications, license forms and notice forms shall be substantially as follows, unless otherwise provided by the Governing Body:

Notice Form:

NOTICE TO
....., Nebraska
....., 19,

To:
owner (occupant) of the premises known as No.
Street, legally described as follows, to-wit:

YOU ARE HEREBY NOTIFIED TO

YOU ARE FURTHER NOTIFIED that failure to comply with this order constitutes a violation of the ordinances of said and that your failure renders you liable to prosecution and fine in the proper Court of said

.....
Municipal Clerk

RETURN

STATE OF NEBRASKA
County of
of

I,
Municipal Clerk of the of
Nebraska, hereby certify that on the day of, 19 ...
at o'clock, .. M., I served the within notice on said
by delivering a true and correct copy thereof to
personally (or by posting a typewritten copy thereof on said premises).

.....
Municipal Clerk

CERTIFICATE

I,
Municipal Clerk of the of, Nebraska, hereby
certify that the foregoing is a true, accurate and correct copy of a notice
..... now in my hands for services with all endorsements
thereon.

Dated, 19 ..

.....
Municipal Clerk

Application Form

APPLICATION FOR LICENSE

....., Nebraska
....., 19

I,
hereby make application to the and of
the of, Nebraska, for license to
..... in said for period ending
....., 19 ... I certify that I am and qualified to engage in
..... I agree to conform strictly to the ordinances
of this relative to said and obey all orders,
requirements and regulations if its lawfully constituted authorities.

I include with this application all required documents.

I accompany this application with Dollars (\$...
.....) in payment of the occupation tax in the sum of
Dollars (\$), and bond for approval of the and
..... of said and other charges required by ordinance
for the issuance of said license.

.....
Applicant

License Form:

..... LICENSE

License FEE

\$

FOR THE CALENDAR YEAR

No.

19

KNOW ALL MEN BY THESE PRESENTS:

THAT having paid \$ the fee provided by law to pursuant to application filed in the office of the undersigned,

NOW THEREFORE, said Nebraska to from the date last hereinafter written to December 31, 19 ... Said license is issued on condition that licensee and his employees shall at all times

This license is neither negotiable nor transferable and shall be of no force and effect outside the corporate limits of the Municipality and if revoked and forfeited renders licensee ineligible to receive a new license for a period of one year from the date of such revocation and forfeiture.

Dated at, Nebraska, this day of, 19 ...

(SEAL)

.....
Municipal Clerk

CHAPTER 1

ADMINISTRATION

ARTICLE 11. INITIATIVE AND REFERENDUM

1-1101 INITIATIVE AND REFERENDUM: DEFINITIONS. The power of initiative and referendum are reserved to the qualified electors of the Municipality by State law. This Article shall govern the use of initiative to enact and the use of referendum to amend or repeal measures affecting the governance to the Municipality. For purposes of this Article, the definitions set out in this Section, unless the context otherwise requires, shall apply.

“Circulator” shall mean any person who solicits signatures for an initiative or referendum petition.

“Clerk” shall mean the Municipal Clerk or the Municipal Officer in charge of elections.

“Governing Body” shall mean the legislative authority of the Municipality.

“Measure” shall mean an ordinance, chapter provision or resolution which is within the legislative authority of the Governing Body to pass and which is not excluded from the operation of referendum by the exceptions in Section 1-112.

“Municipality” shall mean the Village of Madrid, Nebraska.

“Petition” shall mean a document authorized for circulation pursuant to Section 1-1102 or any copy of such document.

“Place of Residence” shall mean the street and number of the residence. If there is not street and number for the residence, place of residence shall mean the mailing address.

“Prospective Petition” shall mean a sample document containing the information necessary for a completed petition, including a sample signature sheet, which has not yet been authorized for circulation.

“Qualified Electors” shall mean all person registered to vote at the tie the prospective petition is filed in the jurisdiction governed or to be governed by any measure sought to be enacted by initiative or altered or repealed by referendum.

“Residence” shall mean that place at which a person has established his home, where he is habitually present and to which, when he departs, he intends to

return.

"Signature Sheet" shall mean a sheet of paper which is part of a petition and which is signed by persons wishing to support the petition effort.

(Ref. 18-2501 through 18-2511 RS Neb.)

1-1102 INITIATIVE AND REFERENDUM; PETITIONS, BALLOTS. Before circulating an initiative or referendum petition, the petitioner shall file with the Clerk a prospective petition. The Clerk shall date the prospective petition immediately upon its receipt. The Clerk shall verify that the prospective petition is in proper form and shall provide a ballot title for the initiative or referendum proposal as described below. If the prospective petition is in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within three (3) working days from the date the prospective petition was filed. If the form of the prospective petition is incorrect, the Clerk shall within three (3) working days from the date the prospective petition was filed, inform the petitioner of necessary changes and request that those changes be made. When the requested changes have been made and the revised prospective petition has been submitted to the Clerk in proper form, the Clerk shall authorize the circulation of the petition and such authorization shall be given within two (2) working days from the receipt of the properly revised petition. Verification by the Clerk that the prospective petition is in proper form does not constitute an admission by the Clerk, Governing Body or Municipality that the measure is subject to referendum or limited referendum or that the measure may be enacted by initiative.

The ballot title of any measure to be initiated or referred shall consist of:

1. A briefly-worded caption by which the measure is commonly known or which accurately summarizes the measure;
2. A briefly-worded question which plainly states the purpose of the measure and is phrased so that an affirmative response to the questions corresponds to an affirmative vote on the measure; and,
3. A concise and impartial statement of not more than seventy-five (75) words of the chief purpose of the measure.

The ballots used when voting on an initiative or referendum proposal shall contain the entire ballot title. Proposals for initiative and referendum shall be submitted on separate ballots and the ballots shall be printed in lower case ten-point type, except that the caption shall be in bold face type. All initiative and referendum measures shall be submitted in a non-partisan manner without indicating or suggesting on the ballot that they have or have not been approved or endorsed by any political party or organization. (Ref. 18-2512, 18-2513 RS Neb.)

1-1103 INITIATIVE AND REFERENDUM; PETITIONS, FORM, DECLARATORY JUDGMENT. The Secretary of State shall design the form to be used for initiative and referendum petitions including signature sheets. These forms shall be made available to the public by the Clerk and they shall serve as a guide for individuals preparing prospective petitions. Substantial compliance with initiative and referendum forms is required before authorization to circulate such petition shall be granted by the Clerk pursuant to Section 1-1102. Chief Petitioners or Circulators preparing prospective petitions shall be responsible for making copies of the petition for circulation, once authorization for circulation has been granted, and each petition presented for signature must be identical to the petition authorized for circulation by the Clerk pursuant to Section 1-1102.

The Municipality or any Chief Petitioner may seek a declaratory judgment regarding any questions arising under this Article as it may be from time to time amended, including but not limited to, determining whether a measure is subject to referendum or limited referendum or whether a measure may be enacted by initiative. If a Chief Petitioner seeks a declaratory judgment, the Municipality shall be served by personal, residence or certified mail service upon the Chief Executive Officer or Clerk. If the Municipality seeks a declaratory judgment, only the Chief Petitioner or Chief Petitioners shall be required to be served. Any action brought for declaratory judgment for purposes of determining whether a measure is subject to limited referendum or referendum, or whether a measure may be enacted by initiative, may be filed in the district court at any time after the filing of a referendum or initiative petition with the Municipal Clerk for signature verification until forty (40) days from the date the Governing Body received notification pursuant to Section 1-1106. If the Municipality does not bring an action for declaratory judgment to determine whether the measure is subject to limited referendum or referendum, or whether the measure may be enacted by initiative until after it has received notification pursuant to Section 1-1106, it shall be required to proceed with the initiative or referendum election in accordance with the provisions of this Article. If the Municipality does file such an action prior to receiving notification pursuant to Section 1-1106, it shall not be required to proceed to hold such election until a final decision has been rendered in the action. Any action for a declaratory judgment shall be governed generally by Sections 25-32, 149 to 25-21, 165 RS Neb., except that only the Municipality and each Chief Petitioner shall be required to be made parties. The Municipality, Clerk, Governing Body or any of the Municipality's officers shall be entitled to rely on any order rendered by the court in any such proceeding. Any action brought for declaratory judgment pursuant to this Section shall be given priority in scheduling hearing and in disposition as determined by the court when an action is brought to determine whether the measure is subject to limited referendum or referendum or whether a measure may be enacted by initiative, a decision shall be rendered by the court no later than five (5) days prior to the election. The provisions of this Section relating to declaratory judgments shall not be construed as limiting, but construed as supplemental and additional to other rights and remedies

conferred by law.

Every petition shall contain the name and place of residence of not more than three (3) persons as Chief Petitioners or sponsors of the measure. The Chief Petitioners or sponsors shall be qualified electors of the Municipality potentially affected by the initiative or referendum proposal. Every petition shall contain the caption and ballot title required in Section 1-1102 and only qualified electors shall circulate petitions. When a special election is being requested, such fact shall be stated on every petition. (Ref. 25-510.02, 25-2514, 25-515 RS Neb.)

1-1104 INITIATIVE AND REFERENDUM; SIGNATURE SHEETS. Every signature sheet shall:

1. Contain the caption required in subsection 1 of Section 1-1102 of this Article;
2. Be part of a complete and authorized petition when presented to potential signatories;
3. Provide space for signatories to write their names, places of residence and the date of signing; and,
4. Contain a statement that anyone falsifying information of a signature sheet shall be subject to penalties provided by law.

No more than twenty-five (25) signatures on each signature sheet shall be counted. In order to be valid, a signature shall be that of an individual registered to vote at the time of signing in the jurisdiction governed or to be governed by the measure addressed in the petition. A Signature shall include the signatory's full name, his place of residence and the date of signing. No signatory shall use ditto marks as a means of affixing his place of residence or date on any petition. A wife shall not use her husband's Christian or given name when she signs a petition and she shall sign her own Christian or given name along with her surname. (Ref. 18-2516 RS Neb.)

1-1105 INITIATIVE AND REFERENDUM; PETITIONS, AFFIDAVIT. Included in the contents of every petition shall be an affidavit to be signed by the circulator in the presence of a notary, which states that the circulator is a qualified elector, that each person who signed the petition did so in the presence of the circulator on the date indicated and that the circulator believes that each signatory was registered to vote in the affected jurisdiction at the time he signed the petition and that the circulator believes that each signatory has stated his name and place of residence correctly. (Ref. 18-2517 RS Neb.)

1-1106 INITIATIVE AND REFERENDUM; PETITIONS, NOTIFICATION. Signed petitions shall be filed with the Clerk for Signature verification. Upon the filing of a petition and passage of a resolution by the Governing Body, the Municipality and the County Clerk or Election Commissioner of the County in which such Municipality is

RS Neb.)

1-818 FISCAL MANAGEMENT; SINKING FUNDS. The Governing Body, subject to the limitation set forth herein, shall have the power to levy a tax not to exceed that prescribed by State law upon the assessed value of all taxable property within the Municipality for a term not to exceed that prescribed by State law in addition to the amount of tax which may be annually levied for the purpose of the adopted budget statement of the Municipality, 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 Governing Body shall declare its purpose by resolution to submit to the qualified electors of the Municipality the proposition to provide the improvement at the next general Municipal 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 shall be published in its entirety three (3) times on successive weeks before the day of the election in a legal newspaper of general circulation in the Municipality. 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 Governing Body 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 Municipal Treasurer shall as they accumulate be immediately invested with the written approval of the Governing Body 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 Governing Body is authorized to do so by sixty percent (60%) of the qualified electors of the Municipality voting at a general election favoring such a change in the use of the sinking fund. (Ref. 19-1301 through 19-304, 77-2337, 77-2341 RS Neb.)

1-819 FISCAL MANAGEMENT; DEPOSIT OF FUNDS. The Governing Body at its reorganization meeting in each fiscal year shall designate one (1) or more banks of approved and responsible standing in which the Municipal Treasurer shall keep at all times all money held by him; provided, if more than one (1) bank in the Municipality meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the Municipal Treasurer shall not give a preference to any one (1) or more of them in the money he 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. (Ref. 17-607, 77-2362 through 77-2364 RS Neb.)

1-820 FISCAL MANAGEMENT; INVESTMENT OF FUNDS. Whenever the Municipality has accumulated a surplus of any fund in excess of its current needs or has

Accumulated a sinking fund for the payment of its bonds and the money in such sinking fund exceeds the amount necessary to pay the principal and interest of any such bonds which may become due during the current year, the Governing Body of such Municipality may invest any surplus in certificates of deposit, in time deposits, and in any securities in which the state investment officer is authorized by law and as provided in the authorized investment guidelines of the Nebraska Investment Council in effect on the date the investment is made. (Ref 17-608, 17-609, 21-1316.01, 77-2341 RS Neb.)

1-821 FISCAL MANAGEMENT: BOND ISSUES. The Governing Body, may after meeting all requirements of State law, issue bonds, fund bonds and retire bonds for such purposes as may be permitted by State law. The Governing Body 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. (Ref 10-201 through 10-411, 10-601 through 10-614, 12-1001, 17-529.01, 17-529.08, 17-534, 17-905, 17-908, 17-911, 17-939, 17-958, 17-968, 18-1801 through 18-1805, 19-305 through 19-308, 23-343.13, 39-836 RS Neb.)

1-822 FISCAL MANAGEMENT: GENERAL PROPERTY TAX. The Governing Body shall cause to be certified to the county Clerk the amount of tax to be levied upon the assessed value of all the taxable property of the Municipality for the requirements of the adopted budget for the ensuing year, including all special assessments and taxes. The maximum amount of tax which may be certified and assessed shall not require a tax levy in excess of the legal maximum as prescribed by State Law. (Ref. 17-702 RS Neb.)

1-823 FISCAL MANAGEMENT: TRANSFER OF FUNDS. The Governing Body may whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to met the requirements of the adopted budget of expenditures for that fund by a majority vote transfer money from such 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 therein. If, as the result of unforeseen circumstance, the revenue of the current fiscal year shall be insufficient , the Governing Body 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 (5) days prior to the date set for the hearing in a newspaper of general circulation in the municipality. 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 can not 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 an the approval by the Governing Body, the Governing Body 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 Governing

body may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The aid warrants shall be repaid during the next fiscal year from funds derived from taxes levied therefor. (Ref 23-928, 23-929 RS Neb.)

located may by mutual agreement provide that the County Clerk or Election Commissioner shall ascertain whether the petition is signed by the requisite number of voters. The Municipality shall reimburse the County for any costs incurred by the County Clerk or Election Commissioner. When the verifying official has determined that one hundred percent (100%) of the necessary signatures required by this Article have been obtained, he shall notify the Governing Body of that fact and shall immediately forward to the Governing Body a copy of the petition.

In order for an initiative or referendum proposal to be submitted to the Governing Body and the voters, the necessary signatures shall be on file with the Clerk within six (6) months from the date the prospective petition was authorized for circulation. If the necessary signatures are not obtained by such date, the petition shall be void. (Ref. 18-2518 RS Neb.)

1-1107 INITIATIVE AND REFERENDUM; FREQUENCY AND OCCURRENCE.

The same measure either in form or in essential substance may not be submitted to the people by initiative petition either affirmatively or negatively more often than once every two (2) years. No attempt to repeal or alter an existing measure or portion of such measure by referendum petition may be made within two (2) years from the last attempt to do the same. Such prohibition shall apply only when the subsequent attempt to repeal or alter is designed to accomplish the same or essentially the same purpose as the previous attempt. (Ref. 18-2519 RS Neb.)

1-1108 INITIATIVE AND REFERENDUM; DIRECT VOTE. The Executive Officer and Governing Body of the Municipality may at any time resolution provide for the submission to a direct vote of the electors of any measure pending before it, passed by it, including an override of any veto if necessary, or enacted by the electors under this Article and may provide in such resolution that such measure shall be submitted at a special election or the next regularly scheduled primary or general election. Immediately upon the passage of any such resolution for submission, the Clerk shall cause such measure to be submitted to a direct vote of the electors at the time specified in such resolution and in the manner provided in this Article for submission of measures upon proposals and petitions filed by voters. Such matter shall become law if approved by a majority of the votes cast. (Ref. 18-2520 RS Neb.)

1-1109 INITIATIVE AND REFERENDUM; ELECTIONS. The Clerk shall call elections under this Article, either at a special election or regularly scheduled primary or general election. He or she shall cause notice of every such election to be printed in one (1) or more newspapers of general circulation in such Municipality at least once not less than thirty (30) days prior to such election and also posted in the office of the Clerk and in at least three (3) conspicuous places in such Municipality at least thirty (30) days prior to such election. The notice shall be substantially as follows:

Notice is hereby given that on Tuesday, the _____ day of _____, 19 __, at (identify polling place or precinct) of the Municipality of _____, Nebraska, an election will be held at which there will be submitted to the electors of the Municipality for their approval or rejection, the following measures, propositions or issues:

 (naming measures, propositions or issues), which election will be open at 8:00 a.m., and will continue open until 8:00 p.m., of the same day. Dated this _____ day of _____, 19 ____.

 Clerk of the Village of Madrid,
 Nebraska

The Clerk shall make available for photocopying a copy in pamphlet form of measures initiated or referred. Such notice provided in this Section shall designate where such a copy in pamphlet form may be obtained. (Ref. 18-2521 RS Neb.)

1-1110 INITIATIVE AND REFERENDUM; BALLOTS. All ballots for use in special elections under this Article shall be prepared by the Clerk and furnished by the Governing Body, unless the Governing Body contracts with the County for such service, and shall be in form the same as provided by law for election of the Executive Officer and Governing Body of such Municipality. When ordinance under such sections are submitted to the electors at a regularly scheduled primary or general election they shall be placed upon the official ballots as provided in this Article. (Ref. 18-2522 RS Neb.)

1-1111 INITIATIVE AND REFERENDUM; INITIATIVE. The power of initiative allows citizens the right to enact measures affecting the governance of the Municipality. An initiative proposal shall not have as its primary or sole purpose the repeal or modification of existing law except if such repeal or modification is ancillary to and necessary for the adoption and effective operation of the initiative measure.

An initiative shall not be effective if the direct or indirect effect of the passage of such initiative measure shall be to repeal or alter an existing law or portion thereof, which is not subject to referendum or subject only to limited referendum pursuant to Section 1-1112.

Whenever an initiative petition bearing signatures equal in number to at least fifteen percent (15%) of the qualified electors of the Municipality has been filed with the Clerk and verified, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto if necessary.

If the Governing Body fails to pass the measure without amendment including an override of any veto if necessary within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body shall by resolution direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Whenever an initiative petition bearing signatures equal in number to at least twenty percent (20%) of the qualified electors which requests that a special election be called to submit the initiative measure to a vote of the people has been filed with the Clerk and verified pursuant to Section 1-1106, it shall be the duty of the Governing Body to consider passage of the measure contained in the petition including an override of any veto if necessary within thirty (30) days from the date it received notification, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose. The date of such election shall not be less than thirty (30) nor more than sixty (60) days from the date the Governing Body received notification pursuant to Section 1-1106.

If a majority of voters voting on the initiative measure shall vote in favor of such measure, it shall become a valid and binding measure of the Municipality thirty (30) days after certification of the election results unless the Governing Body by resolution orders an earlier effective date or the measure itself provided for a later effective date, which resolution shall not be subject to referendum or limited referendum. A measure passed by such method shall not be amended or repealed except by two-thirds (2/3) majority of the members of the Governing Body. No such attempt to amend or repeal shall be made within one (1) year from the passage of the measure by the electors. (Ref. 18-2523 through 18-2526 RS Neb.)

1-1112 INITIATIVE AND REFERENDUM; REFERENDUM LIMITATIONS. The power of referendum allows citizens the right to repeal or amend existing measures or portions thereof affecting the governance of the Municipality.

The following measures shall not be subject to referendum or limited referendum:

1. Measures necessary to carry out contractual obligations including but not limited to those relating to the issuance of or provided for in bonds, notes, warrants or other evidences of indebtedness for projects previously approved by a measure which was or is subject to referendum or limited referendum or previously approved by a measure adopted prior to the effective date of this Article.

2. Measures relating to any industrial development projects, subsequent to measures giving initial approval to such projects.
3. Measures adopting proposed budget statements following compliance with procedures set forth in the Nebraska Budget Act.
4. Measures relating to the immediate preservation of the public peace, health or safety which have been designated as urgent measures by unanimous vote of those present and voting of the Governing Body and approved by its Executive Officer.
5. Measures relating to projects for which notice has been given as provided for in Subsection 4 of this Section for which a sufficient referendum petition was not filed within the time limit stated in such notice or which received voter approval after the filing of such petition.
6. Resolutions directing the Clerk to cause measures to be submitted to a vote of the people at a special election as provided in Section 1-1111 subsection 3 and in Section 1-1113 subsection 5.
7. Resolutions ordering an earlier effective date for measures enacted by initiative as provided in Section 1-1111 subsection 5.

The following measures shall be subject to limited referendum:

1. Measures in furtherance of a policy of the Municipality or relating to projects previously approved by a measure which was subject to referendum or which was enacted by initiative or has been approved by the voters at an election, except that such measures shall not be subject to referendum or limited referendum for a period of one (1) year after any such policy or project was approved at a referendum election, enacted by initiative or approved by the voters at an election.
2. Measures relating to the acquisition, construction, installation, improvement or enlargement, including the financing or refinancing of the costs of public ways, public property, utility systems and other capital projects and measures giving initial approval for industrial development projects.
3. Measures setting utility system rates and charges, except for measures necessary to carry out contractual obligations provided for in previously issued bonds, notes, warrants or other evidences of indebtedness and pay rates and salaries for Municipal employees other than the members of the Governing Body and the Executive Officer.

Measures subject to limited referendum shall ordinarily take effect thirty (30) days after their passage by the Governing body, including an override of any veto if necessary. Referendum petitions directed at measures subject to limited referendum shall be filed for signature verification pursuant to Section 1-1106 within thirty (30) days after such measure's passage by the Governing Body, including an override of any veto if necessary or after notice is first published pursuant to subdivision 4c of this Section. If the necessary number of signatures as provided in Section 1-1111 has been obtained within the time limitation, the effectiveness of the measure shall be suspended unless approved by the voters.

For any measure relating to the acquisition, construction, installation, improvement or enlargement of public ways, public property, utility systems or other capital projects, a Municipality may exempt all subsequent measures relating to the same project from the referendum and limited referendum procedures provided for in this Article by the following procedure:

1. By holding a public hearing on the project, the time and place of such hearing being published at least once not less than five (5) days prior to the date set for hearing in a newspaper of general circulation within the Governing body's jurisdiction.
2. By passage of a measure approving the project including an override of a veto if necessary at a meeting held on any date subsequent to the date of hearings.
3. After passage of such measure, including an override of a veto if necessary by giving notice as follows:
 - (a) For those projects for which applicable statutes require an ordinance or resolution of necessity creating a district or otherwise establishing the project, notice shall be given for such project by including either as part of such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution or as part of any publicized notice concerning such ordinance or resolution a statement that the project as described in the ordinance or resolution is subject to limited referendum for a period of thirty (30) days after the first (1st) publication of such notice and that after such thirty (30) day period the project and measures related to it will not be subject to any further right of referendum; and
 - (b) For projects for which applicable statutes do not require an ordinance or resolution of necessity, notice shall be given by publication of a notice concerning such projects stating in general terms the nature of the projects stating in general terms the nature of the project and the Engineer's

estimate of costs of such project and stating that the project described in the notice is subject to limited referendum for a period of thirty (30) days after the first (1st) publication of such notice and that after such thirty (30) day period, the project and measures related to it will not be subject to any further right of referendum. The notice required by this subdivision shall be published in at least one (1) newspaper of general circulation within the Municipality and shall be published not later than fifteen (15) days after passage by the Governing Body, including an override of a veto if necessary of a measure approving the project.

The right to hold such a hearing prior to the passage of the measure by the Governing Body and give such notice after passage of such measure by the Governing Body to obtain exemption for any particular project in a manner described in this subsection is optional and the Municipality shall not be required to hold such a hearing or give such notice for any particular project.

All measures except as provided in Subsection 1, 2 and 4 of this Section, shall be subject to referendum procedure at any time after such measure has been passed by the Governing Body including an override of a veto if necessary or enacted by the voters by initiative. (Ref. 18-2527, 18-2528 RS Neb.)

1-1113 INITIATIVE AND REFERENDUM; REFERENDUM, PASSAGE.

Whenever a referendum petition bearing signatures equal in number to at least fifteen percent (15%) of the qualified electors of the Municipality has been filed with the Clerk and verified pursuant to Section 1-1106, it shall be the duty of the Governing Body to reconsider the measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum including an override of any veto if necessary within thirty (30) days from the date of the Governing Body receives notification pursuant to Section 1-1106, the Clerk shall cause the measure to be submitted to a vote of the people at the next regularly scheduled primary or general election held within the Municipality. If the Governing Body desires to submit the measure to a vote of the people at a special election prior to the next regularly scheduled primary or general election held within the Municipality, the Governing Body shall by resolution, direct the Clerk to cause the measure to be submitted at a special election. Such resolution shall not be subject to referendum or limited referendum.

Whenever a referendum petition bearing signatures equal in number to at least twenty percent (20%) of the qualified voters of the Municipality which requests that a special election be called to submit the referendum measure to a vote of the people has been filed with the Clerk and verified, it shall be the duty of the Governing Body to reconsider the

measure or portion of such measure which is the object of the referendum. If the Governing Body fails to repeal or amend the measure or portion thereof in the manner proposed by the referendum including an override of any veto if necessary, the Clerk shall cause the measure to be submitted to a vote of the people at a special election called for such purpose within thirty (30) days from the date the Governing Body received notification. The date of such special election shall not be less than thirty (30) days nor more than sixty (60) days from the date the Governing Body received notification.

If a majority of the electors voting on the referendum measure shall vote in favor of such measure, the law subject to the referendum shall be repealed or amended. A measure repealed or amended by referendum shall not be re-enacted or returned to its original form except by a two-thirds (2/3) majority vote of the members of the Governing Body. No such attempt to re-enact or return the measure to its original form shall be made within one (1) year of the repeal or amendment of the measure by the electors. If the referendum measure does not receive a majority vote, the ordinance shall immediately become effective or remain in effect. (Ref. 18-2529 through 18-2531 RS Neb.)

1-1114 INITIATIVE AND REFERENDUM; VIOLATION, PENALTIES. Whoever knowingly or willfully makes a false affidavit or takes a false oath regarding the qualifications of any person to sign petitions under Sections 18-2501 through 18-2531 RS Neb., shall be guilty of a Class I misdemeanor with a limit of three hundred dollars (\$300.00) on the fine.

Whoever falsely makes or willfully destroys a petition or any part thereof or signs a false name thereto or signs or files any petition knowing the same or any part thereof to be falsely made or suppresses any petition or any part thereof which has been duly filed pursuant to Sections 18-2501 through 18-2531 RS Neb., shall be guilty of a Class I misdemeanor with a limit of five hundred dollars (\$500.00) on the fine.

Whoever signs any petition under Sections 18-2501 through 18-2531 RS Neb., knowing that he is not a registered voter in the place where such petition is made, aids or abets any other person in doing any of the acts mentioned in this Section, bribes or gives or pays any money or thing of value to any person directly or indirectly to induce him to sign such petition or engages in any deceptive practice intended to induce any person to sign a petition, shall be guilty of a Class I misdemeanor with a limit of three hundred dollars (\$300.00) on the fine.

Any Clerk who willfully refuses to comply with the provision of Section 18-2501 through 18-2531 RS Neb., or who willfully causes unreasonable delay in the execution of his duties under such sections shall be guilty of a Class I misdemeanor but imprisonment shall not be included as part of the punishment. (Ref. 18-2532 through 18-2525 RS Neb.)

CHAPTER 1

ADMINISTRATIVE

ARTICLE 12. EMINENT DOMAIN

1-1201 EMINENT DOMAIN; PROCEDURE. The Governing Body may after negotiations in good faith have failed, bring condemnation actions for the acquisition of property within the Municipality. Such procedures shall be prescribed by State law and damages shall be paid to the condemnee according to the provisions therein. (Ref. 76-701 through 76-724 RS Neb.)

CHAPTER 1

ADMINISTRATION

ARTICLE 13: PENAL PROVISION

1-1301 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

CHAPTER 2

COMMISSIONS, BOARDS AND STANDING COMMITTEES

ARTICLE 1. STANDING COMMITTEES

2-101 STANDING COMMITTEES: GENERAL PROVISIONS. At the organizational meeting of the Village Board, the Village Chairman shall appoint members of such standing committees as the Board of Trustees may by ordinance or resolution create. The membership of such standing committees may be changed at any time by the Chairman of the Board of Trustees. The Chairman of the Board of Trustees shall be a member, ex officio, of each standing committee. The members of the standing committees shall serve a term of office of one (1) year unless reappointed.

The following committees shall be appointed or reappointed each year until changed by the Governing Body. None.

2-102 STANDING COMMITTEES: RESPONSIBILITIES. Each committee appointed shall have charge of the public facilities assigned to their committee and shall have the power to establish rules for the management, care and use of the same.

All actions of the committees shall be subject to the review and control of the Governing Body.

CHAPTER 2

COMMISSIONS, BOARDS AND STANDING COMMITTEES

ARTICLE 1. COMMISSIONS AND BOARDS

2-201 COMMISSIONS AND BOARDS: GENERAL PROVISIONS. The Board of Trustees shall appoint members of such Commissions and Boards as the Board of Trustees may by ordinance and resolution create.

Members of the following Boards and Commissions shall be appointed or reappointed as terms of office expire or resignations are accepted. Board of Health

2-202 COMMISSIONS AND BOARDS: RESPONSIBILITIES. The Members of the Board shall serve a one (1) year term of office unless reappointed and shall reorganize at the first (1st) meeting in May of each year. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairman or any two (2) members of the Board. It shall be the duty of the Board to enact rules and regulations which shall have the full force and effect of the law, to safeguard the health of the residents of the Municipality. The Board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress and prevent the occurrence of nuisances and shall actively enforce all laws of the matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All actions of the Boards shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such other duties as the Governing Body may designate. No member of the Board of Health shall hold more than one (1) Board of Health position. (Ref. 17-208 RS Neb.)

2-203 COMMISSIONS AND BOARDS: BOARD OF HEALTH, COMPOSITION: the Board of Health shall be composed of three (3) members: the Chairman of the Board of Trustees who shall be the Chairman; the Marshall (or chief law enforcement official) will serve as the quarantine officer. A second official will be a physician or other member of the health field. The third member will be such person as the Board of Trustees may select.

CHAPTER 2

COMMISSIONS, BOARDS AND STANDING COMMITTEES

ARTICLE 3. INTERLOCAL AGREEMENTS

2-301 AUTHORIZATION FOR THE VILLAGE TO ENTER INTO INTERLOCAL COOPERATION AGREEMENTS. The Municipality is authorized to enter into interlocal cooperation agreements with other governmental units. (Ref. 13-801 through 13-827 RS Neb.)

CHAPTER 2

COMMISSIONS AND BOARDS

ARTICLE 13: PENAL PROVISION

2-401 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

Extension of Water Service Agreement

The Village of Madrid upon the recommendation of the Utility Superintendent does hereby authorize James and Bonnie Glunz to extend their water service line. The line in question will traverse an existing Village Alley and extend to the eastern most point of the Glunz Property.

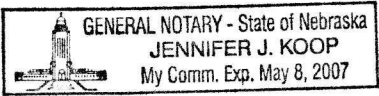
As part of the agreement the property owner agrees to the following stipulations.

1. That the extended water line will only be used for legal activities.
2. That the property owner agrees to remove the water line extension upon request from the Village Board.
3. That the Property Owner will voluntarily remove the water line extension if the property is sold to another party.
4. That this agreement is between the Village Board and Jim and Bonnie Glunz and does not automatically transfer to relatives.
5. That no further disruption or extension of the existing water line will take place without written permission from the Village Board.

This agreement is entered into on this the 13th day of November, 2006.

Timothy E. Moore 11-13-2006
Timothy E. Moore Chairman

The foregoing instrument was acknowledged before me this 13th day of November 2006, by Timothy E. Moore Chairman of the Village of Madrid, Nebraska, on behalf of the Village.

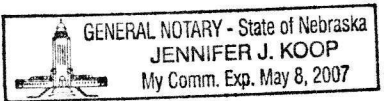
SEAL 

Jennifer J. Koop
Notary Public

James Glunz
James Glunz

Bonnie Glunz
Bonnie Glunz

The foregoing instrument was acknowledged before me this 13th day of November 2006, by James & Bonnie Glunz and James Glunz property owners.

SEAL 

Jennifer J. Koop
Notary Public

STATE OF NEBRASKA
COUNTY OF PERKINS

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 14th day of November
2006 at 10:30 A. M.
and recorded in Book 146
106 Page 101
Summerton
County Clerk

CHAPTER 3

DEPARTMENTS

ARTICLE 1. WATER DEPARTMENT

3-101 MUNICIPAL WATER DEPARTMENT; OPERATION AND FUNDING

The municipality owns and operates the Municipal Water Department. The Governing Body for the purpose of defraying the cost of the care, management and maintenance of the Municipal Water Department 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 with the corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Water Fund and shall remain in the custody of the Municipal Treasurer. The Governing Body shall set the rates to be charged for services rendered by resolution and shall file a copy of the rates in the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 17-351, 17-354, 19-1305 RS Neb.)

3-102 MUNICIPAL WATER DEPARTMENT; DEFINITIONS. The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

1. MAIN- The term "main" is hereby defined to be any pipe other than a supply or service pipe that is used for the purpose of carrying water to and dispersing the same in the Municipality.
2. SEPARATE PREMISE - the term "separate premise" is hereby defined to be more than one (1) consumer procuring water from the same service or supply pipe. The second (2nd) premise may be a separate dwelling, apartment, building or structure used for a separate purpose.
3. SUPPLY PIPE - the term "supply pipe" is hereby defined to be any pipe extending from the supply pipe (main) to the location (lot line) of the premise where the water is to be dispersed.
4. SERVICE PIPE - the term "service pipe" is hereby defined to be any pipe extending from (supply pipe) to a point at or near the lot line of the consumer's premise where the shutoff, stop box or curb cock is located.
5. DEEMED AVAILABLE - This term shall mean any water main which passes through the premises or through a street, alley or easement adjacent to or abutting such premises.

3-103 MUNICIPAL WATER DEPARTMENT; CONSUMER'S APPLICATION

Every person or persons desiring a supply of water must make application therefore to the Clerk. The Clerk will require a tap fee to be paid. The fee is to be paid

prior to turning on the water to the premises. Water shall not be supplied to any house or private service pipe except upon the order of the Village Clerk.

3-104 MUNICIPAL WATER DEPARTMENT; WATER CONTRACT. The Municipality through its Water Department, shall furnish water to persons within its corporate limits whose premises abut a street, alley or easement in which a commercial main now is or may hereafter be laid. The rules, regulations and water rates hereinafter named in this Article and on file in the office of the Village Clerk shall be considered a part of every application hereafter made for water service and shall be considered a part of the contract between every consumer now or hereafter served. Without further formality, the making of application on the part of any applicant or the use or consumption of water service by present consumers thereof and the furnishing of water service to said consumer shall constitute a contract between the consumer and the Municipality to which said contract both parties are bound. If the consumer shall violate any of the provisions of said contract or any reasonable rules and regulations that the Governing Body may hereafter adopt, the Utilities Superintendent or his agent may cut off or disconnect the water service from the building or premise or place of such violation. No further connection for water service to said building, premise or place shall again be made save or except by order of said Superintendent or his agent. (Ref. 17-537 RS Neb.)

3-105 MUNICIPAL WATER DEPARTMENT; INSTALLATION PROCEDURE. Upon approval of the customer's application, the Municipality shall tap the Municipal main and the customer shall be responsible for installation of service from the main to the premises served, including pipe, trenching, corporation cock, service clamp, curb stop, tap fee and labor. In making excavations in streets, alleys or sidewalks for the purpose of installing pipe or making repairs, the paving, stones and earth must be removed and deposited in a manner that will occasion the least inconvenience to the public and provide for adequate drainage. No person shall leave any excavation made in the street, alley or sidewalk open at any time without a barricade and during the night, warning lights.

After service pipes are laid, the streets, alleys and sidewalks shall be restored to good condition. All installations or repairs of pipes require two (2) inspections by the Utilities Superintendent or his designee. The first (1st) inspection shall be made when connections or repairs are completed and before the pipes are covered. The second (2nd) inspection shall be made after the dirt work is completed and the service is restored.

It is the customer's responsibility to notify the utilities Superintendent at the time the work is ready for each inspection. All installation shall be done under the supervision and strictly in accordance with the rules, regulations and specifications prescribed for such installation by the Utilities Superintendent or his designee; provided, that the said rules, regulations and specifications have been reviewed and approved by the Governing Body.

(Ref. 17-537 RS Neb.)

3-106 MUNICIPAL WATER DEPARTMENT; INSTALLATION EXPENSE. The expense of providing water service from the main to the premises served shall be paid by the customer. In addition, the customer shall pay a tap fee as required in Section 3-105. (Ref. 17-542 RS Neb.)

\$25.00

3-107 MUNICIPAL WATER DEPARTMENT; FEES AND COLLECTION. The Governing Body has the power and authority to fix by resolution the rates to be paid by the water consumers for the use of water from the Water Department. All such fees shall be on file at the office of the Municipal Clerk. The Municipal Clerk shall collect all money received by the Municipality on the account of the Water Department. (Ref. 17-538, 17-541 RS Neb.)

3-108 MUNICIPAL WATER DEPARTMENT; WATER PERMITS. Upon observation by the Utilities Superintendent or upon filing of complaint by any citizen the Municipality, any customer of the Water Department using excessive amounts of water without first obtaining a permit shall be issued a notice to appear before the Governing Body to show cause why he should not be required to apply for a heavy user permit and pay additional water fees. If said customer does not appear before the Governing Body or does not satisfactorily show that his water use is not excessive, he shall be billed an additional fee set by the Governing Body and, if the customer fails to pay said additional fee, he shall have his water service disconnected. (Ref. 17-542 RS, Neb)

3-109 MUNICIPAL WATER DEPARTMENT; WATER BILLS. Water bills shall be due and payable quarterly at the office of the Municipal Clerk. The Municipal Clerk shall charge and collect from each customer the water rental bill which shall include all other charges, properly itemized, due the Water Department. Bills shall be delinquent after 30 days. Upon being deemed to be delinquent as herein defined, the Municipal Clerk shall implement procedural policies for utility disconnection. The Municipal Clerk may assess an additional fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event the Water service is shut off.

The Village Board shall establish by resolution fees for shut off notices and for any additional fees for additional hookup necessary to again provide water service to a

delinquent customer when the customer service has been shut off due to non-payment of any water bill. (Ref. 17-542, 70-1601 through 70-1615 RS Neb.)

3-110 MUNICIPAL WATER DEPARTMENT; LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for water service furnished, such amount due, together with any rents and charges in arrears, shall be considered a delinquent water rent which is hereby declared to be a lien upon the real estate for which the same was used. The Municipal Clerk shall notify in writing or cause to be notified in writing all owners of premises or their agents whenever their tenants or lessees are sixty (60) days or more delinquent in the payment of water rent. It shall be the duty of the Municipal Clerk on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for water together with a description of the premises upon which the same was used. The report shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Ref. 17-538 RS Neb.)

3-111 MUNICIPAL WATER DEPARTMENT; SINGLE PREMISE. No consumer shall supply water to other families or allow them to take water from his premise nor after water is supplied into a building shall any person make or employ a plumber or other person to make a tap or connection with the pipe upon the premise for alteration, extension or attachment without the written permission of the Utilities Superintendent. It shall further be unlawful for any person to tamper with any water meter or by means of any contrivance or device to divert the water from the service pipe so that the water will not pass through the meter or while passing through said meter will cause the meter to register inaccurately. (Ref. 17-537 RS Neb.)

3-112 MUNICIPAL WATER DEPARTMENT; RESTRICTED USE. The Governing Body or the Utilities Superintendent may order a reduction in the use of water or shut off the water on any premise in the event of a water shortage due to fire or other good and sufficient cause. In the event of said water shortage, the Chairman of the Board of Trustees or the Utilities Superintendent shall notify the customers of the Water Department by posting in three (3) prominent places throughout the Municipality notice of said shortage and the restrictions imposed. In the event that any person abuses his privileges of use of the water system by continued and excessive use to such an extent as to endanger the health and welfare of the residents of the Municipality, the Chairman of the Board of Trustees or the Utilities Superintendent shall notify said customer by personal service or by posting the customer's premises and if said excessive use is not abated within twelve (12) hours after said notification, the Utilities Superintendent shall disconnect the said water service and shall not reconnect the water service until the customer shall pay to the Municipal Treasurer a reconnection fee established by resolution by the Village Board.

The Municipality shall not be liable for any damages caused by shutting off the supply of water of any consumer while the system or any part thereof is undergoing repairs or when there is a shortage of water due to circumstances over which the Municipality has no control. (Ref. 17-527 RS Neb.)

3-113 MUNICIPAL WATER DEPARTMENT; FIRE HYDRANTS. All hydrants for the purpose of extinguishing fires are hereby declared to be public hydrants and it shall be unlawful for any person other than members of the Municipal Fire Department under the orders of the Fire Chief or members of the Water Department to open or attempt to open any of the hydrants and draw water from the same or in any manner to interfere with the hydrants.

3-114 MUNICIPAL WATER DEPARTMENT; POLLUTION. It shall be unlawful for any person to pollute or attempt to pollute any stream or source of water for the supply of the Municipal Water Department. (Ref. 17-536 RS Neb.)

3-115 MUNICIPAL WATER DEPARTMENT; MANDATORY HOOKUP. Upon written notice by the Governing Body, each property owner, occupant or lessee of any premise where water service is deemed available shall without delay cause said premise to be connected to the water system. All habitable buildings shall be equipped with inside water facilities. (Ref. 17-539 RS Neb.)

3-116 MUNICIPAL WATER DEPARTMENT; WATER SERVICE CONTRACTS. Contracts for water service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any consumer shall move from the premise where service is furnished or if the said premise is destroyed by fire or other casualty, he shall at once inform the Utilities Superintendent who shall cause the water service to be shut off at the said premise. If the consumer should fail to give such notice, he shall be charged for all water used on the said premise until the Utilities Superintendent is otherwise advised in such circumstances. (Ref. 17-537 RS Neb.)

3-117 MUNICIPAL WATER DEPARTMENT; POLICE REPORTS. It shall be the duty of the Chief Law Enforcement Officer of the Village to report to the Utilities Superintendent all cases of leakage and waste in the use of water and all violations of the Municipal Code relating to the Water Department. They shall have the additional duty of enforcing the observance of all such regulations.

3-118 MUNICIPAL WATER DEPARTMENT; DESTRUCTION OF PROPERTY. It shall be unlawful for any person to willfully or carelessly break, injure or deface any building, machinery, apparatus, fixture, attachment or appurtenance of the Municipal Water Department. No person may deposit anything in a stop box or commit any act

Tending to obstruct or impair the intended use of any of the above mentioned property without the written permission of the Utilities Superintendent. (Ref. 17-537 RS Neb.)

3-119 MUNICIPAL WATER DEPARTMENT: COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Utilities Superintendent or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer who considers himself aggrieved by being required to pay the charge demanded for the use of water or for the resumption of water service after the same shall have been shut off, shall pay such charge under protest in which event, the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest". Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in this same manner as other claims against the Municipality as set forth in Section 1-815.

3-120 MUNICIPAL WATER DEPARTMENT: FLUORIDE PROHIBITED. Fluoride shall not be added to the water supply of the Village. (Ref. 71-3305 RS Neb.)

3-121 MUNICIPAL WATER DEPARTMENT: SERVICE TO NONRESIDENTS. The Municipality shall not supply water service to any person outside the corporate limits without special permission from the Governing Body; provided, the entire cost of laying mains, service pipe and supply pipe shall be paid by the consumer. All mains, service pipes and supply lines shall meet the standards set by the Governing Body in regard to size of lines, material used and workmanship and further be subject to inspection by the Utilities Superintendent prior to being back filled. Nothing herein shall be construed to obligate the Municipality to provide water service to nonresidents. (Ref. 19-2701 RS Neb.)

3-122 MUNICIPAL WATER DEPARTMENT: INSPECTIONS. The Utilities Superintendent or his duly authorized agents shall have free access at any reasonable time to all parts of each premise and building to or in which water is delivered for the purpose of examining the pipes, fixtures and other portions of the system to ascertain whether there is any disrepair or unnecessary waste of water. (Ref. 17-537 RS Neb.)

3-123 MUNICIPAL WATER DEPARTMENT: REPAIRS. Repairs to the service pipe (any repair from the property line to the structure(s) shall be made by and at the expense of the customer. All other repairs to the property of the Municipal Water Department, including the meter, shall be made by the Municipality. When meters are worn out, they shall be replaced and reset by the Municipality at the expense of the Municipality; provided, that if the customer permits or allows a water meter to be damaged, injured or destroyed through his own recklessness, carelessness or neglect so that the meter must be repaired or replaced, the Utilities Superintendent shall bill and collect from the customer the cost of such meter repair or replacement in the same manner as water rent is collected. Permitting a water meter to be damaged or destroyed by freezing shall always be considered negligence on the part of the customer. All meters shall be tested at the customer's request at the expense of the customer any reasonable number of times;

Provided, that if the test shows the water meter to be running tow percent (2%) or more fast, the expense of such test shall be borne by the Municipality. The Municipality reserves the right to test any water service meter at any time and if said meter is found to be beyond repair, the Municipality shall always have the right to place a new meter on the customer's water service fixtures at Municipal expense. Should a consumer's meter fail to register properly, the customer shall be charged for water during the time the meter is out of repair on the basis of the bimonthly consumption during the same two (2) months of the preceding year; provided, that no such basis for comparison exists, the customer shall be charged such amount as may be reasonably fixed by the Governing Body. (Ref. 17-542 RS Neb.)

3-124 MUNICIPAL WATER DEPARTMENT: PROHIBITION OF LEAD PIPES,

SOLDER AND FLUX. Any pipe, solders or flux used in the installation or repair of any residential or nonresidential facility which is connected to the public water supply system shall be lead free.

For purpose of this Section, lead free shall mean:

1. Solders and flux - not more than two-tenths (.2%) lead, and
2. Pipe and pipe fittings - not more than eight percent (8%) lead. (Ref. LB 383, Nebraska state Legislature.)

3-125 MUNICIPAL WATER DEPARTMENT: PRIVATE WELLS PROHIBITED. It shall be unlawful for any person, firm, partnership, corporation or school district to establish or cause to be established any water well for the purpose of extracting water or injecting water within the corporate limits of the Village of Madrid.

Provided, wells drilled for monitoring purposes, as required by any state or federal government agency, shall be drilled only after providing no less than ten (10) days written notice to the Village.

3-126 MUNICIPAL WATER DEPARTMENT: CROSS CONNECTION ORDINANCE.

NOTE WELL-HEAD PROTECTION PLAN

Ordinance 97-98-4

VILLAGE OF MADRID CROSS-CONNECTION ORDINANCE

PURPOSE: To deliver the most Healthy and efficient water supply to the general public, by eliminating any potential contamination through cross-connections or back siphoning.

Procedures to assure compliance

1. Compile a list of potential Cross-Connection locations
 - a. Look for:
 - contaminated pipes, pumps, stock tanks,
 - steam condensate returns, water heaters with hose
 - outdoor connections, any other potentially unsafe place where contaminants can reenter the public water supply. (NDOH Pamphlet Causes and Effects gives outline)
2. No person shall complete an interconnection with the Public Water Supply system and other potable water systems, unless first approved by the Public Water supply system and under the direction of the water operator.
 - a. no household connections new or replacement shall be done outside the presence of the supply operator.
 - b. All new line connections for the Village shall be conducted by a bonded company.
3. The Public Water Supply System shall require installation of property located back flow prevention devices, with special attention paid to sources outlined in the accompanying list. All potential hazard sites will be inspected by the Local Utilities Superintendent, and recommendations will be made to take effective measures to alleviate risks.
4. The Village will supply each household with one Hose Bibb Vacuum Breaker. This device will alleviate most home use contaminations. All additional check valves requested will be paid for by the patron at a rate equivalent to the Village cost. (This is not a money making venture.) Those with stock tanks can be exempt, if they install an Air Gap System. This will require a water drop from source, of no less than 4 times the diameter of the pipe being used to supply water.
5. Violations of the required Back flow Valve Prevention Ordinance will be subject to a \$100.00 fine, pursuant to a public hearing at the convenience of the Village. (Most often the monthly Board Meeting.)
6. **POTENTIAL BACK FLOW PROBLEMS IN MADRID**
 - A. TANKS - Lines handling sewage or nontoxic substances
 1. stock tanks - with bottom feed water source or hose in tank

2. minnow tanks
3. hot water heaters - with hose runoff
4. home sprayers attached to an outside faucet

B. OTHER EQUIPMENT AND FACILITIES SUBJECT TO BACK FLOW

1. soft drink dispensers and bar carbonators
 2. tank and loading stations
 3. fire hydrant truck fills
7. Fire Protection systems shall be equipped with back flow prevention devices as described in AWWA manual M-14, second edition. The Back flow preventers shall not be moved, removed, replaced, shut off or in any way altered, unless in strict compliance of the rules and regulations outlined by the State Fire Marshall.
 8. Upon implementation of Madrid's back flow prevention ordinance the water supplier will install back flow valves and explain the biannual inspection plan. Citizens will be encouraged to report potential back flow hazards on their own premises, as well as, occurrences they view elsewhere.
 9. The Village upon receiving further information regarding the education and awareness of cross-connection hazards will post said information for public inspection. Included will be remedies available to solve problems which may jeopardize the Public Water Supply System.
 10. The Village will also keep on hand material available for Public Scrutiny. Including , but ; not limited to the following manuals:
 - a. Foundation for Cross Connection Control and Hydrologic Research
 - b. American Water Works Manual M - 14 second edition
 - c. NDOH Causes and Effects of Back flow

Ordinance No. 97-984

AN ORDINANCE TO DELIVER THE MOST HEALTHY AND EFFICIENT WATER SUPPLY, BY ELIMINATING ANY POTENTIAL CONTAMINATION THROUGH CROSS-CONNECTIONS OR BACK SIPHONING, VILLAGE OF MADRID, UNDER THE AUTHORITY GRANTED BY THE STATE OF NEBRASKA; REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PENALTIES FOR VIOLATIONS OF THE MUNICIPAL CODE; VALIDITY, ESTABLISHING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA.

SECTION 1. MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL, GENERAL POLICY.

A. Purpose: The purpose of this ordinance is:

1. To protect the public potable water supply of the Municipal water system from contamination or pollution by containing within the consumer's internal distribution system or private water system contaminants or pollutants which could backflow through the service connection into the public potable water supply system.
2. To promote the elimination, containment, isolation or control of existing cross connections, actual or potential between the public or consumer's potable water systems and non-potable water systems, plumbing fixtures and industrial process systems.
3. To provide for the maintenance of a continuing program of cross connection control which will systematically and effectively prevent the contamination or pollution of all potable water systems.

B. Application: This ordinance shall apply to all premises served by the public potable water system of the Municipality.

C. Policy: This ordinance will be reasonably interpreted. It is the Municipality's intent to recognize the varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

The Municipal Water Department and Governing Body shall be primarily responsible for protection of the public potable water distribution system from contamination or pollution due to backflow or contaminants or pollutants through the water service connection. The cooperation of all consumers is required to implement and maintain the program to control cross connections. The consumer is responsible for preventing contamination of the water system within the consumer's own premises.

If, in their judgment of their authorized representative, cross connection protection is required through either piping modification or installation of an approved backflow prevention device, thirty (30) days' notice shall be give to the consumer. The failure, refusal or inability on the part of the consumer to provide requested protection within thirty (30) days shall make the consumer subject to discontinuance of water service at the discretion of the Municipal Water Department according to the degree of hazard without further notice. (Ref. 17-537 RS Neb.)

SECTION 2 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTION CONTROL, DEFINITIONS.

- A. The following definitions shall apply in interpretation and enforcement of this ordinance.
1. "Air Gap separation" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the overflow level rim of the receptacle.
 2. "Auxiliary water supply" means any water source or system, other than the public water supply, that may be available in the building or premises.
 3. "Backflow" means the flow other than the intended direction of flow or any foreign liquids, gases or substances into the distribution system of a public water supply.
 4. "Backflow prevention device" means any device, method or type of construction intended to prevent backflow into a potable water system provided backflow preventers have been tested and approved by a reputable testing laboratory.
 5. "Consumer" means the owner or person in control of any premises supplied by or in any manner connected to a public water system.
 6. "Containment" means protection of the public water supply by installing a cross connection control device or air gap separation on the main service line to a facility or as an installation within equipment handling potentially hazardous materials.
 7. "Contamination" means an impairment of the quality of the water by sewage, process fluids or other wastes to a degree which could create an actual hazard to the public health through poisoning or through spread of disease

by exposure.

8. "Cross connection" means any physical link between a potable water supply and any other substance, fluid or source which makes possible contamination of the potable water supply due to the reversal of flow of the water in the piping or distribution system.
9. "Hazard, Degree of" means an evaluation of the potential risk to public health and the adverse effect of the hazard upon the potable water system.
 - a. Hazard-Health - any condition, device or practice in the water supply system and its operation which could create or may create a danger to the health and well-being of the water consumer.
 - b. Hazard-Plumbing - a plumbing type cross connection in a consumer's potable water system that has not been properly protected by a vacuum breaker, air-gap separation or backflow prevention device.
 - c. Hazard-Pollutional - an actual or potential threat to the physical properties of the water system or to the potability of the public or the consumer's potable water system but which would constitute a nuisance or be aesthetically objectionable or could cause damage to the system or its appurtenances but would not be dangerous to health.
 - d. Hazard-System - an actual or potential threat of severe damage to the physical properties of the public potable water system or of a pollution or contamination which would have a protracted effect on the quality of the potable water supply.
10. "Industrial Process System" means any system containing a fluid or solution which may be chemically, biologically or otherwise contaminated or polluted in a form or concentration such as would constitute a health, system, pollutional or plumbing hazard if introduced into a potable water supply.
11. "Isolation" means protection of a facility service line by installing a cross connection control device or air gap separation on an individual fixture, appurtenance or system.
12. "Pollution" means the presence of any foreign substance (organic, inorganic or biological) in water which tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water to a degree which does not create an actual hazard to the public health but which does adversely and unreasonably affect such waters for domestic use.

13. "Public Potable Water System" means any publicly or privately owned water system supplying water to the general public which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the Nebraska Department of Health.
14. "Service Connection" means the terminal end of a service line from the public water system. If a meter is installed at the end of the service, then the service connection means the downstream end of the meter.
15. "Water Department" means the owner, operator or individual in responsible charge of a public water system.

SECTION 3 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, PROHIBITED.

- A. No water service connection shall be installed or maintained to any premises where actual or potential cross connections to the public potable or consumer's water system may exist unless such actual or potential cross connections are abated or controlled to the satisfaction of the Municipal Water Department and as required by the laws and regulations of the Nebraska Department of Health.
- B. No connection shall be installed or maintained whereby an auxiliary water supply may enter a public potable or consumer's water system unless such auxiliary water supply and the method of connection and use of such supply shall have been approved by the Municipal Water Department and the Nebraska Department of Health.
- C. No water service connection shall be installed or maintained to any premises in which the plumbing system, facilities and fixtures have not been constructed and installed using acceptable plumbing practices considered by the Municipal Water Department as necessary for the protection of health and safety.

SECTION 4 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, SURVEY AND INVESTIGATIONS.

- A. The consumer shall provide access to the premises at reasonable times to the Municipal Water Department or his authorized representative for the conduction of surveys and investigations of water use practices within the consumer's premises to determine whether there are actual or potential cross connections to the consumer's water system through which contaminants or pollutants could backflow into the public potable water system.
- B. On request by the Municipal Water Department or his authorized representative, the consumer shall furnish information on water use practices within his premises.

- C. It shall be the responsibility of the water consumer to conduct periodic surveys of water use practices on his premises to determine whether there are actual or potential cross connections to his water system through which contaminants or pollutants could backflow into his or the public potable water system.

SECTION 5 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, TYPE OF PROTECTION REQUIRED. The type of protection required by this ordinance shall depend on the degree of hazard which exists as follows:

- A. An approved air gap separation shall be installed where the public potable water system may be contaminated with substances that could cause a severe health hazard.
- B. An approved air gap separation or an approved reduced pressure principal backflow prevention device shall be installed where the public potable water system may be contaminated with a substance that could cause a health hazard.
- C. An approved air gap separation or an approved reduced pressure principal backflow prevention device or an approved double check valve assembly shall be installed where the public potable water system may be polluted with substances that could cause a pollutional hazard not dangerous to health.

SECTION 6 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, WHERE PROTECTION IS REQUIRED.

- A. An approved backflow prevention device shall be installed in the service connection line to a consumer's water system or within any premises where in the judgment of the Municipal Water Department or the Nebraska Department of Health actual or potential hazards to the public potable water system exists. The type and degree of protection required shall be commensurate with the degrees of hazard.
- B. An approved air gap separation or reduced pressure principal backflow prevention device shall be installed at the service connection or within any premises where, in the judgment of the Municipal Water Department or the Nebraska Department of Health, the nature and extent of activities on the premises or the materials used in connection with the activities or materials stored on the premises would present an immediate and dangerous hazard to health should a cross connection occur, even though such cross connection device is required to be installed. This includes but is not limited to the following situations:
 - 1. Premises having an auxiliary water supply unless the quality of the auxiliary supply is acceptable to the Municipal Water Department and the Nebraska Department of Health.

2. Premises having internal cross connections that are not correctable or intricate plumbing arrangements which make it impractical to ascertain whether or not cross connections exist.
 3. Premises where entry is restricted so that inspections for cross connections can not be made with sufficient frequency or at sufficiently short notice to assure that cross connections do not exist.
 4. Premises that although not covered by code are subject to frequent modification which would change their status or premises that have had backflow code violations.
 5. Premises on which any substance is handled under pressure so as to permit entry into the public water supply or where a cross connection could reasonably be expected to occur. This shall include the handling of process waters and cooling waters.
 6. Premises where materials of a toxic or hazardous nature are handled such that, if back siphonage or back pressure should occur, a serious health hazard may result.
- C. The following types of facilities must install or have in operation any approved air gap separation, atmospheric vacuum breaker or reduced pressure principal backflow prevention device as required by the Municipal Water Department and the Nebraska Department of Health to protect the public water supply and such must be installed at these facilities unless all hazardous or potentially hazardous conditions have been eliminated or corrected by other methods to the satisfaction of the Municipal Water Department and the Nebraska Department of Health.
1. Auxiliary Water Systems
 2. Beverage Bottling Plants
 3. Canneries, Packing Houses and Reduction Plants
 4. Car Washing Facilities
 5. Chemical Manufacturing, Processing, Compounding or Treatment Plants
 6. Chemically Contaminated Water Systems
 7. Dairies and Cold Storage Plants
 8. Film Laboratories
 9. Fire Protection Systems
 10. Hazardous Waste Storage and Disposal
 11. Hospital, Mortuaries, Clinics
 12. Sprinkler Systems and Hose Connections Injecting Directly, Materials of a Toxic or Hazardous Nature
 13. Laundries and Dye Works
 14. Metal Manufacturing, Cleaning, Processing and Fabricating Plants
 15. Oil and Gas Production, Storage or Transmission Properties

16. Plating Plants
17. Printing and Publishing Facilities
18. Research and Analytical Laboratories
19. Sewage and Storm Drainage Facilities - Pumping Stations
20. Zoological and Horticultural Gardens
21. All Cemetery Sprinkler Systems
22. Pet Grooming and Veterinarian Hospitals
23. Class A, B, and C Swimming Pools
24. Cooling Coil Service Lines (Refrigeration, Air Conditioning, etc.)
25. All Hot Water and Steam Boiler Heating Systems
26. All Stockyards and Sale Barns

SECTION 7 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, BACKFLOW PREVENTION DEVICES.

- A. Any backflow prevention device required by this ordinance shall be of a model or construction approved by the Municipal Water Department and the Nebraska Department of Health.
 1. Air gap separation to be approved shall be at least double the diameter of the supply pipe measured vertically above the flood level rim of the vessel but in not case less than one (1) inch.
 2. A double check valve assembly or a reduced pressure principal backflow prevention device shall be approved by the Municipal Water Department and shall appear on the current "list of approved backflow prevention devices" established by the Water Department.
- B. Existing backflow prevention devices approved by the Municipal Water Department at the time of installation and properly maintained shall, except for inspection and maintenance requirements, be excluded from the requirements of this ordinance so long as the Municipal Water Department is assured that they will satisfactorily protect the water system. Whenever the existing device is moved from its present location or requires more than minimum maintenance or, when the Water Department finds that the maintenance constitutes a hazard to health, the unit shall be replaced by a backflow prevention device meeting the requirements of this ordinance.

SECTION 8 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, BACKFLOW PREVENTION DEVICES, INSTALLATION.

- A. Backflow prevention devices required by this ordinance shall be installed at a location and in a manner approved by the Municipal Water Department and shall be installed at the expense of the water consumer.

- B. Backflow prevention devices installed on the service line to the consumer's water system shall be located on the consumer's side of the water meter as close to the meter as is reasonable practical and prior to any other connection.
- C. Backflow prevention devices shall be located so as to be readily accessible for maintenance and testing, protected from freezing and where no part of the device will be submerged or subject to flooding by any fluid.
- D. Backflow prevention devices for underground sprinklers that have an opening to the atmosphere shall be located at least twelve (12) inches above the highest ground served by the sprinkler system.

SECTION 9 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, BACKFLOW PREVENTION DEVICES, INSPECTION AND MAINTENANCE.

- A. It shall be the duty of the consumer at any premises on which backflow prevention devices required by this ordinance are installed to have inspections, tests and overhauls made in accordance with the following schedule or more often where inspections indicate a need.
 - 1. Air gap separations shall be inspected at the time of installation and at least every twelve (12) months thereafter.
 - 2. Double check valve assemblies shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed.
 - 3. Reduced pressure principal backflow prevention devices shall be inspected and tested for tightness at the time of installation and at least every twelve (12) months thereafter. They shall be dismantled, inspected internally, cleaned and repaired whenever needed.
- B. Overhauls of backflow prevention devices shall be made at the expense of the water consumer and shall be performed by a State of Nebraska Certified Backflow Prevention Device Tester.
- C. Backflow prevention devices designed with testing cocks shall be inspected and tested each year and those tests performed by the Municipal Water Department will be at the expense of the Water Department. Tests performed by others shall be at the expense of the consumer.
- D. Whenever backflow prevention devices required by this ordinance are found to

be defective, they shall be repaired or replaced at the expense of the consumer without delay.

- E. The water consumer must maintain a complete record of each backflow prevention device that has test cocks from purchase to retirement. Records of inspections, test, repairs and overhauls performed by others shall be submitted to the Municipal Water Department annually.
- F. Backflow prevention devices shall not be by-passed, made inoperative, removed or otherwise made ineffective without specific authorization by the Municipal Water Department.

SECTION 10 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, BACKFLOW PREVENTION DEVICES, VIOLATIONS.

- A. The Municipal Water Department or Water Purveyor shall have the right to deny or discontinue, after notice to the consumer thereof, the water service to any premises wherein:
 - 1. Any backflow prevention device required by these regulations is not installed or maintained in a manner acceptable to the Municipal Water Department.
 - 2. It is found that the backflow prevention device has been removed or by-passed.
 - 3. An unprotected cross-connection exists on the premises.
 - 4. A low pressure cut-off required by this Article is not installed and maintained in working order.
 - 5. The Municipal Water Department is denied entry to determine compliance with these regulations.
- B. The Municipal Water Department shall immediately deny or discontinue, without notice the consumer thereof, the water service to any premises wherein a severe cross-connection exists which constitutes an immediate threat to the safety of the public water system. The Municipal Water Department shall notify the consumer within twenty-four (24) hours of said denial or discontinuation of service.
- C. Water service to such premises shall not be restored until the consumer has corrected or eliminated such conditions or defects in conformance with these regulations, and to the satisfaction of the Municipal Water Department.

SECTION 11 MUNICIPAL WATER DEPARTMENT; CROSS CONNECTIONS, BACKFLOW PREVENTION DEVICES, LIABILITY CLAIMS.

Employees of the Municipal Water Department shall be relieved from personal liability when acting in good faith and without malice, for any damage that may occur to any person or property as a result of any act required or authorized by the regulations affecting Municipal Water Department; Cross Connections, Backflow Prevention Devices, or by any act or omission of the Employee of the Municipal Water Department in the discharge of his duties hereunder. Any suit brought carrying out the provisions of these regulations shall be defended by the Municipality, or by the Municipality's insurance carrier, if any, through final determination of such proceedings.

SECTION 12 Effective Date. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law. Reference Nebraska 17-537 RS.

ADOPTED AT ^{9:45 P.M.} ~~11~~ THIS 13 DAY OF July, 1998.

ATTEST:

Mardene Neke
CLERK

Roger Slab
CHAIRMAN

**ORDINANCE FOR THE ADOPTION OF PROPER STANDARDS FOR THE
HANDLING OF LIQUID WASTES**

ORDINANCE NO. 2006-07-4

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY,
NEBRASKA, FOR THE ESTABLISHMENT OF CERTAIN RULES AND
REGULATIONS REGARDING THE HANDLING OF LIQUID WASTES
CONTAINING FLOATABLE GREASE, OIL AND SAND.**

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska, that the following Ordinance shall be and hereby is adopted:

SECTION 1: GREASE, OIL, AND SAND INTERCEPTORS.

That the Village has determined that it is in the public interest to promote proper handling of liquid wastes. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Village Board of Trustees, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in this chapter or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Village Board of Trustees and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the Village Board of Trustees or their duly appointed employee or agent. Any removal and hauling of the collected materials not performed by the owner's personnel must be performed by currently licensed waste disposal firms.

SECTION 2: MAINTENANCE OF EQUIPMENT.

Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense.

SECTION 3: CONFLICTING ORDINANCES

That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 4: EFFECTIVE DATE

That this Ordinance shall become effective and be in full force and effect from and after its passage, approval and publication as required by law.

JJ Motion NFCC - 2nd

Voting Aye: NICK Ross, Don Lee, JJ Long, Maril Heil
Tim Moore

Voting Nay: _____

Abstentions: _____

PASSED AND APPROVED this 12th day of March 2007.

Timothy S. Moore
CHAIRMAN

(seal)

ATTEST:

Mardene Moore
VILLAGE CLERK

CHAPTER 3

DEPARTMENTS

ARTICLE 2. SEWER DEPARTMENT

3-201 MUNICIPAL SEWER DEPARTMENT: OPERATION AND FUNDING. The Municipality owns and operates the Municipal Sewer System through the Utilities Superintendent. The Governing Body shall have the authority to adopt rules and regulations for the sanitary and efficient management of the Department. (Ref 17-149, 17-925.01 RS Neb.)

3-202 MUNICIPAL SEWER DEPARTMENT DEFINITIONS: The following definitions shall be applied throughout this Article. Where no definition is specified, the normal dictionary usage of the word shall apply.

TRAP. The term "Trap" as used in this Code, shall mean and include a fitting or device so constructed as to prevent the passage of air or gas through a pipe without materially affecting the flow of sewage or waste through it.

SEWER SYSTEM. The term "Sewer System" as used in this Code, shall mean and include all facilities for collecting, pumping, treating, and disposing of sewage.

SEWAGE. The term "Sewage" as used in this Code, shall mean and include a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments together with such ground surface, and storm waters as may be present.

SANITARY SEWER. The term "Sanitary Sewer" as used in this Code shall mean and include a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

STORM SEWER. The term "Storm Sewer" as used in this Code, shall mean and include a sewer which carries storm and surface drainage, but excludes sewage and polluted industrial wastes.

GARBAGE. The term "Garbage" as used in this Code, shall mean and include solid wastes from the preparation of cooking and dispensing of food and produce.

PROPERLY SHREDDED. The term "Properly Shredded" as used in this Code, shall mean and include shredding to such a degree that all particle will be carried freely under the flow conditions normally prevailing in public sewers with no particle larger than one half (1/2) inch in diameter.

BIOLOGICAL OXYGEN DEMAND. The term "Biological Oxygen Demand" as used in this Code, shall mean and include the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees C, expressed in parts per million by weight.

pH. The term "pH" as used in this Code, shall mean and include the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

SUSPENDED SOLIDS. The term "Suspended Solids" as used in this Code, shall mean and include solids that either float on the surface of, or are in immersion in water, sewage, or other liquids, and are removable by filtering.

3-203 MUNICIPAL SEWER DEPARTMENT: APPLICATION FOR PERMIT. Any person wishing to connect with the sewer system shall make an application therefor to the Municipal Clerk. The Department shall not supply sewer service to any person outside the corporate limits without special permission from the Governing Body, provided that the entire cost of pipe and other installation charges shall be paid by such consumers. Nothing herein shall be construed to obligate the Municipality to provide sewer service to nonresidents. (Ref 17-149, 19-2701 RS Neb.)

3-204 MUNICIPAL SEWER DEPARTMENT: SEWER CONTRACT. The Municipality through the Municipal Sewer Department shall furnish sewer services to persons within its corporate limits whose premises abut a street or alley in which a commercial main is now or may hereafter be laid. The Municipality may also furnish sewer service to persons whose premises are situated outside the corporate limits of the Municipality as and when, according to law the Governing Body may see fit to do so. The rules, regulations, and sewer rental rates hereinafter named in this Article shall be considered a part of every application hereafter made for sewer service and shall be considered a part of the contract between every customer now or hereafter served. Without further formality, the making of the application on the part of any applicant or the use of sewer service by present customers therefor shall, constitute a contract between the customer and the Municipality to which said contract both parties are bound.

3-205 MUNICIPAL SEWER DEPARTMENT: MANDATORY HOOKUP. Upon written notice by the Municipal Clerk, the property owner, occupant or lessee of any premise that abuts a sewer main that is now or may hereafter be laid shall without delay, cause the said building to be connected with the Sewer System and equipped with inside sewerage facilities. Every building hereafter erected shall be connected with the Sewer System at the time of its constructions. In the event that any property owner, occupant, or lessee shall neglect, fail or refuse within a period of ten (10) days after notice has been given to him to do so by registered mail or by publication in a newspaper in or of general circulation in the Municipality to make such connection, the Governing Body shall have the power to cause the same to be done, to assess the cost thereof against the property and to collect the assessment thus made in the manner provided for collection of other special taxes and assessments. (Ref. 17-149, 17-149.01, RS Neb.)

3-206 MUNICIPAL SEWER DEPARTMENT: DIRECT CONNECTIONS. Each and every building except buildings customarily incidental to the primary building and trailers, must make a direct connection with the main sewer line. Under no circumstances will two (2) or more houses be allowed to make such connections through one (1) pipe.

3-207 MUNICIPAL SEWER DEPARTMENT: SERVICE CONTRACTS. Contracts for sewer service are not transferable. Any person wishing to change from one location to another shall make a new application and sign a new contract. If any customer shall move from the promise where service is furnished or if the said premise is destroyed by fire or other casualty, he shall at once inform the Municipal Clerk.

3-208 MUNICIPAL SEWER DEPARTMENT: INSTALLATION PROCEDURES. Upon approval of the customer's application, the customer shall be responsible for all installation of service from the Municipal Sewer main to the premises to be served. No excavation shall be left without barricade, and during the night, warning lights. Upon completion of the line is laid, the public ways and property shall be restored to good condition. If the excavation in the public ways and property is left open or unfinished for twenty-four (24) hours, the work will be completed by the Utilities Superintendent at the expense of the property owner. No work will be done without the inspection of the Utilities Superintendent.

3-209 MUNICIPAL SEWER DEPARTMENT: INSTALLATION COST. The customer upon approval of his application for sewer service, shall pay the Municipal Cashier a tap fee which shall compensate the Municipality for the expense of processing his application, tapping the sewer main and running the service lateral from the main to the property line of the applicant. The customer shall then be required to pay the expense of procuring the materials required as well as the services of a licensed plumber and shall pay all other costs of installation from the property line to the point(s) of collection.

tap fee 148.00

3-210 MUNICIPAL SEWER DEPARTMENT: REPAIRS AND REPLACEMENTS. The Municipal Sewer Department may require the owner of any property which is within the Municipality and connected to the public sewers or drains to repair or replace any connection line which serves the owner's property and is broken, clogged or otherwise in need of repair or replacement. The property owner's duty to repair or replace such a connection line shall include those portions upon the owner's property and those portions upon public property or easements up to and including the point of junction with the public main. The Municipal Clerk shall give the property owner notice by registered letter or certified mail, directed to the last known address of such owner or the agent of such owner, directing the repair or replacement of such connection line. If within thirty (30) days of mailing such notice, the property owner fails or neglects to cause such repairs or replacements to be made, the Utilities Superintendent may cause such work to be done and assess the cost upon the property served by such connection. (Ref. 18-1748 RS Neb.)

3-211 MUNICIPAL SEWER DEPARTMENT: CLASSIFICATION. The Governing Body may classify for the purpose of rental fees, the customers of the Municipal Sewer Department, provided, that such classifications are reasonable and do not discriminate unlawfully against any consumer or group of consumers. (Ref. 17-925.01 RS Neb.)

3-212 MUNICIPAL SEWER DEPARTMENT: RATE SETTING. The Governing Body has the power and authority to fix by resolution the rates to be charged for the usage of the Municipal Sewer line. The Municipal Clerk shall bill the customers and collect all money received by the Municipality on the account of the Sewer Department. He shall fully account for an pay to the Municipal Treasure all revenue collected by him, taking as his receipt therefore and duplicate, filing one (1) with the Municipal Clerk and keeping the other on file in the Sewer Department officials records.

3-213 MUNICIPAL SEWER DEPARTMENT: SEWER RENTAL BILLS. Sewer rental bills shall be due and payable quarterly at the office of the Municipal Clerk. The Municipal Clerk shall charge and collect from each customer the sewer rental bill which shall include all other charges, properly itemized, due the Sewer Department. Bills shall be delinquent after 30 days. Upon being deemed to be delinquent as herein defined, the Municipal Clerk shall implement procedural policies for utility disconnection. The Municipal Clerk may assess an addition fee set by resolution of the Governing Body and on file at the office of the Municipal Clerk in the event that WATER service is shut off the nonpayment of any sewer rental bill to compensate the Municipality for the additional hookup necessary to again provide WATER service to the delinquent customer. (Ref. 17-925.01, 18-503, 70-1601 through 70-1615 RS Neb.)

3-214 MUNICIPAL SEWER DEPARTMENT: HAZARDOUS AND PROHIBITED DISCHARGES, FLAMMABLE, TOXIC, CORROSIVE AND OBSTRUCTIVE SUBSTANCES, PRELIMINARY TREATMENT. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers.

1. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
2. An waters or wastes containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere, with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the sewage treatment plant including, but not limited to, cyanides in the excess of two (2) mg/l as CN in the wastes as discharged to the public sewer.
3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.
4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage facilities such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, ungrounded, garbage, whole blood, paunch manure, hair and fleshing, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

5. Any waters or wastes having:
 - A. A five (5) day BOD greater than 300 parts per million by weight.
 - B. Containing more than 350 parts per million by weight of suspended solids.
 - C. Having an average daily flow greater than two percent (2%) of the average sewage flow of the Municipality.
 - D. A chlorine requirement greater than demanded by normal sewage as evaluated by the Municipality's consulting engineer shall be subject to the review of the Utilities Superintendent.
6. Any liquid or vapor having a temperature higher than one hundred fifty (150) degrees Fahrenheit (65 degrees Celsius).
7. Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred (100 mg/l or containing substances which may solidify or become viscous at temperatures between thirty two (32) degrees and one hundred fifty (150) degrees Fahrenheit (0 degrees and 65 degrees Celsius).
8. Any garbage not properly shredded.
9. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
10. Any water or waste containing, iron, chromium, copper, zinc and similar toxic waste.
11. Any waters containing phenols or other taste or odor producing substances.
12. Any radioactive wastes or isotopes of such half-life or concentration as may exceed acceptable State or Federal levels.
13. Any water or waste having a pH in excess of 9.5.
14. Materials which exert or cause:
 - A. Unusual concentration of inert suspended solids such as limes, sodium chloride or sodium sulfate.)
 - B. Excessive discoloration due to dye and vegetable tanning solutions.
 - C. Unusual BOD, chemical oxygen demand or chlorine requirements in such quantities as to constitute a significant load on the sewage treatment works
 - D. Unusual volume of low or concentration of wastes constituting "slugs"
15. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment process employed or are amenable to treatment only to such degree that the sewage treatment plant effluent can not meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

Should any waters or wastes to be discharged to the public sewers, which do not meet the standards as described or may have a deleterious effect upon the sewage works, processes, equipment or receiving waters, or which otherwise create a hazard to life to constitute a public nuisance, the Utilities Superintendent may:

1. Reject the waste
2. Require pretreatment to an acceptable condition for discharge to the sewers
3. Require control over the quantities and rates of discharge.
4. Require payment to cover the added cost of handling and treating wastes not covered by existing taxes or sewer charges.

3-215 MUNICIPAL SEWER DEPARTMENT: SPECIAL EQUIPMENT. In the event a customer of the Municipal Sewer Department discharges an unusually large amount of waste daily, an unusually large amount of grease or oil or waste with an unusually high biochemical oxygen demand, the Governing Body may require the said customer to install interceptors or other preliminary treatment equipment to reduce the objectionable characteristics of the waste to within such maximum limits as he shall prescribe subject to the review of the Governing Body. All preliminary treatment facilities shall be purchased and maintained continuously in satisfactory and efficient operation at the customer's expense. Nothing herein shall be construed to prohibit a special agreement or arrangement between the Governing Body and an industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Municipality for treatment subject to additional rental fees or other discharges.

3-216 MUNICIPAL SEWER DEPARTMENT: LIEN. In addition to all other remedies, if a customer shall for any reason remain indebted to the Municipality for sewer service furnished, such amount due together with any rents and charges in arrears shall be considered a delinquent sewer rent which is hereby declared to be a lien upon the real estate for which the same was furnished. The Municipal Clerk shall notify in writing of r cause to be notified in writing all owners of premises or their agents whenever their tenant or lessees are sixty (60) days or more delinquent in the payment of sewer rent. It shall be the duty of the Municipal Clerk on the first (1st) day of June of each year to report to the Governing Body a list of all unpaid accounts due for sewer service together with a description of the premise served. The report shall be examined and if approved by the Governing Body, shall be certified by the Municipal Clerk to the County Clerk to be collected as a special tax in the manner provided by law. (Ref 17-925.01 RS Neb.)

3-217 MUNICIPAL SEWER DEPARTMENT: INSPECTIONS. The Utilities Superintendent or his authorized agents shall have free access at any reasonable time to all parts of each premise and building which is connected with the Sewer System to ascertain whether there is any disrepair or violations of this Article therein.

3-218 MUNICIPAL SEWER DEPARTMENT: MANHOLES. Entrance into a manhole or opening for any purpose except by authorized persons is hereby prohibited. It shall be unlawful to deposit or cause to be deposited in any receptacle connected with the Sewer System any substance which is not the usual an natural waste carried by the Sewer System.

3-219 MUNICIPAL SEWER DEPARTMENT: BUILDING SEWER INSTALLATION, USE OF EXISTING SEWERS. Old buildings sewers may be used in connection with new buildings only when they are found on examination and test by the Utilities Superintendent, to meet all requirements or this article.

3-220 MUNICIPAL SEWER DEPARTMENT: BUILDING SEWER INSTALLATION, CONSTRUCTION CODES. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back filling the trench shall all conform to the requirements of the building and plumbing codes.

The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the Municipality.

3-221 MUNICIPAL SEWER DEPARTMENT: BUILDING SEWER INSTALLATION, UNLAWFUL CONNECTION. No person shall make connection of roof down spouts, interior and exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

3-222 MUNICIPAL SEWER DEPARTMENT: BUILDING SEWER INSTALLATION, INSPECTIONS. The application for the building sewer permit shall notify the Utilities Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Utilities Superintendent or his representative.

3-223 MUNICIPAL SEWER DEPARTMENT: BUILDING SEWER INSTALLATION, EXCAVATIONS. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Municipality.

3-224 MUNICIPAL SEWER DEPARTMENT: CONTROL MANHOLES/ SAMPLING STATIONS, WHEN REQUIRED, INSTALLATION AND MAINTENANCE
When required by the Utilities Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the Utilities Superintendent. The manhole shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

3-225 MUNICIPAL SEWER DEPARTMENT: GREASE, OIL AND SAND INTERCEPTORS, WHEN REQUIRED. Grease, oil and sand interceptors shall be provided when in the opinion of the Utilities Superintendent, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients, except that such interceptors shall not be required for private living quarters or dwellings units. All interceptors shall be of a type and capacity approved by the Utilities Superintendent and shall be located as to be readily and easily accessible for cleaning and inspection.

3-226 MUNICIPAL SEWER DEPARTMENT: CONTROL MANHOLES/ SAMPLING STATIONS, METHOD.

All measurements, tests and analyses of the characteristics of wastes and wastes to which reference is made in this Article shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association and shall be determined at the control manhole provided or upon suitable samples taken at said control manhole. In the event no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. The particular analyses involved will determine whether a twenty-four (24) hour composite of all outfalls of a premise is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four (24) hour composites of all outfalls, whereas, pH's are determined from periodic grab samples.

3-227 MUNICIPAL SEWER DEPARTMENT: SANITARY SUPPLY SYSTEM,

DESTRUCTION OF PROPERTY. No person or persons shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person or persons violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

3-228 MUNICIPAL SEWER DEPARTMENT: COMPLIANCE WITH ARTICLE INSPECTIONS GENERALLY.

The Utilities Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all properties for the purposed of inspection, observation, measurement, sampling and testing system in accordance with the provisions of this Article. The Utilities Superintendent of his representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

3-229 MUNICIPAL SEWER DEPARTMENT: COMPLIANCE WITH ARTICLE, INSPECTION, INJURY LIABILITY.

While performing the necessary work on private properties referred to in Section 3 - 228, above, the Utilities Superintendent or duly authorized employees of the Municipality shall observe all safety rules applicable to the promises established by the company and the company shall be held harmless for injury or death to the Municipal Employees and the Municipality shall indemnify the company against loss or damage to its property by Municipal Employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions as required by the Municipality.

3-230 MUNICIPAL SEWER DEPARTMENT: COMPLIANCE WITH ARTICLE, INSPECTIONS, EASEMENTS. The Utilities Superintendent and other duly authorized employees of the Municipality bearing proper credentials and identification shall be permitted to enter all private properties through which the Municipality holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

3-231 MUNICIPAL SEWER DEPARTMENT: VIOLATION, NOTICE AND LIABILITY.

Any person found to be violating any provision of this Article except Section 3 - 224, shall be served by the Municipality with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Any person violating any of the provisions of this Article shall become liable to the Municipality for any expense, loss or damage occasioned the Municipality by reason of such violation.

3-232 MUNICIPAL SEWER DEPARTMENT: COMPLAINTS. Any consumer feeling himself aggrieved by reason of any controversy with the Utilities Superintendent or Municipal Clerk may appear before the Governing Body and present his grievance. Any consumer which considers himself aggrieved by being required to pay the charge demanded for the use of the sewer, or for the resumption of sewer service after the same shall have been shut off, shall pay such charge under protest, in which event the Municipal Clerk shall write on the receipt given such customer the words, "Paid Under Protest." Such consumer may then present his verified claim in the manner provided for presenting claims to the Governing Body for a refund of the amount so paid under protest. Such claims shall then be considered by the Governing Body in the same manner as other claims against the Municipality.

3 - 233 MUNICIPAL SEWER DEPARTMENT: MUNICIPAL POWERS. The Municipality has the legal authority to enforce its system of user charges and sewer use regulations on all existing or future users of the system whether located inside or outside the Municipal Corporate Limits.

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ARTICLE 3: PARKS

3-301 MUNICIPAL PARKS: OPERATION AND FUNDING. The Municipality owns and operates the Municipal Parks and other recreational areas through the Governing Body. The Governing Body, for the purpose of defraying the cost of the care, management and maintenance of the Municipal Park(s) may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the Municipal Treasure. The Board shall have the authority to adopt rules and regulations for the efficient management of the Municipal Park(s) and other recreational areas of the Municipality. (Ref. 17-948 through 17-952 RS Neb.)

3-302 MUNICIPAL PARKS: INJURY TO PROPERTY. It shall be unlawful for any person to maliciously or willfully cut down, injure or destroy and sodded or planted area or injure or destroy any building, structure, equipment, fence, bench, table or any other property of the Municipal Parks and recreational areas. No person shall commit any waste on or litter the Municipal Parks or other public grounds.

3-303 MUNICIPAL PARKS: REGULATIONS. The following regulations for park operation are hereby prescribed in order to promote orderly and safe use of the Municipal Parks and to prevent needless injury and destruction to park property.

- A. **Public Rest Rooms** - a key is available for usage, by calling the Village Clerk.
- B. **Park Hours of Operation** - Parks shall be closed to the public after eleven (11) o'clock P.M., except for special activities approved by the Village Board.
- C. **Picnic Areas** - use of Picnic areas and facilities is on a first come, first serve basis. Unless special arrangements are made, well in advance.

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ARTICLE 4. MUNICIPAL SOLID WASTE MANAGEMENT

3-401 MUNICIPAL SOLID WASTE MANAGEMENT; OPERATION AND FUNDING. The Governing Body, for the purpose of defraying the cost of the care, management and maintenance of the Municipal Solid Waste Management System may each year levy a tax not to exceed 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 Municipal Solid Waste Management Fund and shall remain in the custody of the Municipal Treasurer. The Governing Body shall have the direct management and control of the Municipal Solid Waste Management System. The Governing Body shall have the authority to adopt rules and regulations for the sanitary and efficient management of said system. The Governing Body shall provide by resolution for the management and operation of said system and shall set the rates to be charged for services rendered by resolution and file the same in the office of the Municipal Clerk for public inspection at any reasonable time. (Ref. 19-2101 through 19-2112 RS Neb.)

3-402 MUNICIPAL SOLID WASTE MANAGEMENT; LOCAL REGULATIONS. The Municipality shall adopt solid waste disposal regulations that consider collection, transportation, storage, processing, resource recovery and disposal of solid waste, developmental and operation plans for solid waste disposal areas, fire prevention, ground water protection, handling of liquid and hazardous materials, insect and rodent control and the methods of disposing of accumulations of junk outside of solid waste disposal areas.

3-403 MUNICIPAL SOLID WASTE MANAGEMENT; COMPLIANCE WITH NEBRASKA INTEGRATED SOLID WASTE MANAGEMENT ACT. The Municipality shall operate and manage its municipal solid waste management system in conformance to the Nebraska Integrated Solid Waste Management Act. (Ref. 13-2001 through 13-2043 RS Neb.)

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ARTICLE 5: MUNICIPAL UTILITIES GENERALLY

3-501 MUNICIPAL UTILITIES: DEFINED. Municipal Utilities shall include (1) water service, (2) sewer service, and (3) municipal solid waste management.

3-502 MUNICIPAL UTILITIES: MANDATORY USE OF MUNICIPAL UTILITIES. All owners, occupants, or lessee or any premises that is occupied and used for any purpose including but not limited to residential, commercial, industrial, governmental, religious, civic and nonprofit with municipal water and/or sewer utilities connected and/or serving said premises shall be deemed users of all municipal utilities, including water service, sewer service, and municipal solid waste management disposal service, and pay a service fee, established by resolution of the Municipal Governing Body, for such use.

3-503 MUNICIPAL UTILITIES: COMBINED BILLING. Service fee for use of Municipal Utilities shall be established by the Governing Body for each service individually and combined into one "Municipal Utilities Bill". Municipal Utilities Bill shall be due and payable within a 30 day time frame from time of receiving said bill. All delinquent bills are subject to a \$50.00 late charge.

3-504 MUNICIPAL UTILITIES: USER SERVICE FEE AND COLLECTION. The Governing Body has the power and authority to fix the rates to be paid by the users of Municipal Utilities. All such fees shall be on file for public inspection at the office of the Municipal Clerk. The Municipal Clerk shall bill the consumers for use of Municipal Utilities and collect all money received by the Municipality. Upon receipt of Municipal Utilities User Service Fee the Municipal Clerk shall remit said Moines to Municipal Treasurer who shall then credit, in the following order, the departments of: (1) water, (2) sewer, and (3) municipal solid waste management. (Ref. 17-539 and 19-2106 RS Neb.)

3-505 MUNICIPAL UTILITIES: DISCONNECTION. Upon Municipal Utilities Bill being deemed to be delinquent the Governing Body shall initiate utilities disconnection according to the following "PROCEDURAL POLICY FOR UTILITIES DISCONNECTION".

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ARTICLE 6. VILLAGE DEPARTMENT EQUIPMENT USE

3-601 VILLAGE DEPARTMENT EQUIPMENT USE: POLICY. Village equipment is to be used for the day to day operations, construction, and maintenance and repair of facilities and services owned and operated by the Village. Village equipment is not to be rented out or sold to private individuals or enterprises, unless authority is granted by the Municipal Board.

3-602 VILLAGE DEPARTMENT EQUIPMENT USE: EXCEPTION. If the work or equipment is not available locally, ~~form~~ within the Village, then with the consent of a majority of the members of the Village Board of Trustees, the work may be hired out by the Village at a rate to be established by resolution of the Village Board of Trustees.

3-603 VILLAGE DEPARTMENT EQUIPMENT USE: LOCAL GOVERNMENT AND NONPROFIT ORGANIZATIONS. Local government and nonprofit organizations may request use of Village Equipment. If a majority of the Village Board of Trustees, at a Village Board Meeting, consents, then the equipment may be rented with the following provisions:

1. A Village Employee operated the equipment on the particular job.
2. The organization is responsible for the Village Employee's time and replacement of all materials (fuel, parts, etc...)

3-604 VILLAGE DEPARTMENT EQUIPMENT USE: MUTUAL AID AGREEMENTS. Nothing in this policy shall prevent the use of Village Equipment in Mutual Aid Agreements with other local government entities.

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ARTICLE 7: PENAL PROVISION

3-701 VIOLATION PENALTY: Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.