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CHAPTER 2 – BOARDS AND PUBLIC FACILITIES

Article 1 – Library Board

SECTION 2-101: DEFINITIONS

For the purpose of this article, the following terms, phrases, words and their derivations shall have the following meanings:

"Board" or "Library Board" is the Library Board of the Village of Oxford, Nebraska.

"Public library" or "library" is the Oxford Public Library.

SECTION 2-102: EXISTING LIBRARY; CONTINUATION

The existing public library and reading room in the village is hereby established and shall be continued as a public library and reading room, forever kept and maintained by the village and known as the Oxford Public Library. (Neb. Rev. Stat. §§51-201 through 51-220)

SECTION 2-103: LIBRARY; OPERATION AND FUNDING

A. The Village Board may levy a tax of not more than \$0.105 on each \$100.00 upon the taxable value of all the taxable property in the village annually to be levied and collected in like manner as other taxes in the village for support of the library. The levy shall be subject to Neb. Rev. Stat. §§77-3442 and 77-3443. The amount collected from such levy shall be known as the library fund and shall also include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing property and real estate from any source for the purpose of endowing the public library. All money collected by the library shall be turned over at least monthly by the librarian to the village treasurer along with a report of the sources of the revenue.

B. All taxes levied or collected and all funds donated or in any way acquired for the erection, maintenance, or support of the public library shall be kept for the use of the library separate and apart from all other funds of the village, shall be drawn upon and paid out by the village treasurer upon vouchers signed by the president of the Library Board and authenticated by the secretary of the board, and shall not be used or disbursed for any other purpose or in any other manner. The village may establish a public library sinking fund for major capital expenditures.
(Neb. Rev. Stat. §§51-201, 51-209)

SECTION 2-104: MEMBERS; TERMS

The Library Board shall have control and management of the library. The board shall consist of five members who are residents of the village. The Village Board shall by ordinance adopt the manner in which the members of the Library Board are to be

chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the board. If the members are to be elected, the usual election procedures of the village shall be followed. Each member shall serve a term of four years. In case of vacancy for any reason, the Village Board shall fill such vacancy for the unexpired term. No Village Board member shall be a member of the Library Board. No Library Board member shall receive any pay or compensation for any services rendered as a member of the board. (Neb. Rev. Stat. §51-202)

SECTION 2-105: OFFICERS; MEETINGS

The Library Board shall meet at such times as the Village Board may designate. At the time of the first meeting in July of each year, the members shall organize by selecting from their number a president, secretary, and such other officers as may be necessary. No member of the Library Board shall serve in the capacity of both chairman and secretary. It shall be the duty of the secretary to prepare an agenda for all regular and special meetings, to keep the full and correct minutes and records of all meetings and to file the same with the village clerk, where they shall be available for public inspection during office hours within ten working days or before the next board meeting, whichever is earlier. A majority of the board members shall constitute a quorum for the transaction of business. Any motion, resolution or order passed by the board shall require the vote or assent of three members in order to be valid. Special meetings may be held upon the call of the chairman or any three board members. (Neb. Rev. Stat. §51-204)

SECTION 2-106: POWERS AND DUTIES

A. The Library Board shall have the power to make and adopt such bylaws, rules, and regulations for its own guidance and for the government of the library and reading room as it may deem expedient, not inconsistent with Neb. Rev. Stat. §§51-201 through 51-219.

B. The Library Board shall have exclusive control of expenditures, all money collected or donated to the credit of the library fund, the renting and construction of any library building, and the supervision, care, and custody of the grounds, rooms, or buildings constructed, leased, or set apart for that purpose.

C. The Library Board may erect, lease, or occupy an appropriate building for the use of such a library, appoint a suitable librarian and assistants, fix the compensation of such appointees, and remove such appointees at the pleasure of the board. The Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board.

D. The Library Board may establish rules and regulations for the government of the library as may be deemed necessary for its preservation and to maintain its usefulness and efficiency. The board may fix and impose by general rules any penalties and forfeitures for trespasses upon or injury to the library grounds, rooms, books, or other property, for failure to return any book, or for violation of any bylaw, rule, or

regulation. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments.

(Neb. Rev. Stat. §§51-205, 51-207, 51-211)

SECTION 2-107: ANNUAL REPORT TO VILLAGE BOARD

The Library Board shall, on or before the second Monday in February each year, make a report to the Village Board of the condition of its trust on the last day of the prior fiscal year. The report shall show all money received and credited or expended; the number of materials held, including books, video and audio materials, software programs, and materials in other formats; the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library Board may deem of general interest or as the Village Board may require. The report shall be verified by affidavit of the proper officers of the Library Board. (Neb. Rev. Stat. §51-213)

SECTION 2-108: REAL ESTATE; SALE AND CONVEYANCE

A. The Library Board may, by resolution, direct the sale and conveyance of any real estate owned by the board or by the public library which is not used for library purposes or of any real estate so donated or devised to the board or to the library, upon such terms as the board may deem best.

B. Before any such sale is made, the Library Board shall advertise the sale once each week for three consecutive weeks in a legal newspaper published in or of general circulation in the village. The notice shall set out the time, place, terms, manner of sale, legal description of such real estate, and the right to reject any and all bids. If the bids have not been rejected, then the real estate shall be sold to the highest bidder for cash and the president of the Library Board, upon resolution of the board directing him or her so to do, shall convey the real estate to the purchaser of such real estate upon payment of said bid. If within 30 days after the third publication of the notice a remonstrance against the sale is signed by 30% of the registered voters of the village voting at the last regular village election and filed with the Village Board, the property shall not then nor within one year thereafter be sold. If the date for filing the remonstrance falls upon a Saturday, Sunday, or legal holiday, the signatures shall be collected within the 30-day period but the filing shall be considered timely if filed or postmarked on or before the next business day.

(Neb. Rev. Stat. §51-216)

SECTION 2-109: LIBRARY; RULES AND REGULATIONS

The Library Board shall establish rules and regulations for the governing of the village library and for the preservation and efficient management thereof. By general rules it shall fix and impose penalties and forfeitures for injury to the library grounds, rooms, books, or other property or for failure to return a book. All fees, penalties and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay

the said assessments. (Neb. Rev. Stat. §§51-205, 51-211)

SECTION 2-110: LIBRARY; COST OF USE; VIOLATION OF RULES

A. Except as provided in subsection (B) of this section, the library shall be free of charge for the use of the inhabitants of the village, subject always to such reasonable regulations as the Library Board may adopt to render the library of the greatest use to the inhabitants. The board may exclude from the use of the library any person who willfully violates or refuses to comply with rules and regulations established for the government thereof.

B. The public library shall make its basic services available without charge to all residents of the village. The board may fix and impose reasonable fees, not to exceed the library's actual cost, for non-basic services.

C. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

1. "Basic services" shall include, but are not limited to, free loan of circulating print and non-print materials from the local collection and general reference and information services.
2. "Non-basic services" shall include but are not limited to the use of:
 - a. Photocopying equipment;
 - b. Telephones, facsimile equipment, and other telecommunications equipment;
 - c. Media equipment;
 - d. Personal computers; and
 - e. Videocassette recording and playing equipment.

(Neb. Rev. Stat. §§51-201.01, 51-211, 51-212)

SECTION 2-111: LIBRARY; BOOK REMOVAL

It shall be unlawful for any person not authorized by the regulations made by the Library Board to take a book from the library without the consent of the librarian or an authorized employee of the library. Any person removing a book from the library without properly checking it out shall be deemed guilty of an offense. (Neb. Rev. Stat. §51-211)

SECTION 2-112: LIBRARY; LOST AND DAMAGED MATERIALS

Any person who injures or fails to return any item checked out from the library shall forfeit and pay not less than the value of the item in addition to any replacement costs and penalty which the Library Board may assess. (Neb. Rev. Stat. §51-211)

SECTION 2-113: LIBRARY; SALE, EXCHANGE, OR DISPOSAL OF BOOKS

The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such books so disposed of. (Neb. Rev. Stat. §51-207)

SECTION 2-114: LIBRARY; MONEY COLLECTED

Any money collected by the library shall be turned over monthly by the librarian to the village treasurer, along with a report of the sources of the revenue. (Neb. Rev. Stat. §51-209)

SECTION 2-115: LIBRARY; DESTRUCTION OF PROPERTY

Any person who shall willfully and maliciously write upon, injure, deface, tear or destroy any book, newspaper, plate, engraving or any property or thing of value belonging to the public library shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$10.00 nor more than \$50.00 for each offense. In addition to said fine, any person so convicted shall pay for any damage caused by such violation.

Article 2 – Board of Health

SECTION 2-201: MEMBERS; TERMS

The Village Board shall appoint a Board of Health consisting of four members, including the chairman of the Village Board, who shall serve as chairman, the vice-chairman of the Village Board, and two 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 medical advisor. In the event no physician resides within the village, the chairman shall appoint a citizen at large to serve instead. If the village has a contract with the county sheriff for law enforcement services, the chairman may appoint the sheriff to serve as secretary and quarantine officer. The members of the board shall serve one-year terms of office, unless removed by the village chairman with the advice and consent of the trustees. (Neb. Rev. Stat. §17-208) (Am. Ord. No. 290, 12/18/06)

SECTION 2-202: OFFICERS; MEETINGS

The Board of Health shall meet at such times as the Village Board may designate. The board members shall reorganize at their next meeting after any appointment is made to the board and, if necessary, select a member to serve as secretary. The secretary shall keep 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 shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any two members of the board.

SECTION 2-203: DUTIES

It shall be the duty of the Board of Health to enact rules and regulations, which shall have the full force and effect of law to safeguard the health of the people of the village. The board shall enforce the rules and regulations and provide fines and punishments for any violations thereof. It may regulate, suppress, and prevent the occurrence of nuisances and shall actively enforce all laws of the State of Nebraska and ordinances of the village relating to nuisances and matters of sanitation which affect the health and safety of the people. The board shall regularly inspect such premises and businesses as the Village Board may direct. The board shall be responsible for making such reports, prescribing such penalties, and performing such other duties as the Village Board may designate from time to time. All actions of the Board of Health shall be subject to the review and supervision of the Village Board. (Neb. Rev. Stat. §17-208)

SECTION 2-204: STATE RULES

The publication *Rules and Regulations Relating to Public Health*, Nebraska Department of Health, is hereby incorporated by reference when the same is applicable to the village, in its present form and as it may hereafter be amended. One copy of the

said publication shall be filed at the office of the village clerk and shall be available for public inspection during office hours. (Neb. Rev. Stat. §18-132)

SECTION 2-205: COUNTY HEALTH BOARD

It shall be the duty of the Board of Health to work closely with the County Health Board in protecting the health and welfare of the residents of the village.

Article 3 – Parks

SECTION 2-301: VILLAGE BOARD; DUTIES AND RESPONSIBILITIES

The Board of Park and Recreation Commissioners is hereby dissolved and all duties and responsibilities of said board shall be absorbed by the Village Board. (Am. Ord. No. 412, 2/16/15)

SECTION 2-302: VILLAGE TREASURER; PARK AND RECREATION FUND; CLAIMS

A. The village treasurer shall be treasurer *ex officio* of the park and recreation fund. All moneys derived from taxation, donation or any other source intended to be used for park and recreation purposes in and for the village shall be held by the village treasurer and kept separate and apart from all other funds.

B. All claims against the park and recreation fund shall be audited by the Village Board and payment of claims shall be drawn by the board in the same manner as payment of all other claims. No park and recreation funds shall be disbursed in any other manner or shall be used for any other park or recreation purposes. (Am. Ord. No. 14-105, 2/19/07)

SECTION 2-303: PARK AND RECREATION FUND; TAX AUTHORIZED

Each year the Village Board may levy a tax upon the assessed value of all taxable property in the village except intangible property. Said tax shall not exceed the maximum allowable by law. (Am. Ord. No. 14-106, 2/19/07)

SECTION 2-304: PARK USE

All village parks now existing or hereafter created shall be for the use of the general public and are subject to the rules and regulations herein provided and to such rules and regulations as may hereafter be adopted by the Village Board.

SECTION 2-305: PARK POWERS

The law enforcement powers of the village are hereby extended to include all real and personal property now owned or hereafter acquired for park purposes by the village. The county sheriff and deputies shall have the power to make arrests within any village park for violation of any village ordinances or for violation of any state statute.

SECTION 2-306: SPEED LIMIT

No person shall drive or operate any motor vehicle on any street, roadway, thoroughfare or other place within the limits of any village park at a speed greater than 20 miles per hour; provided, the speed restrictions of this section shall not apply to emergency vehicles when answering emergency calls.

SECTION 2-307: PARKING

No person shall park or leave unattended any motor vehicle in any village park except in those places designed for motor vehicle parking. Campers shall be permitted to park within any village park, provided they be parked as directed by park caretakers or the law enforcement officers of the village.

SECTION 2-308: FIRES; GARBAGE

No fires shall be permitted in any village park except in stoves or grates for that purpose. All papers, rubbish and garbage shall be placed in containers provided for that purpose.

SECTION 2-309: LIVESTOCK RESTRICTIONS

No horses, cattle or other animals shall be permitted within any village park except as provided by the rules and regulations of the Village Board.

SECTION 2-310: ALCOHOLIC LIQUOR PROHIBITED

It shall be unlawful for any person to consume or have in his or her possession any alcoholic liquor, to be found under the influence of alcohol, or to engage in any disorderly conduct while in or upon the premises of any village park.

SECTION 2-311: DESTRUCTION OF PROPERTY

Any person who shall cut down, injure or destroy any tree, plant or shrub or who shall injure or destroy any building, equipment or paraphernalia belonging to the village and installed in its parks or on any other public property used in connection with any municipal activity under the Village Board's jurisdiction, or who shall commit any waste of any kind upon the property of such activity, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined as provided in the penal provision of this chapter.

Article 4 –Swimming Pool

SECTION 2-401: OPERATION AND FUNDING

A. The village owns and manages the swimming pool. The Village Board, for the purpose of defraying the cost of the management, maintenance, and improvements of the swimming pool, 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 swimming pool fund and shall include all gifts, grants, deeds of conveyance, bequests, or other valuable income-producing personal property and real estate from any source for the purpose of endowing the swimming pool. The swimming pool fund shall at all times be in the custody of the village treasurer.

B. The Village Board shall manage the swimming pool and shall have the power and authority to hire and supervise the swimming pool manager and such employees as it may deem necessary, and shall pass such rules and regulations for the operation of the swimming pool as may be proper for its efficient operation. (Neb. Rev. Stat. §§17-948, 17-951, 17-952)

SECTION 2-402: RULES AND REGULATIONS

The Village Board shall have the power and authority to enact bylaws, rules, and regulations for the protection of those using the swimming pool and for the efficient management thereof. Suitable penalties may be provided for the violation of such bylaws, rules, and regulations, subject to review and supervision. (Neb. Rev. Stat. §17-949)

SECTION 2-403: ADMISSION CHARGE

The Village Board, for the purpose of defraying the expenses involved in maintaining, improving, managing, and beautifying the swimming pool, may make a reasonable admission charge for its use by any person. The said charges shall be on file at the office of the village clerk and shall also be posted in a conspicuous place at the pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided, nothing herein shall be construed to permit or allow discrimination on the basis of race, creed, color, or national origin in the classification of persons for admission charges. (Neb. Rev. Stat. §17-949)

SECTION 2-404: RENTALS

The Village Board shall have the authority to rent the swimming pool to such organizations and other persons as it may in its discretion see fit. The board shall prescribe rules and regulations for such rentals and shall require an appropriate number of qualified lifeguards to be in attendance during the rental period. Such fees and other costs shall be on file at the office of the village clerk and posted in a conspicuous place at the pool. (Neb. Rev. Stat. §17-949)

Article 5 – Cemetery Board

SECTION 2-501: CEMETERY; OPERATION AND FUNDING

A. The chairman of the Village Board, for the purpose of defraying the cost of the care, management, improvement, beautification and welfare of the village cemetery, may each year levy a tax not exceeding the maximum amount allowable by law upon the taxable value of all the taxable property in the village subject to taxation for general purposes, except intangible property. Said taxes shall be collected and paid to the village treasurer as taxes for general municipal purposes are collected and paid to the village treasurer, and shall constitute and be known as the cemetery fund. Said fund shall be used for the general care, management, improvement, beautification and welfare of said cemetery and for no other purpose and all moneys insuring thereto shall always remain in the custody of the village treasurer, as are other funds of the village, strictly in accordance with the provisions herein. The Cemetery Board is hereby empowered to employ such labor and assistants as may be needful in caring for, improving, beautifying and maintaining said cemetery and to purchase implements, equipment and material suitable and necessary for said purposes from among persons not belonging to the board.

B. The Village Board may receive money by donation, bequest, or otherwise for credit to a 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 so long as no more than 20% of the principal is so used in any fiscal year and no more than 40% 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 so long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

C. This section does not limit the use of any money that comes to the village by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §§12-301 through 12-403) (Am. Ord. Nos. 15-203, 2/19/07; 15-205, 2/19/07)

SECTION 2-502: 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 have the power to adopt rules and regulations for the proper management and use of the cemetery. Upon approval of the Village Board, three copies thereof shall be filed with the village clerk. The board shall also 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. (Am. Ord. No. 15-214, 2/19/07)

SECTION 2-503: MEMBERS

A. The chairman of the Village Board, by and with the consent of the Village Board or a majority thereof, shall appoint a board of six members to be known as the Cemetery Board of the village, who shall serve without pay and who shall have entire control and management of the Oxford Cemetery, any subsequent addition thereto, or any other cemetery belonging to said village. (Am. Ord. No. 15-201, 2/19/07)

B. The members of the Cemetery Board shall be selected from among the citizens at large of the village; provided, neither the chairman nor any member of the Village Board shall be eligible to membership on the Cemetery Board while holding the office of a village trustee. Members of the Cemetery Board shall be appointed by the Village Board in accordance with state statutes and shall be appointed for terms of three years each. Vacancies in the Cemetery Board shall be filled in like manner as regular members of the Village Board are appointed and qualified. (Am. Ord. No. 15-202, 2/19/07)

SECTION 2-504: MEETINGS; OFFICERS

A. The Cemetery Board shall meet at least quarterly each year at such time as the board by its own rules shall fix. The board members, for the ensuing year, shall annually elect from their own number a chairman as well as a secretary who need not be a board member. The chairman shall preside at all meetings and shall execute and sign all contracts and any other written instruments on behalf of the board as may be necessary or required in conducting the board's business.

B. The secretary shall keep a true and complete record of the proceedings of the board; shall attest all contracts and other written instruments; shall keep a true and correct list of the lots sold with the price thereof, the same also to be indicated and kept current on accurate maps or plats of the cemetery which shall be kept in his or her possession; and shall provide all such records to the village clerk. (Am. Ord. No. 15-204, 2/19/07)

SECTION 2-505: CEMETERY; RECORDS

The Cemetery Board shall keep its records in the office of the village clerk or at such

other convenient place in the business district of the village as the board may determine to be best suited for the economical administration of the affairs of the Oxford Cemetery. Cemetery records, plats, papers, correspondence and documents shall be kept and preserved in said office. The village clerk shall, along with an account of lot sales, grave digging charges and expenses in connection with the cemetery deeds issued, keep account of the amount of money expended by the Cemetery Board. Such account shall identify each item of expenditure and its purpose. The Village Board in its proceedings shall accept or reject said report.

SECTION 2-506: CEMETERY; SEXTON; COMPENSATION; DUTIES

A. The Cemetery Board is hereby authorized to appoint a sexton who shall serve until removed by the board. The sexton shall perform such duties and shall receive as compensation a sum agreed upon between himself/herself and board. The sexton shall be a special police, without pay, when appointed as such by the chairman and confirmed by the Village Board. (Neb. Rev. Stat. §12-403) (Am. Ord. No. 15-208, 2/19/07)

B. It shall be the duty of the sexton, upon receiving a burial permit, to locate and direct the party or parties named in the burial permit to the lot or part of a lot mentioned therein and to dig and excavate said grave in compliance with the rules of the Cemetery Board. Graves shall not be less than 6 feet deep; provided, this regulation shall not be construed to prohibit the use of mausoleums or other recognized methods of interring dead bodies if desired by lot purchasers and approved by the board. (Am. Ord. No. 15-209, 2/19/07)

SECTION 2-507: CEMETERY; DEATH CERTIFICATE; PERMIT; BURIAL OR REMOVAL

A. All persons desiring to bury a deceased person shall first be required to comply with all requirements of state law before such body may be buried in the village cemetery. The interment of a body shall be performed under the direct supervision of a licensed funeral director, who shall file with the village clerk a statement containing the name, age, sex, race, and cause of death of the deceased person for the records of the Cemetery Board. In the event that the removal of the body of any deceased person is requested, the village clerk shall issue no permit until the applicant shall have first complied with the laws of the State of Nebraska with respect to such disinterment. (Neb. Rev. Stat. §71-605) (Am. Ord. No. 15-213, 2/19/07)

B. No burial permits shall be issued by the village clerk for a funeral to be held on Sunday, except where an emergency exists. The question as to whether or not an emergency exists shall be decided by the Cemetery Board. (Am. Ord. No. 15-214, 2/19/07)

C. The Cemetery Board shall set apart, whenever it may be deemed necessary, a sufficient portion of the village cemetery grounds as a free burial place for the

interment of any dead person who may die within the village and be unable to pay for burial or otherwise qualify for a free burial. (Am. Ord. No. 15-206, 2/19/07)

D. No burial shall be permitted in any church yard or any other place within the limits of the village. (Am. Ord. No. 15-207, 2/19/07)

SECTION 2-508: CEMETERY; GRAVE DIGGING; CHARGE

It shall be the duty of the village clerk to collect an amount per grave, as set by resolution of the Village Board, for the excavation and digging of graves. Upon receipt of the grave digging charge, the secretary shall issue an order to the sexton before the said grave shall be dug or excavated. The Cemetery Board shall have the right to dig and excavate all graves regardless of the method of interment used. (Am. Ord. No. 15-210, 2/19/07)

SECTION 2-509: CEMETERY; PLAT; LOT PRICES

The Cemetery Board shall have the power to set the purchase prices of lots and burial spaces in the village cemetery, which shall include one schedule of prices adequate to provide for the perpetual care of said lot as well as the cemetery in general. The purchase prices of the lots and burial spaces, set as aforesaid with and without perpetual care, shall be publicly displayed in the office of the Cemetery Board on a map or plat therein. The village clerk's monthly report to the Village Board shall include a list of the lots of burial spaces sold during the preceding month or since the date of the last report, legally describing each, together with the name of the purchaser and the price received for each lot or space. Future additions to the cemetery shall likewise be platted. Changes in the schedule of prices for lots or burial spaces may hereafter be made by resolution of the Village Board. (Am. Ord. No. 15-211, 2/19/07)

SECTION 2-510: CEMETERY; CONVEYANCE OF LOTS

A. The village clerk is hereby authorized and directed to receive payment for all lots, parts of lots or burial spaces sold in the village cemetery at the purchase prices set in accordance with Section 2-509 of this article and upon receipt of such purchase price in cash or its equivalent. The village clerk shall issue the burial permit required herein and shall prepare a deed or certificate for the purchaser(s). Upon request by the village clerk, the chairman of the Village Board shall sign said deeds for cemetery lots, parts of lots or burial spaces sold.

B. The village is hereby authorized to convey lots, parts of lots and burial spaces in the village cemetery by signature of the chairman of the Village Board and countersigned by the village clerk on behalf of the village, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number, as laid down on the cemetery map or plat, for the purpose of interment. Such deed shall vest in the purchaser or his or her heirs or assigns a right in fee simple to such lot, lots, part of a lot or burial space for the sole purpose of interment under the regulations of the chairman and Village Board governing the village cemetery. Said

deed shall be entitled to be recorded in the office of the register of deeds of Harlan County, Nebraska, without further acknowledgment and such description of lots, parts of a lot or burial space shall be deemed and recognized as sufficient description thereof.

C. Burial lots shall not be held and used for speculation and no lot proprietor shall permit interment in or upon any lot held by him or her for compensation.

D. Transfers of cemetery deeds shall be made by surrender of the original deed to the village clerk who shall cancel the same, note such cancellation on the records of the Cemetery Board and shall issue new deeds in lieu thereof upon instructions by the transferor.

(Neb. Rev. Stat. §17-941) (Am. Ord. No. 15-212, 2/19/07)

SECTION 2-511: CEMETERY; CLAIMS

All claims shall hereafter be approved by the Village Board in the manner allowable for all claims and shall be paid by the village treasurer from funds held by the cemetery account. All budgeting decisions shall be made by the Cemetery Board as allowable by law and the other provisions of the municipal code. (Am. Ord. No. 15-214, 2/19/07)

SECTION 2-512: CEMETERY; DESTRUCTION OF PROPERTY

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. Upon conviction thereof, the offender shall be guilty of a misdemeanor and shall be fined in any sum not less than \$10.00 nor more than \$100.00, together with restitution to the injured party, if any. (Neb. Rev. Stat. §17-946) (Am. Ord. No. 15-215, 2/19/07)

SECTION 2-513: CEMETERY; PERPETUAL CARE

A. The Village Board may set aside the proceeds of the sale of lots as a perpetual fund. 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. The principal of the perpetual fund may be used for the general care, management, maintenance, improvement, beautifying, and welfare of the cemetery so long as no more than 20% of the principal is so used in any fiscal year and no more than 40% of the principal is so used in any period of ten consecutive fiscal years. The principal of the perpetual fund may also be used for the purchase and development of additional land to be used for cemetery purposes so long as no more than 25% of the principal is so used in any fiscal year and no more than 35% of the principal is so used in any period of ten consecutive fiscal years.

B. Any lot owner who shall not have endowed his or her holdings with perpet-

ual care prior to the purchase of his or her lot 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.

C. This section does not limit the use of any money that comes to the village by donation, bequest, or otherwise that is not designated to be credited to the perpetual fund or that allows greater use for purchase or development of additional land to be used for cemetery purposes.

(Neb. Rev. Stat. §12-402)

Article 6 – Planning Commission

(Neb. Rev. Stat. §§19-924 through 19-929)

SECTION 2-601: 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.

SECTION 2-602: ALTERNATE MEMBER

The chairman, with the approval of a majority vote of the Village Board, 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 Village Board. 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 2-603: 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 Village Board, be removed by the chairman with the consent of a majority vote of the board members for inefficiency, neglect of duty, 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 2-604: 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 re-election. 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 2-605: 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 2-606: 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 an agent by ordinance 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 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 7 – Housing Authority

SECTION 2-701: MEMBERS

The Village Board shall appoint five persons who shall constitute the Housing Authority, called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five-year term of office or until his or her successor is duly appointed; provided, all vacancies shall be filled for the unexpired terms. The board may appoint one of its members to serve as one of the five members of the authority for such term as the board may determine.

SECTION 2-702: CONFLICT OF INTEREST

During his or her tenure and for one year thereafter, no commissioner, officer, or employee of the Housing Authority shall voluntarily acquire any interest, direct or indirect, in any project or in any property included or planned to be included in any project or in any contract or proposed contract relating to any housing project. If any such commissioner, officer, or employee involuntarily acquires any such interest or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer, or employee, he or she shall immediately disclose such interest in writing to the authority and such disclosure shall be entered upon the minutes. He or she shall not participate in any action by the authority relating to the property or contract in which he or she has any such interest; provided, nothing herein shall apply to the acquisition of any interest in notes or bonds of the authority issued in connection with any housing project or to the execution of agreements by banking institutions for deposit or handling of funds in connection with a project or to act as trustee under any trust indenture, or to utility services, the rates for which are fixed or controlled by a governmental agency.

SECTION 2-703: DUTIES

The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make an annual report to the Village Board on all such information. The authority may employ legal counsel or it may call upon the chief law officer of the village for such services as it may require. It may employ technical experts and such other officers, agents, and employees as it may require and shall determine their qualifications, duties, compensations, and terms of office. The authority may delegate such other powers and duties to its agents or employees as it may deem proper.

SECTION 2-704: MEETINGS

The commissioners shall elect a chairman and vice-chairman and shall have the power to employ an executive director, who shall serve as an officio secretary of the Housing Authority. A majority of commissioners shall constitute a quorum for the purpose of conducting business, exercising powers, and for all other purposes. Action

may be taken by the authority upon the vote of the majority of the commissioners present unless in any case the bylaws of the authority shall require a larger number. (Neb. Rev. Stat. §§71-1594, 71-1595)

SECTION 2-705: REMOVAL OF MEMBER

A commissioner may be removed for neglect of duty, misconduct in office, or conviction of any felony by the Village Board, which shall send a notice of removal to such commissioner. The said notice shall set forth the charges against him or her. Unless within ten days from the receipt of such notice the commissioner files with the village clerk a request for a hearing before the Village Board, the commissioner shall be deemed removed from office. If a request for hearing is so filed, the board shall hold a hearing not sooner than ten days after the date a hearing is requested, at which hearing the commissioner shall have the right to appear in person or by counsel and the Village Board shall determine whether the removal shall be upheld. If the removal is not upheld by the board, the commissioner shall continue to hold his or her office. (Neb. Rev. Stat. §71-15,105)

Article 8 – Code Enforcement Committee

SECTION 2-801: MEMBERS; TERMS

The Code Enforcement Committee shall be appointed at the same time as the other appointed officials in December each year. The nominated members must receive a majority vote of the Village Board. The Code Enforcement Committee shall consist of five members who shall be residents of the village or be employed therein. Each member of the committee shall serve, without compensation, a one-year term of office, unless reappointed. No member of the Village Board shall serve as a member of the Code Enforcement Committee while serving a term of office as a board member.

SECTION 2-802: MEETINGS

At the time of the Code Enforcement Committee's first meeting in December each year, the body 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 village clerk, where they shall be available for public inspection during office hours. A majority of the committee shall constitute a quorum for the transaction of business. The committee shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the chairman or any three members of the committee.

SECTION 2-803: PURPOSE; POWERS AND DUTIES

A. The Code Enforcement Committee shall work with property owners and tenants in an attempt to make the village a more attractive place for new residents and businesses to locate and a better place for its current residents and businesses. The committee shall take complaints regarding the conditions of properties within the village that constitute nuisances under the municipal code. The committee members themselves may also bring to the committee's attention properties they believe constitute nuisances. The Code Enforcement Committee may investigate the properties brought forward to it; and when the committee determines that any property appears to constitute a nuisance under the Oxford Municipal Code, the committee shall contact the property owner and/or tenant and request that he or she abate the nuisance or repair the violation. The Code Enforcement Committee shall monitor the progress of the abatement or repair.

B. At such time as the Code Enforcement Committee determines that the owner and/or tenant is not cooperating with it to abate the nuisance or to repair the violation, the committee shall refer the property to the appropriate village official for legal action. The committee shall have no power to officially charge the owner with a violation of the municipal code. The purpose of the committee is to voluntarily work with property owners and/or tenants to encourage them to clean up their properties in order to make the village a better place to live and work.

SECTION 2-804: ADDITIONAL PROVISIONS

This article shall be in addition to all other means available to the village for abatement of nuisances. Further, the village shall not be required to use the procedures set out in this article prior to formally seeking other legal redress against the property owners or tenants.

Article 9 – Penal Provision

SECTION 2-901: 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.