CHAPTER 2: COMMISSIONS AND BOARDS

Article

1. **STANDING COMMITTEES**
2. **MUNICIPAL COMMISSIONS AND BOARDS**
3. **PENAL PROVISION**

ARTICLE 1: STANDING COMMITTEES

§ 2-101 STANDING COMMITTEES; GENERAL PROVISIONS.

At the organizational meeting of the City Council, the Mayor shall appoint members of such standing committees as the City Council may by ordinance, or resolution create. The membership of such standing committees may be changed at any time by the Mayor. The Mayor 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.

§ 2-102 THE STREET AND PARKS COMMITTEE.

The Street and Parks Committee shall consist of the Mayor who shall be the Chairman thereof, and two (2) additional members of the City Council who shall be appointed by the Mayor to serve a one (1) year term of office unless reappointed. The Street and Parks Committee shall have the general charge of the streets, alleys, and all improvements, extensions and equipment pertaining thereto. The Committee shall investigate and plan the maintenance and future improvements of the Municipal streets and alleys. In addition, the Street and Parks Committee shall meet with the Park Committee established pursuant to section 2-211 from time to time and shall act as a liaison between the Park Committee and City Council. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate. *(Amended by Ord. No. 995, 1/14/08)*

§ 2-103 THE GAS COMMITTEE.

The Gas Committee shall consist of the Mayor, who shall be the Chairman thereof, and two (2) additional members of the City Council, who shall be appointed b y the Mayor to serve a one (1) year term, unless reappointed. The Gas Committee shall have general charge of the gas distribution system of the Municipality. The Committee shall investigate and plan for the maintenance and future improvements of the gas distribution system. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate.

§ 2-104 ELECTRIC COMMITTEE.

The Electric Committee shall consist of the Mayor, who shall be the Chairman thereof, and two (2) additional members of the City Council, who shall be appointed by the Mayor to serve a one (1) year term, unless reappointed. The Electric Committee shall have general charge of the electric and power system of the Municipality. The Committee shall investigate and plan for the maintenance and future improvements of the light and power system. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate.
(Amended by Ord. No. 995, 1/14/08)

§ 2-105 WATER, SEWER AND LANDFILL COMMITTEE.

The Water, Sewer and Landfill Committee shall consist of the Mayor, who shall be the Chairman thereof, and two (2) additional members of the City Council, who shall be appointed by the Mayor to serve a one (1) year term, unless reappointed. The Water, Sewer and Landfill Committee shall have the general control of the water, sewer and landfill systems of the Municipality. The Committee shall investigate and plan for the maintenance and future improvements of the water, sewer and landfill systems. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate. *(Amended by Ord. No. 995, 1/14/08)*

§ 2-106 COMMUNITY REDEVELOPMENT AUTHORITY.

(1) Creation. There is hereby created the Community Redevelopment Authority of the City of Stromsburg, Nebraska.

(2) Officers. The Mayor and the members of the City Council shall constitute the Community Redevelopment Authority of the City of Stromsburg, Nebraska. The Mayor shall serve as the Chairman of the Authority and the Council President shall serve as the Vice-Chairman. A majority of the Authority shall constitute a quorum of the transaction of business. The Authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be made available for public inspection during regular business hours.

(3) Director. The Public Works Director shall serve as the Director of the Community Redevelopment Authority and shall perform such duties as may be assigned by the Authority, including the necessary administrative functions described in the statutes under which the Authority has been created. The City Clerk shall serve as Ex-Officio Secretary of the Authority.

(4) Funds. All income, revenue, profits and other funds received by the Authority shall be deposited with the City Treasurer as the Ex-Officio Treasurer of such Authority without commingling such money with any other money under his or her control and disbursed by check or draft only upon warrants, orders, or requisitions by the Chairman of the Authority or other person authorized by the Authority, which shall state distinctly the purpose for which the same are drawn; and a permanent record shall be kept by the Authority of any such activity. *(Ord. No. 719, 12/10/96)*

§ 2-107 PUBLIC SAFETY COMMITTEE.

The Public Safety Committee shall consist of the Mayor, who shall be the Chairman thereof, and two (2) additional members of the City Council, who shall be appointed by the Mayor to serve a one (1) year term unless reappointed. The Public Safety Committee shall have the general charge of the Police, Fire and Ambulance Departments and equipment pertaining thereto. The Committee shall investigate and plan for the maintenance and future improvements of the Departments and equipment pertaining thereto. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate. *(Ord. No. 995, 1/14/08)*

§ 2-108 FINANCE/PERSONNEL COMMITTEE.

The Finance/Personnel Committee shall consist of the Mayor, who shall be the Chairman

thereof, and two (2) additional members of the City Council, who shall be appointed by the Mayor to serve a one (1) year term unless reappointed. The Finance/Personnel Committee shall have the responsibility to develop the City budget and develop a salary schedule for City personnel. The Committee shall have such additional duties and shall make such reports to the Governing Body as the Governing Body may designate. *(Ord. No. 995, 1/14/08)*

ARTICLE 2: MUNICIPAL COMMISSIONS AND BOARDS

§ 2-201 LIBRARY BOARD.

The Library Board shall consist of five (5) members and the nominated members must receive a majority vote of the governing body. The members of the Library Board shall serve a four (4)-year term of office as specified by Nebraska statutes. The Board shall serve without compensation and may be required, in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first meeting in July of each year, the Board shall organize by selecting from their number a Chairman and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for the public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. 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 three (3) members of the Board. The Library Board shall have the authority to appoint a Librarian and all other employees. It shall be the duty of the Board to have general charge of the Municipal Library and to establish appropriate rules and regulations for the management, operation, and use of the same. The Library Board shall have all powers and duties as described in section 52-211 RS Neb., as amended. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate from time to time. No member of the Governing Body shall serve as a member of the Library Board while serving a term of office as a member of the Governing Body. No member of the Library Board shall serve in the capacity of both the Chairman and Secretary of the Board. *(Ref. 51-202 RS Neb.) (Amended by Ord. Nos. 367, 10/13/81; 874, 1/28/03; 1026, 11/22/10)*

§ 2-202 PLANNING COMMISSION.

(1) The Planning Commission shall consist of nine (9) regular members who shall represent, insofar as is possible, the different professions or occupations in the Municipality and shall be appointed by the Mayor, by and with the approval of a majority vote of the members elected to the City Council. Two (2) of the regular members may be residents of the area over which the Municipality is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the Municipality exercises extraterritorial zoning and subdivision regulation, one (1) regular member of the Commission shall be a resident from such area. If it is determined by the City Council that a sufficient number of residents reside in the area subject to extraterritorial zoning and subdivision regulation, and no such resident is a regular member of the Commission, the first available vacancy on the Commission shall be filled by the appointment of such an individual. For purposes of this section, a sufficient number of residents shall mean five hundred (500) residents. The term of each regular member shall be three (3) years, except that three (3) regular members of the first Commission shall serve for terms of one (1) year, three (3) for terms of two (2) years, and three (3) for terms of three (3) years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before the City Council, be removed by the Mayor, with the consent of a majority vote of the members elected to the City Council, for inefficiency, neglect of duty, or malfeasance in office, or other good and sufficient cause. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term by the Mayor.

(2) All regular members of the Commission shall serve without compensation and shall hold no other Municipal office except when appointed to serve on the Board of Adjustment as provided in section 19-908 RS Neb. All members of the Commission may be required, in the discretion of the City Council, to give bond in a sum set by resolution of the Council, and conditioned upon the faithful performance of their duties. The Commission shall elect its Chairperson and a Secretary from its members and create and fill such other of its offices as it may determine. The term of the Chairperson and the Secretary shall be one year, and they shall be eligible for reelection. No member of the Commission shall serve in the capacity of both the Chairperson and Secretary of the Commission. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file them with the Municipal Clerk where they shall be available for public inspection during office hours. The Commission shall be funded by the City Council from time to time out of the General Fund. The expenditures of the Commission, exclusive of gifts, shall be within the amounts appropriated for that purpose by the City Council; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts. A number of Commissioners equal to a majority of the number of regular members appointed to the Commission shall constitute a quorum for the transaction of any business. The Commission shall hold at least one regular meeting in each calendar quarter, except the City Council may require the Commission to meet more frequently and the Chairperson of the Commission may call for a meeting when necessary to deal with business pending before the Commission. Special meetings may also be held upon the call of any three (3) members of the Commission. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record. The Commission shall make and adopt plans for the physical development of the Municipality, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the Municipality, and shall carry out the other duties and exercise the powers specified in section 19-929 RS Neb. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. The Commission shall make its recommendations to the City Council so that they are received by the City Council within thirty (30) days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may, from time to time, designate.

(3) The Mayor, with the approval of a majority vote of the elected members of the City Council, shall appoint one (1) alternate member to the Commission. The alternate member shall serve without compensation and shall hold no other Municipal office. The term of the alternate member shall be three (3) years, and he or she shall hold office until his or her successor is appointed and approved. The alternate member may be removed from office in the same manner as a regular member. If the alternate member position becomes vacant other than through the expiration of the term, the vacancy shall be filled for the unexpired portion of the term by the Mayor with the approval of a majority vote of the elected members of the City Council. The alternate member may attend any meeting and may serve as a voting and participating member of the Commission at any time when less than the full number of regular Commission members is present and capable of voting. *(Ref. 19-924 through 19-929 RS Neb.) (Amended by Ord. Nos. 308, 1/10/79; 626, 8/9/94; 667, 3/14/95; 709, 1/23/96; 776, 9/22/98)*

§ 2-203 BOARD OF ADJUSTMENT.

(A) The Mayor shall appoint, with the consent of the City Council, a Board of Adjustment, which shall consist of five (5) regular members plus one (1) additional member designated as an

alternate who shall attend and serve only when one of the regular members is unable to attend for any reason. Each member shall be appointed for a term of three (3) years and shall be removable for cause by the Mayor upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One (1) member only of the Board of Adjustment shall be appointed from the membership of the Planning Commission, and the loss of membership on the Planning Commission by such member shall also result in his or her immediate loss of membership on the Board of Adjustment and the appointment of another Planning Commissioner to the Board of Adjustment. If the Board does not include a member who resides in the extraterritorial zoning jurisdiction of the city, the first vacancy occurring on the Board of Adjustment after the effective date of this section shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city at such time as more than two hundred (200) persons reside within such area. Thereafter, at all times, at least one (1) member of the Board of Adjustment shall reside outside the corporate boundaries of the City but within its extraterritorial zoning jurisdiction. Neither the Mayor nor any member of the City Council shall serve as a member of the Board of Adjustment.

(B) The members of the Board shall serve without compensation and may be required, in the discretion of the City Council, to give a bond in a sum set by resolution of the City Council and conditioned upon the faithful performance of their duties. The Board shall organize at its first meeting each year after the City Council meeting when appointments are regularly made and shall elect from its membership a Chairperson and Secretary. No member of the Board of Adjustment shall serve in the capacity of both Chairperson and Secretary of the Board.

(C) The Board shall adopt rules in accordance with the provisions of this section and sections 19-901 to 19-914 RS Neb. Meetings of the Board shall be held at the call of the chairperson and at such other times as the Board may determine. Special meetings may be also held upon the call of any three members of the Board. A majority of the Board shall constitute a quorum for the purpose of doing business. The Chairperson, or in his or her absence the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. It shall be the duty of the Secretary to keep complete and accurate minutes of the Board's proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and to keep records of the Board's examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be public record. The Board shall be responsible for making such reports and performing such other duties as the Mayor and City Council may designate. *(Ref. 19-908 RS Neb.)*

(D) Appeals to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the City affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board, after the notice of appeal shall have been filed with him or her, that by reason of facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of record on application on notice to the officer from whom the appeal is taken and on due cause shown. The Board shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest,

and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. *(Ref. 19-909 RS Neb.)*

(E) The Board shall have only the following powers:

(1) To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by an administrative official or agency based on or made in the enforcement of any zoning regulation or any regulation relating to the location or soundness of structures, except that the authority to hear and decide appeals shall not apply to decisions made by the City Council or Planning Commission regarding a conditional use or special exception;

(2) To hear and decide, in accordance with the provisions of any zoning regulation, requests for interpretation of any map; and

(3) When by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the enactment of the zoning regulations, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of such piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to or exceptional and undue hardships upon the owner of such property, to authorize, upon an appeal relating to the property, a variance from such strict application so as to relieve such difficulties or hardship, if such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of any ordinance or resolution.

(F) No such variance shall be authorized by the Board unless it finds that:

(1) The strict application of the zoning regulation would produce undue hardship;

(2) Such hardship is not shared generally by other properties in the same zoning district and the same vicinity;

(3) The authorization of such variance will not be of substantial detriment to adjacent property and the character of the district will not be changed by the granting of the variance; and

(4) The granting of such variance is based upon reason of demonstrable and exceptional hardship as distinguished from variations for purposes of convenience, profit, or caprice.

No variance shall be authorized unless the Board finds that the condition or situation of the property concerned or the intended use of the property is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning regulations.

(G) In exercising the powers granted in this section, the Board may, in conformity with sections 19-901 to 19-915 RS Neb., reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of four members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under

any such regulation or to effect any variation in such regulation. *(Ref. 19-910 RS Neb.)*

(H) Appeals from a decision by the Board may be taken as provided in section 19-912 RS Neb. *(Amended by Ord. Nos. 270, 4/26/77; 309, 1/10/79; 692, 1/23/96; 922, 1/11/05)*

§ 2-204 BOARD OF HEALTH.

(1) The Governing Body shall appoint a Board of Health which shall consist of four (4) members. The members of the Board shall include the Mayor, who shall serve as Chairperson, the President of the City Council, and two (2) other members. One member shall be a physician or health care provider, if one can be found who is willing to serve. Such physician or health care provider, if appointed, shall be the Board's medical advisor. If the Mayor has appointed a Chief of Police, the Chief of Police shall serve on the Board as Secretary and quarantine officer. The members of the Board shall serve, without compensation, a one (1) year term of office, unless reappointed, and shall reorganize at the first meeting in December of each year. No member of the Board of Health shall hold more than one (1) Board of Health position.

(2) The Secretary shall keep full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection during office hours. The Board of Health shall be funded by the Governing Body from time to time out of the General Fund. A majority of the Board shall constitute a quorum for the purpose of doing business. The Board shall meet at such times as the Governing Body may designate. Special meetings may be held upon the call of the Chairperson, or any two (2) members of the Board.

(3) The Board shall enact rules and regulations, which shall have the full force and effect of law, to safeguard the health of the people of the 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 enforce all laws of the State of Nebraska and ordinances of the Municipality relating to nuisances and to matters of sanitation which affect the health and safety of the people. The Board shall regularly inspect such premises and businesses as the Governing Body may direct. All members of the Board shall be responsible for making such reports and performing such other duties as the Governing Body may, from time to time, designate. *(Ref. 17-121 RS Neb.) (Amended by Ord. Nos. 293, 10/25/77; 737, 7/22/97)*

§ 2-205 BOARD OF PARK COMMISSIONERS.

(Repealed by Ord. No. 982, 5/14/07)

§ 2-206 CEMETERY BOARD.

The Governing Body shall appoint the Cemetery Board. The Board shall consist of six (6) members who are residents of the Municipality. Each member of the Board shall serve a term of three (3) years. The Board members shall serve without compensation and may be required in the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the first (1st) meeting in June of each year, the Board shall organize by selecting from its membership a chairman and

secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. All accounts against the Cemetery Fund shall be audited by the Cemetery Board and warrants against such funds shall be drawn by the chairman and countersigned by the secretary. Warrants to be drawn and countersigned shall be paid by the Municipal Clerk. A majority of the Board members shall constitute a quorum for the purpose of doing business. 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 three (3) members of the Board. It shall be the duty of the Board shall have the general care, management, and supervision of the Municipal Cemetery. The Board shall have the power and authority to limit and regulate the number of cemetery lots that may be owned by the same person; to prescribe rules for enclosing, adorning, and erecting monuments and tombstones on cemetery lots; and to prohibit any diverse or improper use thereof; provided, no religious tests shall be made as to the ownership of lots, the burial therein, and the ornamentation of graves. The Board shall have the additional duty to pass rules and regulations for the proper use of the Cemetery and prescribe penalties and fines for violations of the said rules and regulations. The Board shall use all revenue received from the sale of lots, gifts, or by devise for the care, management and administration of the Cemetery. All actions of the Board shall be subject to the review and supervision of the Governing Body. The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may designate. No member of the Governing Body shall serve as a member of the Board while serving a term of office as a member of the Governing Body. No member of the Cemetery Board shall hold more than one (1) Cemetery Board office. *(Ref. 12-401 through 12-403 RS Neb.)*

§ 2-207 AIRPORT AUTHORITY BOARD.

(Repealed by Ord. No. 804, 9/14/99)

§ 2-208 AIRPORT BOARD.

(Repealed by Ord. No. 1005, 3/9/2009)

§ 2-209 VIKING CENTER BOARD.

The Governing Body shall appoint the Viking Center Board. The Board shall consist of not less than three (3) members, nor more than seven (7) members. The members of the Board shall serve a three (3) year term of office unless reappointed. The Board shall serve without compensation and may be required, at the discretion of the Governing Body, to give a bond in a sum set by resolution of the Governing Body, and conditioned upon the faithful performance of their duties. At the time of the Board's first meeting in January of each year, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings, and to file the same with the Municipal Clerk where they shall be available for public inspection at any reasonable time. A majority of the Board members shall constitute a quorum for the transaction of business. 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) Board members. It shall be the duty of the Board to have general charge of the Viking Center and to establish appropriate rules and regulations for the management, operation and use of the same. All actions of the Board shall be subject to the review and control of the Governing Body.

The Board shall be responsible for making such reports and performing such additional duties as the Governing Body may from time to time designate. No member of the Governing Body shall serve as a member of the Viking Center Board while serving a term of office as a member of the Governing Body.
(Ord. No. 872, 1/28/03)

§ 2-210 COMMISSIONS AND BOARDS MEMBERSHIP.

(1) All members of the City boards and commissions shall be of legal age and residents of the City as a prerequisite for membership on said board or commission except where state law authorizes membership on a board or commission persons who are not residents of the City.

(2) Any employee of the City, any independent contract providing services to the City on a regular basis, any person providing services to the City on a regular basis, all elected officials, unless said elected official is required to serve on said board or commission shall be prohibited from serving on City boards and commissions. *(Ord. No. 981, 4/23/07)*

§ 2-211 PARK COMMITTEE.

(1) The Governing Body, through the nominations of the Mayor and approval of the City Council, shall appoint a Park Committee. The Committee shall consist of not less than three (3) members nor more than seven (7) members. The members of the Committee shall serve a three (3) year term of office and shall be eligible for reappointment. The Committee members shall serve without compensation. At the time of the Committee's first meeting in June of each year, the Committee shall organize by selecting from their numbers a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the Municipal Court where they shall be available for public inspection at any reasonable time. A majority of the Committee shall constitute a quorum for the transaction of business. The Committee shall meet at such time as the Governing Body may designate. Special meetings may be held upon the call of the chairman and any two (2) of the Committee members.

(2) The Park Committee shall:

(a) Be responsible for development of a long range plan for the City's parks and recreation facilities.

(b) Shall make recommendations to the Governing Body for capital improvements to the parks and recreation facilities.

(c) Shall interview candidates and make recommendations to the Governing Body for the employment of one (1) or more pool managers.

(d) Shall make recommendations to the City for appropriate budgetary requests for the operation of the parks and recreations facilities.

(e) Shall perform all other duties and responsibilities which may be assigned by the Governing Body.

(3) All actions of the Park Committee shall be subject to the review and control of the Governing Body. *(Ord. No. 983, 5/14/07)*

§ 2-212 TAX INCREMENT FINANCING COMMITTEE.

[Repealed by Ord. No. 1028, 2/14/11]

ARTICLE 3: PENAL PROVISION

§ 2-301 VIOLATION; PENALTY.

(1) Any person, or any person's agent or servant, who violates any of the provisions of this chapter, unless otherwise specifically provided herein, shall be deemed guilty of an offense and upon conviction thereof shall be fined in any sum not exceeding five hundred dollars ($500.00) A new violation shall be deemed to have been committed every twenty-four (24) hours of failure to comply with the provisions of this chapter.

(2) (a) Whenever a nuisance exists as defined in this chapter, the Municipality may proceed by a suit in equity to enjoin, abate, and remove the same in the manner provided by law.

(b) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case. *(Ref. 17-505, 18-1720, 18-1722 RS Neb.) (Amended by Ord. No. 817, 6/13/00)*