

ORDINANCE FOR THE ANNEXATION OF REAL PROPERTY

ORDINANCE NO.

2014-15-4

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE ANNEXATION OF REAL PROPERTY INTO THE CORPORATE LIMITS OF THE VILLAGE.

BE IT ORDAINED by the Chairman and Board of Trustees of the Village of Madrid, Perkins County, Nebraska:

SECTION 1: That a plat and request for annexation were filed with the Village Clerk pursuant to NEB. REV. STAT. §17-405, et. al.

SECTION 2: That on a regular meeting of the Board of Trustees for the Village of Madrid, held on July 13, 2015, the Village determined that the request was made by the sole owner of the property and therefore represents the will of the majority of the landowners and residents; that the request was properly before the Board; and that it was in the best interests of the Village to annex said property.

SECTION 3: That the Village Board of Trustees voted to annex said property by a unanimous vote. That said property is legally described as follows, to-wit:

TRACT 'A'

A Tract of land located in the S 1/2 of the SW 1/4 of Section 9, Township 10 North, Range 37 West of the 6th P.M., Perkins County, Nebraska, being more particularly described as follows: Commencing at the S 1/4 corner of Section 9, T. 10 N., R 37W, of the 6th P.M., Perkins County, Nebraska; thence N 01°37'44" W on the east line of the SW 1/4 of said Section, 973.69 feet to the south line of Howell Street of

the Village of Madrid, Nebraska; thence N 89°09'06" W on said south line 251.53 feet to the Point of Beginning; thence S 00°51'45" W perpendicular to the south line of said Howell Street 121.67 feet; thence S 89°51'41" W 545.22 feet; thence N 00°51'45" E perpendicular to the south line of said Howell Street 131.35 feet to the said south line; thence S 89°09'06" E on the said south line 545.14 feet to the Point of Beginning containing 1.58 acres, more or less.

TRACT 'B'

A Tract of land located in the S 1/2 of the SW 1/4 of Section 9, Township 10 North, Range 37 West of the 6th P.M., Perkins County, Nebraska, being more particularly described as follows: Commencing at the S 1/4 corner of Section 9, T. 10 N., R 37 W, of the 6th P.M., Perkins County, Nebraska; thence N 01°37'44" W on the east line of the SW 1/4 of said Section 973.69 feet to the south line of Howell Street, of the Village of Madrid, Nebraska, said point also being the Point of Beginning; thence S 01°37'44" E on the said east line 119.61 feet to the NE corner of a 2.94 acre tract surveyed and recorded in Survey Book 8, Page 12, in the Perkins County Clerk's Office; thence N 89°16'56" W on the north line of said surveyed tract 150.00 feet to the NW corner of said surveyed tract; thence S 89°51'41" W 106.75 feet; thence N 00°51'45" E perpendicular to the south line of said Howell Street 121.67 feet to the said south line; thence S 89°09'06" E on said south line 251.53 feet to the Point of Beginning, containing 0.70 acres, more or less.

SECTION 4: That the Village Clerk is directed to recorded the plat in the office of the County Clerk of Perkins County, together with a certified copy of this ordinance declaring such annexation, under the seal of the Village of Madrid, Perkins County, Nebraska and upon such time the annexation of such adjacent territory shall be deemed complete, and the territory included and described in the plat on file in the office of the clerk or register of deeds shall be deemed and held to be a part of said original corporate village, and the inhabitants thereof shall thereafter enjoy the privileges and benefits of such

annexation, and be subject to the ordinances and regulations of said village.

SECTION 5: That all other ordinances or parts of ordinances insofar as they conflict herewith are hereby repealed.

SECTION 6: 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.

Voting Aye: Kristi Ogg, Nick Ross, Mark Hetl, Tim Moore

Voting Nay: _____

Abstentions: _____

PASSED AND APPROVED this 13th day of July 2015.

Timothy E Moore
CHAIRMAN

ATTEST:

Angela [Signature]
VILLAGE CLERK

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 12 day of June
2015 at 9:15 A.M.
and recorded as instrument No. 2015 00542
Dita A. Jones
County Clerk

Return to: Village of Madrid

Ordinance No 2014-2015-3

Page 1 of 3

ORDINANCE TO REZONE CERTAIN LOTS WITHIN THE VILAGE LIMITS

ORDINANCE NO. 2014-2015-3

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, FOR THE MODIFICATION OF EXISTING ZONING/LAND USE PLANNING DESIGNATIONS FOR CERTAIN LOTS LOCATED WITHIN THE VILLAGE.

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: FINDINGS.

A: That the Village has received an application to change the zoning/land use planning designation from Zone 3: RESIDENTIAL to Zone 2: GENERAL BUSINESS, for the following legally described lots: Lots 9 and 18 of Block 5, North Addition; Lots 7 and 8 and 19 and 20 of Block 5 North Addition; West 1/2 of Lots 16 and 17 of Block 4, North Addition; Lots 1 and 2 and 3 of Block 4, North Addition; and Lots 19 and 20 and 21 and 22 and 23 and 24 and 25 and 26 of Block 4, North Addition; all land located with the Village of Madrid, Perkins County Nebraska.

B: That the application requesting the change to the designation of said lots is properly submitted and all required paperwork is on file with the Village.

C: That the Zone/Land Use Board has reviewed the application and made the recommendation to the Board of Trustees to make the change as requested herein.

D: That the Board of Trustees finds that said change is consistent with the established Land Use Plan previously adopted by the Village.

E: That the application as set forth in paragraph A herein shall be and hereby is approved and that the Village's Land Use Plan and associated maps and documents shall be modified to reflect the adopted changes.

F: That any and all other changes, if any, requested by applicant in the above referenced application shall be and hereby are denied.

SECTION 2: 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.

Voting Aye: Mark Heel, Nick Ross, Tim Moore

Voting Nay: _____

Abstentions: Kristi Ogg

PASSED AND APPROVED this 8th day of June 2015.

Timothy E Moore
CHAIRMAN

ATTEST:

[Signature]
VILLAGE CLERK

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 22nd day of August
2014 at 3:00 p. M
and recorded as instrument No. _____
2014-00626
Brita A. Long, B.S.
County Clerk

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

Return to: Village of Madrid
PO Box 171
Madrid, NE 69150

TITLE OF DOCUMENT: EXTRACT OF MINUTES, VILLAGE OF MADRID, NEBRASKA

**EXTRACT OF MINUTES
VILLAGE OF MADRID, NEBRASKA**

A meeting of the Chairperson and the Board of Trustees of the Village of Madrid was convened in open and public session at 7:30 o'clock P.M. on August 11, 2014, at Madrid Community Hall. Present were: MARK Heil
NICIL PESS, Kristi Ogg, Tim Moore. Absent were:
Katie Fosbinder.

Notice of the meeting was given in advance thereof by Publication, the Village's designated method for giving notice, a copy of the Proof of Publication being attached to these Minutes.

Notice of the meeting was given in advance thereof by Publication/Posting, the Village's designated method for giving notice, a copy of the Proof of Publication/Posting being attached to these Minutes.

Notice of this meeting was given in advance to the Chairperson and all members of the Board of Trustees and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and Board of Trustees of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

At the beginning of the meeting, the Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

The Chairperson noted that it was the time set for hearing on the Resolution of Necessity related to construction of improvements to and reconstruction of a portion of the Village's sanitary

sewer system. The following persons appeared and were heard: none

_____. After all interested persons had
been heard, Trustee NICK Ross offered the following resolution and moved its adoption:

**EXTRACT OF MINUTES
VILLAGE OF MADRID, NEBRASKA**

A meeting of the Chairperson and the Board of Trustees of the Village of Madrid was convened in open and public session at 7:40 o'clock P.M. on August 11, 2014, at Madrid Community Hall. Present were: _____
Mark Heil, Kristi Ogg, Nick Ross, Tim Moore. Absent were:
Katie Fosbinder.

Notice of the meeting was given in advance thereof by Publication/Posting, the Village's designated method for giving notice, a copy of the Proof of Publication/Posting being attached to these Minutes.

Notice of this meeting was given in advance to the Chairperson and all members of the Board of Trustees and a copy of their Acknowledgment of Receipt of Notice and the agenda is attached to these Minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Chairperson and Board of Trustees of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

At the beginning of the meeting, the Chairperson publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held.

Trustee Nick Ross introduced Ordinance No. 2013-14-1 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, OF THE VILLAGE OF MADRID, NEBRASKA, IN THE PRINCIPAL AMOUNT OF UP TO TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) TO PAY THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE SEWER SYSTEM OF THE VILLAGE; PRESCRIBING THE FORM OF SAID BONDS AND AUTHORIZING THE OFFICERS OF THE VILLAGE TO DESIGNATE THE FINAL TERMS WITHIN CERTAIN PARAMETERS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS;

PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE CHAIRPERSON OF THE VILLAGE'S BOARD OF TRUSTEES, THE VILLAGE CLERK AND THE VILLAGE TREASURER TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS AND OTHER TERMS RELATING TO THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

and moved that the statutory rule requiring reading on three different days be suspended. Trustee

Mark Heil seconded the motion to suspend the rules and upon roll call vote on the motion the following Trustees voted YEA: Kristi Ogg, Nick Riss, Mark Heil
Tim Moore

_____ . The following voted NAY:
NONE . The motion to suspend the rules was adopted by three-fourths of the Trustees and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Trustee NICK RISS moved for final passage of the ordinance, which motion was seconded by Trustee MARK HEIL . The Chairperson then stated the question was "Shall Ordinance No. 2013-2014-1 be passed and adopted?" Upon roll call vote, the following Trustees voted YEA: Kristi Ogg
Nick Riss, Mark Heil, Tim Moore

_____ .
The following voted NAY: NONE . The passage and adoption of said ordinance having been concurred in by a majority of all members of the Board of Trustees, the Chairperson declared the ordinance adopted and the Chairperson in the presence of the Board of Trustees signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed her signature thereto and ordered the Ordinance to be published in pamphlet form as provided therein and to be posted in three public places within the Village. A true, correct and complete copy of said ordinance is as follows:

ACKNOWLEDGMENT OF RECEIPT OF
NOTICE OF MEETING

The undersigned Chairperson and members of the Board of Trustees of the Village of Madrid, Nebraska, acknowledge receipt of advance notice of a meeting of said body and the agenda for such meeting held at 7:40 p.m. on August 11, 2014 at Madrid Community Hall, Madrid, Nebraska.

Dated this 11th day August, 2014.

Richard J. Ross
Kristy Egg
Mark Hill
Tracy E Moore


This is in
Paper

NOTICE OF PUBLICATION
OF ORDINANCE NO. 2013-14-1
IN PAMPHLET FORM

Public Notice is hereby given that at a meeting of the Chairperson and Board of Trustees of the Village of Madrid, Nebraska, held at 7³⁰ p.m. on August 11, 2014 there was passed and adopted Ordinance No. 2013-14-1 entitled:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION SEWER BONDS, OF THE VILLAGE OF MADRID, NEBRASKA, IN THE PRINCIPAL AMOUNT OF UP TO TWO HUNDRED SEVENTY-FIVE THOUSAND DOLLARS (\$275,000) TO PAY THE COSTS OF CONSTRUCTING ADDITIONS AND IMPROVEMENTS TO THE SEWER SYSTEM OF THE VILLAGE; PRESCRIBING THE FORM OF SAID BONDS AND AUTHORIZING THE OFFICERS OF THE VILLAGE TO DESIGNATE THE FINAL TERMS WITHIN CERTAIN PARAMETERS; PROVIDING FOR A SINKING FUND AND FOR THE LEVY AND COLLECTION OF TAXES TO PAY SAID BONDS; PROVIDING FOR THE SALE OF THE BONDS; AUTHORIZING THE CHAIRPERSON OF THE VILLAGE'S BOARD OF TRUSTEES, THE VILLAGE CLERK AND THE VILLAGE TREASURER TO DETERMINE THE PRINCIPAL AMOUNT, THE MATURITIES, THE INTEREST RATES, THE REDEMPTION PROVISIONS AND OTHER TERMS RELATING TO THE BONDS; AUTHORIZING THE DELIVERY OF THE BONDS TO THE PURCHASER; PROVIDING FOR THE DISPOSITION OF THE BOND PROCEEDS AND ORDERING THE ORDINANCE PUBLISHED IN PAMPHLET FORM

Said Ordinance has been published in pamphlet form, and copies of said Ordinance as published in pamphlet form are available for inspection and distribution at the Office of the Village Clerk at the Village Office.


Village Clerk

ACKNOWLEDGMENT OF RECEIPT OF
NOTICE OF MEETING

The undersigned Chairperson and members of the Board of Trustees of the Village of Madrid, Nebraska, acknowledge receipt of advance notice of a meeting of said body and the agenda for such meeting held at 7:30 p.m. on August 11, 2014 at City Hall, Madrid, Nebraska.

Dated this 11 day August, 2014.

Mark Hill
Tim Moore
Nick Ross
Kristy Ogg

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 15th day of March
2012 at 10:35 a. M
and recorded as instrument No. 2012-00187
Rita Anderson B.S.
County Clerk

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

RETURN TO: Village of Madrid
PO Box 171
Madrid, NE 691

TITLE OF DOCUMENT:

**ORDINANCE TO MODIFY THE EXISTING LAND USE/ZONING PLAN FOR ZONE 5,
AGRICULTURAL**

ORDINANCE NO. 2011-12-4

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA,
TO MODIFY THE EXISTING LAND USE/ZONING PLAN BY PROVIDING
GOVERNANCE FOR ZONE 5, AGRICULTURAL AFTER THE ADOPTION OF EXTRA
TERRITORIAL JURISDICTION (ETJ) BY THE VILLAGE.**

**ORDINANCE TO MODIFY THE EXISTING LAND USE/ZONING PLAN FOR ZONE 5,
AGRICULTURAL**

ORDINANCE NO. 2011-12-4

**AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA,
TO MODIFY THE EXISTING LAND USE/ZONING PLAN BY PROVIDING
GOVERNANCE FOR ZONE 5, AGRICULTURAL AFTER THE ADOPTION OF EXTRA
TERRITORIAL JURISDICTION (ETJ) BY THE VILLAGE.**

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 and
incorporated into the Village Land Use/Zoning Plan as though a part of the original plan:

**AGRICULTURAL
ZONE 5**

5-1 INTENT AND PURPOSE OF THIS DISTRICT

The Village of Madrid has adopted extra territorial jurisdiction (ETJ) for the purpose of land use planning and zoning. As a result the Village has acquired jurisdiction over land that has traditionally been categorized as agricultural. It is the intent of the Agricultural Zone to allow for traditional and existing uses associated with rural land while incorporating a progressive plan to allow additional development that would be consistent with land abutting a growing community such as Madrid. Specifically, the zone is intended to be compatible with adjoining agricultural, dwelling, and commercial land use and to provide a plan to protect and improve the quality of life of all. An application and permit does not alleviate the applicate from assuring that he or she is in compliance with all other Federal, State, and local laws, rules, and restrictions.

5-2 DISTRICT REGULATIONS

The regulations set forth in the article or set forth elsewhere in this resolution, when referred to in this article are the regulations for Agricultural Zones or Zone 5 in the Madrid Comprehensive Plan and Regulations. No building shall be used and no building or structure shall be erected, altered, or enlarged, which is arranged, intended or designed for usage other

than one of the permitted uses listed in this section. Additional uses may be allowed by Conditional Use Permit as set forth herein, when submitted to, and approved by the Planning Commission under the terms and conditions the Village Board of Trustees may impose. All applications anticipated herein shall be made upon forms made available to the public. Forms made be obtained by the public, by making a written request to the Planning Commission or by making a request in person to the Village Clerk during his or her regular office hours.

5-3 GENERAL REGULATIONS

1. Tracts zoned agricultural shall be allowed in the ETJ of the Village of Madrid only.
2. Agricultural tracts shall not be less than ten (10) acres.
3. Plans for the erecting, altering or enlarging of structures or for a change of use shall be submitted to the Planning Commission as set forth herein. To be deemed completed in full, applications shall include the following:
 - a. Completed and signed application made by the owner of the land or his or her legal representative along with the application fee of Twenty-Five Dollars (\$25.00). If the applicant is not the owner of the land, the owner must acknowledge his or her review of the application and approval of the proposed use as set forth on the application.
 - b. Proof of authority and Certificate of Good Standing if applicable.
 - c. A topographical map showing contours at intervals of two (2) feet.
 - d. A plot showing:
 - i. Building locations on the tract.
 - ii. Access from streets, roads, or highways.
 - iii. Parking arrangement and number of spaces if planned use would require parking for the public or employees.
 - iv. Interior drives and service areas.
 - v. Location of utility services necessary for first responders.
 - vi. Landscape and buffer zones.
4. Location map showing the development and zoning of the adjacent property within three hundred (300) feet, including the location and the type of buildings and structures.
5. The full legal description of the boundaries of the properties for which the permit is being sought.
6. A map showing the general arrangement of streets, roads, and highways, within an area of one thousand (1000) feet from the boundaries of the property for which the permit is being sought.
7. A description of general character of the proposed building or use.
8. An applicant may provide a survey completed by a licensed surveyor if he or she feels it would better aid the Planning Commission in making their decision.

5-4 PERMITTED USE

The following uses may be permitted.

1. Agricultural uses. On tracts larger than ten (10) acres there is a maximum of one animal unit, as defined by state and local regulations, per acre for every acre over the ten (10) acre minimum. If there is a discrepancy between the definition of an animal unit under state and local regulations the more restrictive of the two shall apply.
2. Single-family dwelling.
3. Irrigation and flood control projects.
4. Public parks, playgrounds, buildings, and ground.
5. Public uses, including but not limited to recreational uses, fire stations, utilities and utility distribution systems.
6. Public and private nursery, primary, and secondary education structures.
7. Greenhouses and plant nurseries.

5-5 PERMITTED ACCESSORY USES

Accessory uses and structures normally appurtenant to the permitted uses and structures may be permitted upon the application and receipt of a permit from the Village. The following uses may be permitted under this section.

1. Dish antennas attached to a structure for the use thereof.
2. Parking as required for the permitted use.
3. Landscaping, fences, and screening as permitted or required.
4. Decks, gazeboes, and elevated patios.
5. Carports or garages, attached or unattached.
6. Livestock as permitted by law and regulations and consistent with Section 5-4 above.

5-6 CONDITIONAL USE

An application for a Conditional Use shall be completed in full, signed, and dated by the applicant and submitted along with an application fee of twenty-five (\$25.00) dollars. Each application shall contain all the information set forth in Section 5-3 above. In addition the application shall include the signature of all land owners of adjacent property located within one thousand feet (1000') of the property along with a statement by said owner of the adjacent land whether he or she objects or does not object, to the proposed project. A building or premise may be used of the following purpose upon the application to, and issuance by, the Village of a Conditional Use Permit.

1. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry or horticultural services.
2. Bed and Breakfast establishments.
3. Private or commercial kennels, boarding and training.
4. Camp grounds.
5. Non-commercial solar panels.

6. A maximum of one (1) non-commercial telecommunication towers subject to limits set forth in 5-7 herein. The construction of multiple towers, or "tower farms" are expressly forbidden.
7. A maximum of one (1) non-commercial wind generating systems of 25kW or less, per tract, subject to limitations set forth in 5-7 herein. While net metering may be allowed the applicant shall show that the majority of the power produced by said system will be used on site. Commercial systems or "wind farms" are expressly forbidden.

5-7 LIMITATIONS

In addition to all Federal, State and local laws, rules and regulations, all towers, wind generators and their support structures anticipated under 5-6 (6) and 5-6 (7) above shall be subject to the following limitations.

1. Height Restrictions:
 - a. When a tower is to be constructed within one hundred fifty feet (150') of a lot line or boundary line of the property for which the permit is sought no structure shall exceed sixty feet (60').
 - b. When a structure is to be constructed farther than one hundred fifty feet (150') of a lot line or boundary of the property for which the permit is sought, no structure shall exceed eighty feet (80').
 - c. Upon the showing by the applicant that the height limits would constitute an extreme hardship, the Planning Commission may permit the construction of a structure up to one hundred feet (100') in height. Said permit may be subject to additional restrictions and requirements as deemed prudent by the Planning Commission and the Board of Trustees sitting as the Board of Adjustment. The determination of the safety and appropriateness of the structure shall be at the discretion of the Planning Commission and Board of Adjustment only. Under no circumstances shall a permit be issued for a structure over one hundred feet (100').
2. Noise Restrictions:
 - a. No wind generator shall be permitted that would generate a noise level great than 65 decibels as determined at the lot line or boundary of the property.
 - b. Notwithstanding the above, no operation shall interfere with another's right of quiet enjoyment in his or her property. If twenty percent (20%) of the owners in the area or immediately adjacent thereto sign a written noise complain, a cease and desist order shall be issued by the Board of Adjustment until such time as an investigation can take place or a noise abatement plan can be put into place if necessary. A permit issued by the Village shall not be deemed *prima facie* evidence of compliance in a civil action to enjoin or abate the alleged nuisance.
3. General Safety
 - a. A conditional use permit shall be issued only after the applicant has provided to the Planning Commission evidence, and the Commission has made a finding that, all towers, support structures, generators and components used in the assembly thereof meet the

original manufactures specifications or that modifications or adaptations made thereto were completed and/or approved by the original manufacturer

- b. Permits shall be issued only upon the finding by the Planning Commission that the risk of a catastrophic failure of turbine blades does not represent a real and substantial risk to the safety of others.
 - c. Reasonable efforts shall be required of the applicate to prohibit unauthorized access or climbing on all towers or support structures anticipated herein. Permits shall not be issued for towers or support structures unless one or more of the following criteria are met:
 - i. The structured shall be enclosed by a fence of at least six feet (6') in height with a locked gate.
 - ii. Attached climbing devises such as permanent ladders shall end at least ten feet (10') above the height of the ground.
 - iii. Access to the tower or support structure shall be from inside a building normally locked when not in use.
 - iv. Applicant may submit an alternative option for consideration of the Planning Commission. Upon a finding that said alternative represents a reasonable attempt to comply with the need for safety a permit may be granted.
4. In considering an application for a conditional use permit, the Planning Commission may, at their discretion, hear additional testimony or accept additional evidence as they deem necessary to assist in their determination as to the safety and appropriateness of the proposed use.

5-8 TEMPORARY USES

The following temporary uses shall be permitted provided a Temporary Use Permit is obtained and said temporary use is eliminated at the expiration of the permit.

1. Buildings and uses incidental to construction work which shall be removed upon completion or abandonment of the construction work.
2. Temporary structures for festivals or commercial events.

5-9 NON-CONFORMING USES

It is the intent of these planning rules to permit lawful non-conformities to continue until they are removed but not to encourage their survival. Such uses are declared by this act to be incompatible with permitted uses. No non-conformities shall be enlarged upon, expanded, upgrade, extended, or rebuilt nor be used as grounds for adding other structures or uses prohibited herein.

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

Voting

Aye: Kristi Ogg, AL Proctor, Mark Heel, Timothy E Moore

Voting

Nay: NONE

Abstentions: NICK ROSS

PASSED AND APPROVED this 12th day of March 2012.

Timothy E Moore
CHAIRMAN

(seal)

ATTEST:

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 28th day of February
2012 at 10:55 A.M
and recorded as instrument No. _____
2012-00145
Rita A. Dona, B.S.
County Clerk

RETURN TO: Village of Madrid
PO Box 171
Madrid, NE 69150

TITLE OF DOCUMENT: Ordinance 2011-12-3

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, TO ESTABLISHMENT A BOARD OF ADJUSTMENT AND GRANT THE AUTHORITY TO THE BOARD OF TRUSTEES TO ACT AS A ZONING AND LAND USE PLANNING BOARD OF ADJUSTMENT PURSUANT TO NEB. REV. STAT. §19-911 ET. AL.

**ORDINANCE TO ESTABLISH THE BOARD OF ADJUSTMENT
(Zoning and Land Use Planning)**

ORDINANCE NO. 2011-12-~~4~~3

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, TO ESTABLISHMENT A BOARD OF ADJUSTMENT AND GRANT THE AUTHORITY TO THE BOARD OF TRUSTEES TO ACT AS A ZONING AND LAND USE PLANNING BOARD OF ADJUSTMENT PURSUANT TO NEB. REV. STAT. §19-911 ET. AL.

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: FINDINGS.

That pursuant to Neb. Rev. Stat. §§19-901 through 19-933 the Village established a comprehensive plan and adopted land use and zoning regulations.

That the Village has by Ordinance exercised the authority granted by the State of Nebraska to regulate land use and planning beyond the corporate limits of the Village and in accordance thereof has established extra territorial jurisdiction (ETJ) and has adopted zoning and land use planning regulations for said ETJ.

SECTION 2: BOARD OF ADJUSTMENT

That pursuant to NEB. REV. STAT. §19-911 the Village does hereby name the Board of Trustees to sit as the Board of Adjustment with all of the authority and responsibilities granted thereto under the laws of the State of Nebraska and the Village of Madrid, Perkins County, Nebraska.

SECTION 3: 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.

Voting

Aye: Kristi Ogg, Al Proctor, Nick Ross, Marlene Heil
Tim Moore

Voting

Nay: NONE

Abstentions: NONE

PASSED AND APPROVED this 13th day of February
2012.

Timothy E Moore
CHAIRMAN

(seal)

ATTEST:

Marlene Heil
VILLAGE CLERK

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 28th day of February
2012 at 10:48 a. M
and recorded as instrument No.
2012-00144
Rita A. Long B.S.
County Clerk

RETURN TO: Village of Madrid
PO Box 171
Madrid, NE 69150

TITLE OF DOCUMENT: Ordinance 2011-12-2

AN ORDINANCE TO ADDRESS COSTS ASSOCIATED WITH WATER AND SEWER TAPS

ORDINANCE 2011-12-2

AN ORDINANCE TO ADDRESS COSTS ASSOCIATED WITH WATER AND SEWER TAPS.

Be it ordained that the village has determined that the costs associated with installation of water and sewer taps has greatly increased since being set in 1999 and need to be addressed.

Be it also ordained that this ordinance will be in full force and effect upon final reading and acceptance by the village board of trustees.

THIS ORDINANCE WILL REPLACE ALL EARLIER ORDINANCES THAT MAKE MENTION OF WATER AND SEWER TAPS INSTALLATION COSTS AND/OR FEES.

SECTION 1: REGULATION

- A. All water and sewer taps will be completed by certified personnel and under the direction of the utilities superintendent.
- B. All costs associated with water and sewer taps will be the responsibility of the property owner.
- C. Costs associated with water taps will be \$500.00 and reflect the following break down of actual cost.

1. Saddle	\$ 69.95
2. 1" corporation stop	\$103.95
3. 1" curb stop	\$185.95
4. 1-5' curb box	\$ 56.95
5. Labor	\$ 87.50
6. TOTAL COST	\$504.30

- D. Costs associated with sewer taps will be \$2000.00 for sewers up to 12 feet. Additional costs may be associated with sewers that exceed 12 feet.

SECTION 2: PROCESS

- A. All people seeking to have a new water and/or sewer tap installed must have completed the permitting process.
- B. Permits can be obtained from the village clerk. Upon completion and return they will be sent to the planning commission for approval.
- C. Approved permits will be reviewed by the village board and entered into record upon acceptance.

SECTION 3: REPLACEMENT WATER AND/OR SEWER LINES

- A. All costs associated with replacement water and/or sewer lines will be at the property owner's expense.
- B. The costs associated with replacement water and/or sewer lines will be the same as a new tap, with the same stipulations for sewer tap costs.

Final reading of Ordinance 2011-2012-2 was held on this the 13th day of February, 2012.

NICIL moved - AL- Seconded VOTE 5-0

Voting to accept the proposed ordinance:

Kristi Ogg, Al Proctor, Nick Russ, Mark Heil, Tim Mack

Voting to reject the ordinance: NONE

Ordinance 2011-2012-2 was passed and will be in full effect upon recording of said ordinance with the Perkins County Clerk.

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 25th day of July
2012 at 9:28 A.M.
and recorded as instrument No. 2012-00531
Rita A. Long B.S.
County Clerk

SPACE ABOVE RESERVED FOR REGISTER OF DEEDS OFFICE RECORDING INFORMATION

**RETURN TO: Village of Madrid
PO Box 171
Madrid, NE 69150**

TITLE OF DOCUMENT: ORDINANCE 2011-2012-3

ORDINANCE 2011-2012- 3

AN ORDINANCE TO INCREASE THE COST OF LAND USE PERMITS AND THE PENALTY FOR NOT GETTING A PERMIT PRIOR TO BUILDING.

Be it ordained that the Madrid Village Board has identified a need to address the building permit process, including costs of permits and the penalty for non-compliance.

Be it also ordained that this ordinance will be in full force and effect upon final reading and acceptance by the village board of trustees.

THIS ORDINANCE WILL REPLACE ALL EARLIER ORDINANCES THAT MAKE MENTION OF BUILDING PERMIT COSTS AND PENALTIES FOR NON-COMPLIANCE.

SECTION 1: REGULATION

- A. All Building permits will now cost \$25.00.
- B. It will remain the responsibility of the property owner to contact digger's hotline and complete the appropriate permitting process prior to beginning construction.

SECTION 2: PROCESS

- A. All people seeking to complete new construction, improvements or demolition activity on their property must have completed the permitting process. (This includes fences.)
- B. Permits can be obtained from the village clerk. Upon completion and return they will be sent to the planning commission for approval.
- C. Approved permits will be reviewed by the village board and entered into record upon acceptance.

SECTION 3: PENALTY

- A. Failure to obtain the proper permit before construction and/or demolition will result in the village assessing a fine of \$500.00.
- B. The village retains the right to shut down any building site, where the property owner has not obtained the proper permit.
- C. The village may require the property owner to remove any completed construction that is in violation of building codes, set backs or acceptable use for the property.

Final reading of Ordinance 2011-2012-3 was held on this the 9th day of July, 2012.

Voting to accept the proposed ordinance:

Kristi Ogg, Al Proctor, Nick Ross, Mark Heil, Tim Moore 5-0

Voting to reject the ordinance:

NONE

Ordinance 2011-2012-3 was passed and will be in full effect upon recording of said ordinance with the Perkins County Clerk.

**ORDINANCE TO ESTABLISH THE BOARD OF ADJUSTMENT
(Zoning and Land Use Planning)**

ORDINANCE NO. 2011-12-~~8~~3

AN ORDINANCE OF THE VILLAGE OF MADRID, PERKINS COUNTY, NEBRASKA, TO ESTABLISHMENT A BOARD OF ADJUSTMENT AND GRANT THE AUTHORITY TO THE BOARD OF TRUSTEES TO ACT AS A ZONING AND LAND USE PLANNING BOARD OF ADJUSTMENT PURSUANT TO NEB. REV. STAT. §19-911 ET. AL.

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: FINDINGS.

That pursuant to Neb. Rev. Stat. §§19-901 through 19-933 the Village established a comprehensive plan and adopted land use and zoning regulations.

That the Village has by Ordinance exercised the authority granted by the State of Nebraska to regulate land use and planning beyond the corporate limits of the Village and in accordance thereof has established extra territorial jurisdiction (ETJ) and has adopted zoning and land use planning regulations for said ETJ.

SECTION 2: BOARD OF ADJUSTMENT

That pursuant to NEB. REV. STAT. §19-911 the Village does hereby name the Board of Trustees to sit as the Board of Adjustment with all of the authority and responsibilities granted thereto under the laws of the State of Nebraska and the Village of Madrid, Perkins County, Nebraska.

SECTION 3: 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.

Voting

Aye: Kristi Ogg, Al Proctor, Nick Ross, Mark Heil
Tim Moore

Voting

Nay: NONE

Abstentions: NONE

PASSED AND APPROVED this 13th day of February
2012.

Timothy E. Moore
CHAIRMAN

(seal)

ATTEST:

Marlene Mohr
VILLAGE CLERK

STATE OF NEBRASKA } ss
County of Perkins
Filed in this office of County Clerk
the 17th day of November
2011 at 10:59 a. M
and recorded as instrument No. _____
2011-00739
Byla A. Jones B.S.
County Clerk

VILLAGE OF MADRID

ORDINANCE 2011-2012-1

AN ORDINANCE TO ADMINISTER OVERSIZE PARKING ON VILLAGE STREETS

Cover Sheet + 2 Pages

ORDINANCE 2011-2012-1

AN ORDINANCE TO ADMINISTER OVERSIZE VEHICLE PARKING ON VILLAGE STREETS

Be it ordained that the Village of Madrid Board of Trustees finds it necessary to administer oversize vehicle parking in the village.

Be it also ordained that this ordinance will be in full force and effect upon final reading and acceptance by the village board of trustees.

Definition: As used in this ordinance, oversize vehicle means: any vehicle or combination of motorized vehicle and tow with a single or combined rated carrying of greater than one ton: or any combination of vehicle and tow which exceeds twenty four feet in length .

SECTION 1: REGULATION

- A. Parallel parking required throughout the village** except on Perkins Ave. one block north and one block south of Hwy 23 (Whittier St.) where angle parking of cars and pickups is allowed.
- B. No oversize vehicle parking except for unloading on the 100 block of South Perkins Ave.** One block north of Hwy 23 (Whittier St.). Oversize vehicles parked for unloading on Perkins one block north of Hwy 23 (Whittier St.) may park parallel to the curb in order to avoid blocking traffic.
- C. Temporary Parallel oversize vehicle parking on the 100 block of South Perkins Ave.** One block south of Hwy 23 (Whittier St.). Oversize vehicles may park temporarily, but not overnight, if parked parallel to the curb in the 100 block of Perkins Avenue. An exception to the overnight parking rule may be allowed during hazardous weather. Temporary parking during snow emergencies may be allowed until it is safe for the oversized vehicle to be moved to a new location. The village will designate additional emergency parking areas.
- D. No other oversize vehicle parking on Perkins Ave.** Except as allowed above, oversize vehicles may not park on Perkins Ave.
- E. North South streets** have 80 ft. of right of way. All vehicles including oversize vehicles parked on North South streets must be parallel parked within the 20 feet immediately adjacent to private property. Oversize vehicles must be parallel parked adjacent to property owned or occupied by the operator of the unit, unless permission is given in writing to park in front of another person's property.

- F. **East West streets** have 60 ft. of right of way. All vehicles parked on East West streets must be parked within the 10 feet immediately adjacent to private property. No oversize vehicle parking is allowed on East/ West streets.
- G. **Intersections:** All vehicles must park a minimum of twenty five feet off the corner of the traveled way of streets at an intersection to allow drivers to see oncoming traffic on the cross street.
- H. **Property Lines** between private property and the Village right of way are the responsibility of the landowner to determine.

SECTION 2: ENFORCEMENT

- A. Violation of parking requirements will result in a one time written warning.
- B. Subsequent violations will result in a written ticket with a monetary penalty.
- C. A new penalty will be assessed every twenty-four hours that the vehicle is in violation.

SECTION 3: PENAL PROVISION

- A. Any person who shall violate or refuse to comply with the enforcement of any provision of this Ordinance, 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.

Final reading of Ordinance 2011-2012-1 was held on this the 14th day of November, 2011.

Voting to accept the proposed ordinance: Christy Ogg, Al Proctor, Nick Ross, Mark Healy, Tim Moore

Voting to reject the ordinance: _____

Ordinance 2011-2012-1 was passed and will be in full effect upon recording of said ordinance with the Perkins County Clerk.