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CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Cemetery Board

(Ord. No. 245, 3/5/85)

SECTION 2-101: CEMETERY; OPERATION AND FUNDING

A. The cemetery owned by the village and now existing, located in Tax Lot 22 in Section 6, Township 17 North, Range 11 East of the 6th P.M., Washington County, Nebraska, is hereby continued and shall be known as the Kennard Cemetery. The active operation and supervision of said cemetery shall be vested in the Kennard Cemetery Board.

B. The Village Board, for the purpose of defraying the cost of the care, management, maintenance, and beautification of the cemetery, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the village that is subject to taxation. The revenue from the said tax shall be known as the cemetery fund and shall include all gifts, grants, deeds of conveyance, bequests, money, stocks, bonds, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the cemetery. The cemetery fund shall at all times be in the custody of the village treasurer. The Village Board shall have the power and authority to hire and supervise such employees as it may deem necessary and to pass such rules and regulations for the operation of the cemetery as may be proper for its efficient operation. (Neb. Rev. Stat. §12-301 through 12-403)

C. The Village Board may receive money by donation, bequest, or otherwise for credit to the perpetual fund to be invested as provided by ordinance or as conditioned by the donor. The income therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate. The principal therefrom may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery as the donor may designate as long as no more than 20 percent of the principal is so used in any fiscal year and no more than 40 percent of the principal is so used in any period of ten consecutive fiscal years. The principal therefrom may also be used for the purchase and development of additional land to be used for cemetery purposes as the donor may designate as long as no more than 25 percent of the principal is so used in any fiscal year and no more than 35 percent of the principal is so used in any period of ten consecutive fiscal years. (Neb. Rev. Stat. §16-242)

SECTION 2-102: MEMBERS

A. The Village Board shall appoint the Cemetery Board, which shall consist of six members: four to be chosen from among the citizens at large of the village and two to be chosen from among the citizens at large of the village or who live within one

mile of the village limits. The board members shall serve for terms of three years and two members shall be appointed each year. The board shall serve without compensation.

B. Neither the chairman nor any members of the Board of Trustees may be members of the Kennard Cemetery Board.

C. Vacancies in the membership of the board shall be filled in like manner as regular members of the board are appointed.

(Neb. Rev. Stat. §12-401)

SECTION 2-103: OFFICERS; MEETINGS

A. The Kennard Cemetery Board shall hold regular meetings which shall be open to the public, held yearly on the first Tuesday in May. The village clerk shall have the power to call additional meetings as needed. The clerk shall notify Cemetery Board members of the time and place of said meetings and shall also cause notice to be published in the official newspaper of the village as required by law.

B. The board shall organize by selecting from its membership a chairman and secretary. No member of the board shall hold more than one board office. The secretary shall prepare an agenda for all regular and special meetings and file it with the village clerk at least 24 hours in advance of the meeting, keep the full and correct minutes and records of all meetings and file the same with the village clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the purpose of doing business.

(Neb. Rev. Stat. §12-403)

SECTION 2-104: DUTIES

A. The Cemetery Board shall have the general care, management, and supervision of the village cemetery with 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.

B. The board shall pass rules and regulations for the proper use of the cemetery and prescribe penalties and fines for violations thereof. 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.

SECTION 2-105: VILLAGE CLERK; RECORDS

The village clerk shall be an ex-officio member of the Kennard Cemetery Board. All cemetery records and records of the proceedings of the Cemetery Board shall be

kept at the village office under the control and supervision of the village clerk, as may be directed by the board, and shall be open for public inspection.

SECTION 2-106: CEMETERY; SEXTON

The Cemetery Board shall have the authority to appoint a sexton, who shall perform such duties and make such reports as the board shall direct. It shall be the duty of the sexton to locate and direct the applicant to the correct lot and to dig and excavate or cause the same to be dug and excavated in compliance with the rules and regulations of the Cemetery Board. (Neb. Rev. Stat. §12-403)

SECTION 2-107: CEMETERY; EXPENDITURES

All expenditures of funds for expenses in the operation and maintenance of the cemetery shall be approved and paid by the chairman and Village Board.

SECTION 2-108: CEMETERY; CONVEYANCE OF LOTS; PROCEEDS

A. The Village Board may convey cemetery lots by certificate signed by the chairman and countersigned by the village clerk under the village seal, specifying that the person to whom the same is issued is the owner of the lot described therein by number for the purpose of interment. The said certificate shall give a right in fee simple to the proprietor, his or her heirs, and assigns. The certificate shall then be recorded in the office of the county clerk.

B. All proceeds from the sale of cemetery lots shall be delivered to the village treasurer and credited by such treasurer to the Kennard cemetery fund.
(Neb. Rev. Stat. §17-941)

SECTION 2-109: CEMETERY; FORFEITURE OF LOTS

If, for three consecutive years, all charges and liens are not paid by the holders of the lot certificates, the said certificates shall be declared forfeited and subject to resale. All certificates sold shall contain a forfeiture clause to the effect that if no interment is made on the said lot and all liens paid, the certificate and the rights under the same may, at the option of the Village Board, be declared null and void and the lot shall be subject to resale. (Neb. Rev. Stat. §17-938)

SECTION 2-110: CEMETERY; LOT TRANSFERS

Any person who wishes to transfer a certificate may do so by surrendering the original certificate to the village clerk. Charges for transfer of certificates and for perpetual care of burial spaces shall be set by the Village Board from time to time by resolution. Upon receipt of the application for transfer and payment of the transfer fee and perpetual care fee, the village clerk shall issue a new certificate. (Neb. Rev. Stat. §17-946)

SECTION 2-111: CEMETERY; PERPETUAL CARE

The village treasurer shall allocate and set apart a percentage of the entire amount paid for lots or burial spaces if the said lots or burial spaces are to be endowed with perpetual care. The fund shall be permanent in nature and as it accumulates shall be invested in such interest-bearing securities as are authorized by state law. The income earned thereon shall be used solely for the purposes of perpetual care for the cemetery lots. Any lot owner who, prior to the purchase of his or her lot, shall not have endowed his or her holdings with perpetual care may do so by paying to the village clerk such sum of money as the Cemetery Board may in each case fix and determine. Thereafter, the owner shall not be liable for the payment of an annual maintenance assessment.

SECTION 2-112: CEMETERY; DESTRUCTION OF PROPERTY

A. Any person who shall willfully destroy, mutilate, deface, injure, or remove any tomb, monument, or gravestone placed in the cemetery or any fence, railing, or other work for the protection or ornamentation of the cemetery or who shall willfully destroy, cut, break or injure any tree, shrub, or plant shall be deemed to be guilty of an offense. This section shall not prohibit an owner from trimming shrubs or trees or removing or replacing plants on his own lot therein.

B. It shall further be unlawful for any person to trespass upon any cemetery lot, carry any firearms (excepting honor guards or firing squads) or to carry or consume any alcoholic liquor within said cemetery grounds.

(Neb. Rev. Stat. §17-946)

Article 2 – Planning Commission

(Neb. Rev. Stat. §19-924 through 19-929) (Ord. No. 135A)

SECTION 2-201: MEMBERS

The Planning Commission shall consist of five members who shall represent, insofar as is possible, the different professions or occupations in the village and shall be appointed by the chairman by and with the approval of a majority vote of the Village Board. Two of the regular members may be residents of the area over which the village is authorized to exercise extraterritorial zoning and subdivision regulation. When there is a sufficient number of residents in the area over which the village exercises extraterritorial zoning and subdivision regulation, one regular member of the commission shall be a resident from such area. If it is determined by the Village Board that a sufficient number of residents reside in 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 200 residents. All regular members of the commission shall serve without compensation and shall hold no other village office except when appointed to serve on the Board of Adjustment as provided in Neb. Rev. Stat. §19-908. (Am. by Ord. Nos. 287, 5/1/07; 337, 5/6/97)

SECTION 2-202: ALTERNATE MEMBER

The chairman, with the approval of a majority vote of the Board of Trustees, may by ordinance provide for the appointment of one alternate member to the commission, who shall serve without compensation and shall hold no other village office. The term of the alternate member shall be three 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 chairman with the approval of a majority of the Board of Trustees. The alternate member may attend any meeting and may serve as a voting and participating member of the commission at any time when less than the full number of regular commission members is present and capable of voting.

SECTION 2-203: TERMS; VACANCIES

The term of each regular Planning Commission member shall be three years. All regular members shall hold office until their successors are appointed. Any member may, after a public hearing before Board of Trustees, be removed by the chairman with the consent of a majority vote of the board members 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 chairman.

SECTION 2-204: OFFICERS; MEETINGS

The Planning Commission shall elect its chairman from its members and create and fill such other of its offices as it may determine. The term of the chairman shall be one year and he or she shall be eligible for reelection. The commission shall hold at least one regular meeting in each calendar quarter, except the Village Board may require the commission to meet more frequently and the chairman of the commission may call for a meeting when necessary to deal with business pending before the commission. 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 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.

SECTION 2-205: FUNDING

The Village Board may provide the funds, equipment and accommodations necessary for the work of the Planning Commission but its expenditures, exclusive of gifts, shall be within the amounts appropriated for that purpose by the board; and no expenditures nor agreements for expenditures shall be valid in excess of such amounts.

SECTION 2-206: POWERS AND DUTIES; APPEAL

A. Except as provided in Neb. Rev. Stat. §19-930 to 19-933, the Planning Commission shall (1) make and adopt plans for the physical development of the village, including any areas outside its boundaries which in the commission's judgment bear relation to the planning of such village and including a Comprehensive Development Plan as defined by Neb. Rev. Stat. §19-903; (2) prepare and adopt such implemental means as a capital improvement program, subdivision regulations, building codes, and a zoning ordinance in cooperation with other interested municipal departments; and (3) consult with and advise public officials and agencies, public utilities, civic organizations, educational institutions, and citizens with relation to the promulgation and implementation of the Comprehensive Development Plan and its implemental programs. The commission may delegate authority to any such group to conduct studies and make surveys for the commission, make preliminary reports on its findings, and hold public hearings before submitting its final reports. The Village Board shall not take final action on matters relating to the Comprehensive Development Plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning until it has received the recommendation of the Planning Commission. The Village Board shall by ordinance set a reasonable time within which the recommendation from the Commission is to be received. A recommendation from the commission shall not be required for subdivision of existing lots and blocks whenever all required public improvements have been installed, no new dedication of public rights-of-way or easements is involved, and such subdivision complies with the ordinance requirements concerning minimum areas and dimensions of

such lots and blocks, if the Village Board has designated, by ordinance, an agent pursuant to Neb. Rev. Stat. §19-916.

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

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

Article 3 – Penal Provision

SECTION 2-301: VIOLATION; PENALTY

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.00 for each offense. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.