

Chapter 2

COMMISSIONS AND BOARDS

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. The following standing committees shall be appointed or reappointed each year until changed by the Governing Body:

Auditorium

Library

Road-Fire-Water

Sewer-Park

Article 2. Commissions and Boards

§2-201 LIBRARY BOARD. The Library Board shall be appointed by the Mayor with approval of a majority vote of the Governing Body. The Board shall consist of seven (7) members, at least four (4) of whom shall be residents of the Municipality. 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 (1st) 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 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 Board shall have supervisory authority over all employees of the library including the librarian. 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 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. 233, 4/5/83; 295, 8/4/87*)

§2-202 PLANNING COMMISSION. (1) The Planning Commission shall consist of seven (7) 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 one-third (1/3) of the regular members of the first Commission shall serve for terms of one (1) year, one-third (1/3) for terms of two (2) years, and one-third (1/3) 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 Mayor and City Council, to give bond in a sum set by resolution of the City Council, and conditioned upon the faithful performance of their duties. At the time of the Commission's first (1st) meeting in June of each year, the Commission 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 to file the same 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. 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. Special meetings may be held upon the call of the Chairman, or any three (3) members of the Commission. It shall be the duty of the Commission to 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. All actions by the Commission shall be subject to the review and supervision of the Mayor and City Council. Recommendations from the Commission shall be received by the City Council within sixty (60) 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 Mayor and City Council may, from time to time, designate. No member of the City Council or other Municipal official, except where otherwise specifically provided, shall serve as a member of the Commission while serving any other term of office. No member of the Commission shall serve in the capacity of both the Chairman and Secretary of the Commission.

(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. 192, 7/5/78; 252, 6/7/83; 368, 3/7/95; 384, 12/19/95*)

§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 (4) 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. 171, 11/4/5; 385, 12/19/95; 440, 10/21/97; 648, 11/2/04)

§2-203.01 BOARD OF ADJUSTMENT; MEMBERS; MEETINGS. (Repealed by Ord. No. 385, 12/19/95)

§2-203.02 BOARD OF ADJUSTMENT; APPEALS. (Repealed by Ord. No. 385, 12/19/95)

§2-203.03 BOARD OF ADJUSTMENT; POWERS; JURIS-DICTION. (Repealed by Ord. No. 385, 12/19/95)

§2-203.04 BOARD OF ADJUSTMENT; APPEALS TO DIS-TRICT COURT. (Repealed by Ord. No. 385, 12/19/95)

§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. 205, 11/6/79; 424, 7/1/97)

§2-205 BOARD OF PARK COMMISSIONERS. (Repealed by Ord. No. 346, 5/19/92)

Article 3. Tree Board

§2-301 TREE BOARD; DEFINITIONS.

STREET TREES. "Street trees" are herein defined as trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of all streets, avenues or ways within the Municipality.

PARK TREES. "Park trees" are herein defined as trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the Municipality, or to which the public has free access as a park.

COMMUNITY FOREST. "Community forest" is herein defined as all street and park trees as a total resource.

COMMUNITY FOREST MANAGER. "Community Forest Manager" is herein defined as the official representative of the Tree Board and as such is responsible for administration of the community forestry program.

(Ord. No. 294, 8/4/87)

§2-302 TREE BOARD; CREATION AND ESTABLISHMENT. There is hereby created and established a City Tree Board for the City of Springfield, Nebraska, which shall consist of five (5) members, citizens and residents of this City, who shall be appointed by the Mayor with the approval of the City Council. *(Ord. No. 294, 8/4/87)*

§2-303 TREE BOARD; TERM OF OFFICE. The term of the five (5) persons to be appointed by the Mayor shall be three (3) years except that the term of two (2) of the members appointed to the first (1st) board shall be for two (2) years. In the event that a vacancy shall occur during the term of any member, a successor shall be appointed for the unexpired portion of the term. *(Ord. No. 294, 8/4/87)*

§2-304 TREE BOARD; COMPENSATION. Members of the Tree Board shall serve without compensation. *(Ord. No. 294, 8/4/87)*

§2-305 TREE BOARD; DUTIES AND RESPONSIBILITIES. It shall be the responsibility of the Tree Board to study, investigate, council and develop and/or update annually, and administer a written plan for the care, replacement, maintenance, and removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the City Council and upon their acceptance and approval shall constitute the official comprehensive tree plan for the City of Springfield, Nebraska.

The Tree Board, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. *(Ord. No. 294, 8/4/87)*

§2-306 TREE BOARD; OPERATION. The Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of its proceedings. A majority of the members shall be a quorum for the transaction of business. (*Ord. No. 294, 8/4/87*)

§2-307 TREE BOARD; REVIEW BY CITY COUNCIL. The City Council shall have the right to review the conduct, acts and decisions of the Tree Board. Any person may appeal from any ruling or order of the Tree Board to the City Council who may hear the matter and make a final decision. (*Ord. No. 294, 8/4/87*)

Article 4. Community Redevelopment Authority

§2-401 COMMUNITY REDEVELOPMENT AUTHORITY; CREATION; AUTHORITY.

There is hereby created the Community Redevelopment Authority of the city. 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. (*Ord. No. 671, 2/15/05*)

§2-402 COMMUNITY REDEVELOPMENT AUTHORITY; MEMBERS.

Five persons, all of whom shall be residents of the City of Springfield, shall constitute the authority. The five members shall be selected by the Mayor and approved by the City Council. The terms of office of the members of the authority initially appointed shall be for one (1) year, two (2) years, three (3) years, four (4) years, and five (5) years, as designated by the Mayor in making the respective appointments. As the terms of the members of the authority expire, the Mayor, with the approval of the City Council, shall appoint or reappoint a member of the authority for a term of five (5) years to succeed the member whose term expires. (*Ord. No. 671, 2/15/05*)

§2-403 COMMUNITY REDEVELOPMENT AUTHORITY; OFFICERS.

The authority shall select one of its members as Chairman and one as Vice-Chairman. The authority shall select a person to serve as Director who shall be Ex Officio Secretary of the Community Redevelopment Authority. (*Ord. No. 671, 2/15/05*)

§2-404 COMMUNITY REDEVELOPMENT AUTHORITY; QUORUM.

A total of four members of the authority shall constitute a quorum for the transaction of business. The authority shall adopt rules for the transaction of its business and shall keep a record of its resolutions, transactions, findings and determinations, which records shall be made available for public inspection during regular business hours. (*Ord. No. 671, 2/15/05*)

§2-405 COMMUNITY REDEVELOPMENT AUTHORITY; FUNDS.

All income, revenue, profits, and other funds received by the Authority shall be deposited with the City Treasurer as Ex Officio Treasurer of such authority without commingling such money with any other money under her control and disbursed by her by check or draft only upon warrants, orders, or requisitions by the Chairman of the authority or other person authorized by the authority, which shall state distinctly the purpose for which the same are drawn; and a permanent record shall be kept by the authority of any such activity. (*Ord. No. 671, 2/15/05*)

§2-406 COMMUNITY REDEVELOPMENT AUTHORITY; LIMITED AUTHORITY.

The Community Redevelopment Authority of the city, hereafter referred to as the "CRA," shall have the powers and duties of a community redevelopment authority and shall be regulated as set forth in Sections 18-2101 to 18-2154, RS Neb. and amendments and supplements thereto, and the powers and duties delegated to the CRA by the Springfield City Council by ordinance, and such other duties as

the City Council has or may in the future delegate to the CRA. (*Ref. 18-2101 to 18-2154 RS Neb.*)
(*Ord. No. 671, 2/15/05*)

Article 5. Penal Provision

§2-501 VIOLATIONS; 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. 495, 7/5/00*)