

ALBION CITY CODE, CHAPTER I - CIVIL ADMINISTRATION

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ARTICLE I – MAYOR AND CITY COUNCIL

SECTION 1-101: CORPORATE EXISTENCE

The City of Albion, Nebraska, having a population of more than 800 but less than 5,000, is hereby declared to be a city of the second class and shall be governed in all respects by the laws regulating cities of the second class.

SECTION 1-102: CITY COUNCIL; NUMBER AND QUALIFICATIONS OF MEMBERS

The elected officials of the City shall consist of a Mayor and four council members; said council members shall be citizens of the United States and residents of the City and registered voters; provided, a council member's term shall expire and the office become vacant upon removal or change of residence from the City. (Ref. 17-103 RS Neb.)

SECTION 1-103: ELECTION OF CITY OFFICIALS

The term of office of the City Council is four years. The election of the Council members shall be held on the date of the statewide general election.

SECTION 1-104: MAYOR; DUTIES AND POWERS

The mayor of the City shall have the general and immediate control over all property and officials of the City. He/she shall preside at all meetings of the city Council, and may vote when his/her vote shall be decisive on any pending matter, legislation or transaction and the mayor shall, for the purpose of such vote, be deemed to be a member of the Council. His/her signature must appear on the city clerk's minutes of all meetings, he/she must sign all resolutions which have been passed, and warrants for the payment of money when ordered by the City Council; provided, any ordinance vetoed by the mayor may be passed over his/her veto by a two-thirds vote by the members of the City Council, but if the mayor neglects or refuses to sign any ordinance, and returns it to the Council with his/her objections in writing at the next regular council meeting, the same shall become a law without his/her signature. He/she shall from time to time communicate to the council such information and recommendations as, in his/her opinion, may improve the City.

He/she may require at reasonable intervals any city official to exhibit his/her accounts and make reports to the Council on any subject pertaining to his/her office. He/she may remove at any time an appointed police officer of the City. His/her territorial authority shall extend over all places within five miles of the corporate limits of the City for the enforcement of any health ordinance, and one-half mile in all matters vested in him/her except taxation. He/she shall also have such other duties as the City Council may by resolution confer upon him/her.

Any candidate for mayor must have resided within the City for 40 days prior to filing for the said office and must in addition be a qualified taxpayer. (Ref. 17-110 through 17-117 RS Neb.)

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SECTION 1-105: MAYOR; VACANCY

Whenever a vacancy occurs in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed, or in the case of temporary absence, until the mayor returns.

When the successful candidate for mayor shall be prevented from assuming office, the incumbent mayor shall not be entitled to hold over the term but such office shall automatically become vacant and the president of the Council shall exercise the office of mayor until such vacancy is filled.

If the president of the Council shall for any cause assume the office of mayor for the remainder of the unexpired term, there shall be a vacancy on the Council which shall be filled as provided herein. (Ref. 17-107, 17-115 RS Neb.)

SECTION 1-106: PRESIDENT OF COUNCIL; ACTING PRESIDENT

In case of any vacancy in the office of mayor, or in case of his/her disability or absence, the president of the Council shall exercise the office of mayor until such vacancy is filled or such disability is removed, or in case of temporary absence, until the mayor returns. In the absence of the president, the Council shall elect one of its own body to occupy his/her place temporarily, who shall be styled "acting president of the Council." The president and acting president, when occupying the place of the mayor, shall have the same privileges as other members of the Council; and all acts of the president or acting president, while so acting, shall be as binding upon the Council and upon the City as if done by the mayor. (Ref. 17-148 RS Neb.)

SECTION 1-107: SUCCESSION OF CONTROL

In order to designate the succession of control of the City and to declare and control a disaster or emergency when the mayor is not present or is unable to act as the principal executive officer of the City, then the following is the procedure used to determine who is next in line to fulfill those duties and responsibilities:

If the mayor is not present or is incapable of performing his/her duties in order to declare a disaster or emergency and/or act as principal executive officer in a disaster or emergency situation, then the president of the City Council shall perform those functions and duties. Should the president of the Council not be present or is unable to perform those functions and duties, then the next most senior elected official shall perform those duties and functions. The line of succession for the remaining elected officials shall follow by seniority from the date originally elected. If more than one council member has the same date of seniority, then the most senior in age shall assume control.

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SECTION 1-108: VACANCIES IN CITY OFFICES

Vacancies shall be filled by the Council for the balance of the unexpired term. In the event of vacancies on the Council, the Council shall give public notice of the vacancy by causing to be published in a newspaper of general circulation within the City, or posting in three public places in the City, notice of the office vacated and the length of the unexpired term. Within four (4) weeks after the regular meeting at which such notice of vacancy has been presented, or after the death of the incumbent, the mayor shall call a meeting of the Council, at which time he/she shall submit the name of a qualified elector to fill the vacancy for the balance of the unexpired term. The council members shall vote upon such nominee, and if a majority of the Council votes in favor of such nominee, the vacancy shall be declared filled. If a majority fails to confirm such appointment, the nomination shall be rejected and the mayor shall, at the next regular meeting, submit the name of another qualified elector to fill the vacancy.

If the vote on the nominee at such meeting fails to carry by a majority vote, the mayor shall continue at such meeting to submit the names of qualified electors of the City in nomination and the Council shall continue to vote until the vacancy is filled. The mayor shall vote for or against the nominee in case of a tie vote of the Council. All council members present shall cast a ballot for or against the nominee. (Ref. 17-212, 32-4, 152, 32-1406 RS Neb.)

SECTION 1-109: CITY COUNCIL; POWERS

The Council shall have all powers granted under the laws of the State of Nebraska, including but not limited to the following: power to pass ordinances to prevent and remove nuisances; to prevent, restrain and suppress gambling and disorderly houses; to license and regulate amusements; to establish and provide for police protection; to prevent the spread of contagious diseases; to regulate business; to erect, repair, construct and regulate public ways and property; to maintain good government, public welfare and domestic tranquility; and to enforce all ordinances by inflicting penalties upon inhabitants or other persons for violation thereof not exceeding the amount permitted by Nebraska law for each offense, recoverable with costs, together with enforcement by injunction where necessary.

SECTION 1-110: OFFICERS' SALARIES

All elected officers shall receive such compensation as the Council shall fix by resolution. The emoluments of appointive and elective officers of this city shall be neither increased nor decreased during the term for which elected or appointed, except by merger of offices or when there are other officers elected or appointed to the Council and the terms of one or more members commence and end at different times; the compensation of all members of such Council may be increased or diminished at the beginning of the full term of any member thereof. The officers' salaries shall be set by ordinance of the Board of Trustees and will be available for public inspection at the office of the village cleric

No person who shall have resigned or vacated any office shall be eligible to the same during the time for which he/she was elected or appointed, if during the same time the emoluments thereof have been increased. In addition to the salaries herein provided, the various officers shall be entitled to mileage and expenses, if and when claims therefor are filed, audited and allowed. The mayor and Council may by resolution authorize clerical assistance in one or more offices when the same may be needed, and claims therefor out of the proper funds may be presented, allowed, audited and paid. All fees earned by an officer of this city in the

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performance of his/her duties as such shall be considered the property of this city, and shall be promptly paid over to the city treasurer and by him/her credited to the appropriate fund . (Ref. 17-108.02)

SECTION 1-111: COMPENSATION; CONFLICT OF INTEREST

For purposes of this section, "officer" shall mean any member of any board or commission of the City; or any appointed official if such official (a) serves on a board or commission which spends and administers its own funds and (b) is dealing with a contract made by such board or commission; or any elected city official.

Unless specified otherwise, volunteer firefighters and ambulance drivers shall not be considered officers for purposes of this section, with respect to their duties as firefighters and ambulance drivers.

No officer of the City shall be permitted to benefit from any contract to which the City is a party. The existence of such an interest in any contract renders the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment thereof with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the City or by any resident thereof and must be brought within one year after the contract is signed or assigned. Any such decree may provide for the reimbursement of any person for the reasonable value of all money, goods, material, labor or services furnished under the contract, to the extent that the City has benefited thereby. The prohibition in this section shall apply only when the officer or his or her parent, spouse, or child:

1. has a business with which the individual is associated or business association which shall mean a business:

A. in which the individual is a partner, director or officer; or

B. in which the individual or a member of the individual's immediate family is a stockholder of a closed corporation stock worth \$1,000.00 or more at fair market value or which represents more than 5% equity interest, or is a stockholder of publicly traded stock worth \$10,000.00 or more at fair market value or which represents more than 10% equity interest; or

2. will receive a direct pecuniary fee or commission as a result of the contract;

Provided however, if such officer is (a) an employee of the business involved in the contract and (b) has no ownership interest or will not receive pecuniary fee, such officer shall not be deemed to have an interest within the meaning of this section.

The provisions of this section shall not apply if the interested officer:

A. Makes a declaration on the record to the governmental body responsible for approving the contract regarding the nature and extent of his/her interest, prior to official consideration of the contract;

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B. Does not vote on the matter of granting the contract, except that if the number of members of the Council declaring an interest in the contract would prevent the Council, with all members present, from securing a quorum on the issue, then all members may vote on the matter; and

C. Does not act for the City as to inspection or performance under the contract in which he/she has an interest.

The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any City by a financial institution shall not be considered a contract under the provisions of this section. The ownership of less than 5% of the outstanding shares of a corporation shall not constitute an interest within the meaning of this section. Notwithstanding the provisions of Subsection A through C above, if an officer's parent, spouse or child is an employee of the City, the officer may vote on all issues of the contract which are generally applicable to all employees or all employees within a classification and do not single out his/her parent, spouse or child for special action. If an officer has the power to employ personnel and he/she hires his/her parent, spouse or child, such officer shall disclose the hiring pursuant to subsections 1 through 5 below, except that if the parent, spouse or child is already employed in the position at the time the officer takes office and such position does not change, no disclosure need be made. Notwithstanding any other provision of this section, any contract entered into with an interested officer shall be subject to applicable competitive bidding requirements and shall be fair and reasonable to the City.

The city clerk shall maintain, separately from other records, a ledger containing the information listed in subsection 1 through 5 of this section about every contract entered into by the City in which an officer has an interest as specified above for which disclosure is made as provided in subsection A through C above. Such information shall be kept in the ledger for five years from the date of the officers last day in office and shall include the:

- 1 Names of the contracting parties;
- 2 Nature of the interest of the officer in question;
- 3 Date that the contract was approved by the City involved;
- 4 Amount of the contract; and
- 5 Basic terms of the contract.

The information supplied relative to the contract shall be provided to the clerk not later than ten days after the contract has been signed by both parties. The ledger kept by the clerk shall be available for public inspection during the normal working hours of the office in which it is kept.

An open account established for the benefit of any city or entity thereof, with a business in which an officer has an interest, shall be deemed a contract subject to the provisions of this section. The statement required to be filed pursuant to this section shall be filed within ten days after such account is opened. Thereafter, the clerk shall maintain a running account of all amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to the provisions of this section.

Any officer who knowingly violates the provisions of this section shall be guilty of a Class III misdemeanor. Any officer who negligently violates this section shall be guilty of a Class V misdemeanor.

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The City may enact ordinances exempting from the provisions of this section contracts involving \$100.00 or less in which an officer of such city may have an interest.

No officer, including volunteer firefighters and ambulance drivers, shall receive any payor perquisites from the City other than his/her salary. The City Council shall not payor appropriate any money or other valuable thing to pay a person who is not an officer for the performance of any act, service or duty, which shall come within the proper scope of the duties of any officer of the City.

(Ref. 17-611,18-305 through 18-312,49-14,103.01 through 49-14,103.03,70-624.04 RS Neb.)

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ARTICLE II – APPOINTIVE OFFICERS

SECTION 1-201: APPOINTIVE OFFICERS

The mayor, at the first regular meeting of the City Council held after he/she takes office or as soon after as he/she can reasonable do so, may appoint, with the advice and consent of the Council, a city clerk, city treasurer, city engineer, city attorney, city police chief, city fire chief, utilities superintendent, street superintendent and a building inspector. He/she shall also appoint whatever other officials of the City which he/she deems necessary, which officers shall serve at the pleasure of the City Council.

(Ref. 81-1438 through 81-1446 RS Neb.)

SECTION 1-202: MERGER OF OFFICES

The offices of city clerk, city administrator and city treasurer are hereby merged, so that one officer may hold all three positions; provided that said officers, as merged and combined, shall always be construed to be separate, and the effects of the merger shall be limited to the consolidation of the official duties only. The salary of the combined office shall not be in excess of the maximum amount provided by law for the salary or compensation of the office, offices, employment or employments so merged and combined.

(Ref. 17-108.02 RS Neb.)

SECTION 1-203: CITY ADMINISTRATOR

The city administrator shall be appointed by the mayor and with the consent of a majority of the City Council. He/she may be removed at the pleasure of the mayor with the consent of the Council. The administrator shall be under the supervision and direction of the mayor at all times. He/she shall have no direction or supervision over any officer, department or board whose duties are prescribed by state statute. He/she shall be ex officio member of all boards and committees for liaison purposes. He/she shall make and keep current an inventory of all real property and all major items of equipment owned by the City. He/she shall also supervise the purchasing program. He/she shall supervise through the department head the day-to-day operations of the city departments. Such supervision shall not extend to unilateral action on construction or purchase of equipment. He/she shall be responsible for the preparation of the annual estimate of expenditures for presentation to the mayor and committee on finances prior to the passage of the annual appropriation ordinance. He/she shall serve as public relations officer of the City and shall endeavor to adjust all complaints filed against any employee, department, division or service and shall cooperate with community organizations whose aim and purpose is to advance the best interests of the City. He/she shall attend all meetings of the Council and shall have the duty of reporting any matter concerning city affairs under his/her supervision. He/she shall analyze the functions, duties and activities of the various departments, divisions and services of the City and of all employees thereof and to make his/her recommendations to the mayor. He/she shall thereafter carry out the mayor's recommendations in coordinating the administrative functions and operations of the various departments. He/she shall procure facts and submit suggested long range improvements to the City Council. He/she shall maintain such records and prepare such reports as may be required to perform the duties of the office. Information and reports deemed necessary by the administrator shall be prepared by the department heads under his/her supervision. The administrator shall act as the agent of the mayor in the discharge of his/her duties of the

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superintending and control of all of the officers and affairs of the City. He/she shall have no independent power to exercise any policy making or legislative functions whatsoever, nor commit or bind the City Council to any plan, action or program requiring official action by the City Council.

SECTION 1-204: CITY CLERK; DUTIES

The city clerk shall have custody of all laws and ordinances. He/she shall keep a current journal of the proceedings of the City Council. He/she shall also maintain a complete record of all outstanding bonds against the City, showing the number and amount of each, for and to whom the said bonds were issued and all other pertinent information in regard to said bonds. He/she shall take possession of all books, papers and all other official records of the City, and shall maintain said records in a safe place for the City. He/she shall have custody of the seal of the City and all written official papers of the City. The city clerk shall attend the meetings of the City Council and keep a minute record of the proceedings thereof.

The city clerk shall maintain an account of all of the appropriations of the several funds of the City. He/she shall draw, sign and attest all warrants ordered for the payment of money on a particular fund from which the same is payable, and at the end of each month make a report of the amount appropriated to each fund and the amount of warrants drawn thereon.

The city clerk shall further attest to the mayor's signature to be attested and shall attach the city seal to all official documents. Whenever any claim presented by any person has been disallowed by the City Council, the city clerk shall notify said claimant of said disallowance by the Council within five days after such disallowance.

The city clerk shall account for all money received by him/her in the normal course of city business and shall keep a proper record of all monies received by him/her, issuing a proper receipt to those parties making payment to him/her to the account of the City.

The city clerk shall publish all notices required in the performance of his/her duties and shall keep a record of all published notices issued by him/her, and shall keep a record of the publisher's affidavit of said publication if said notices are published in a legal newspaper.

He/she shall maintain all books and public records of the City for public inspection for any resident of the City during normal business hours. He/she shall make a notation on all correspondence received by him/her of the date of its receipt, and shall, as soon as possible, convey said correspondence to the appropriate official of the City. The city clerk shall keep and maintain all other legal papers required to be maintained by him/her by these ordinances or by Nebraska state law, and shall maintain a proper minute book wherein shall be recorded all of the formal and informal actions of the mayor and City Council, and shall maintain an ordinance record which shall record the various ordinances and resolutions passed by the City Council.

The duties of the city clerk will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. 17-605, 19-1102, 19-1104, 84-1201 through 84-1220, 84-712 RS Neb.)

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SECTION 1-205: DEPUTY CITY CLERK

The deputy city clerk shall perform all the duties of the city clerk in the absence or disability of the city clerk, or if the city clerk is unable to perform his/her duties; which includes the signing of any papers, documents or checks. The deputy city clerk may perform such other duties as may be required by the city clerk in performance of the duties of the city clerk.

SECTION 1-206: CITY TREASURER; DUTIES

The city treasurer shall be custodian of all monies belonging to the City; he/she shall deposit public funds which have come into his/her hands in such depository bank or banks or in other eligible financial institutions for depository purposes as designated by the mayor and City Council.

He/she shall keep a separate account of each and every fund or appropriation and the debits and credits belonging to the City: he/she shall give every person paying money into the treasury a receipt therefor, specifying the date of payment and on what account paid, and also file copies of said receipts with his/her monthly reports made to the mayor and City Council; he/she shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her, which warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid.

He/she shall also procure and keep a warrant register which shall show in columns arranged for that purpose the number, date and amount of each warrant presented and registered, as hereinafter provided, the particular fund upon which the same is drawn, the date of presentation, the name and address of the person in whose name the same is registered, the date of payment, the amount of interest, and the total amount paid thereon, with the date when the notice to such person in whose name such warrant is registered is mailed as hereinafter provided. It shall be the duty of the city treasurer, upon presentation of any warrant for payment, in the presence of such person to enter such warrant in the warrant register for payment in the order of its presentation and, upon every warrant as presented and registered, he/she shall endorse, Registered for Payment with the date of such registration and register number; and he/she shall sign such endorsement, whereupon such warrant shall draw interest at the legal rate from the date of registration until notice of payment shall be given to the holder as provided by law.

If the city treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, his/her office shall be declared vacant pursuant to Section 17-606, R.R.S. Neb .. 1943, and the mayor and City Council shall fill the vacancy by appointment until the next election of city officials.

The city treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City.

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The duties of the city treasurer will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. 17-606 through 17-609, 84-712 RS Neb.)

SECTION 1-207: CITY TREASURER; MONTHLY REPORT

He/she shall, at the end of each month and as often as may be required, render a report to the mayor and City Council showing, under oath, the condition of the various accounts of the treasury at the time of such reports and the balance of money in the treasury; he/she shall accompany such accounts with a statement of all receipts and disbursements, together with all warrants paid by him/her, which warrants with any and all vouchers held by him/her shall be filed with his/her accounts in the city clerk's office. He/she shall keep a record, in a book suitable for that purpose, of each and every warrant paid and from what fund paid. He/she shall also produce depository evidence that all city money is in a solvent and going bank in the name of the City. If the city treasurer neglects or fails, for a period of ten days from the end of each and every month, to render his/her account, the City Council shall by resolution declare the office vacant, and the mayor and City Council shall fill the vacancy by appointment.

(Ref. 17-606 RS Neb.)

SECTION 1-208: CITY TREASURER; ANNUAL REPORT

The city treasurer is also required to publish or cause to be published in a legal weekly newspaper published in or of general circulation in said city within 60 days following the end of each fiscal year a report of the activities of his/her office, which said report shall show in detail all receipts, disbursements, warrants outstanding, and the debit or credit balance of the City.

(Ref. 19-1101 RS Neb.)

SECTION 1-209: CITY ATTORNEY; DUTIES

The city attorney when appointed shall be legal advisor to the mayor and the City Council and shall undertake all legal matters of the City as set forth by Nebraska Statutes. He/she shall commence, prosecute and defend all suits and actions necessary to be commenced, prosecuted or defended on behalf of the City, or that may be ordered by the Council. When requested, he/she shall attend meetings of the Council and give them his/her opinion upon any matters submitted to him/her either orally or in writing as may be required. He/she shall draft or review for legal correctness ordinances, contracts, franchises and other instruments as may be required, and he/she shall perform such other duties as may be imposed upon him/her by general law or ordinance. The City Council shall have the right to pay the city attorney compensation for legal services performed by him/her for it on such terms as the City Council and attorney may agree, and to employ additional legal assistance and to pay for such legal assistance out of the funds of the City.

(Ref. 17-610 RS Neb.)

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SECTION 1-210: CITY PHYSICIAN

The city physician shall be a member of the Board of Health of the City, and perform the duties devolving upon him/her as the medical advisor of the said board. In all injuries where a liability may be asserted against the City, the city physician shall immediately investigate the said injuries, the extent thereof, and the circumstances. He/she shall then report the results of the investigation with the name of the party injured, and all other persons who may have personal knowledge of the matter. He/she shall make all physical examination and necessary laboratory tests incident thereto, and issue such health certificates as are required by ordinance. For the purpose of making examinations of the sanitary conditions of the property and the state of health of the inhabitants therein, he/she shall have the right at all reasonable hours to go upon and enter all premises, buildings or other structures in the City. He/she shall perform such other duties as may be required of him/her by the laws of the State of Nebraska and the ordinances of the City. When order to do so by the City Council, he/she shall disinfect or fumigate the premises or persons in or about the premises, when the premises are quarantined, and to call upon indigent sick persons and perform other professional services at the direction of the City Council. The city physician shall receive as compensation for his/her services such sums as the City Council may set by resolution from time to time. He/she shall receive no compensation for his/her services as a member of the Board of Health.

(Ref. 17-121 RS Neb.)

SECTION 1-211: CITY POLICE CHIEF; DUTIES

It shall be the duty of the city police chief, and he/she is hereby authorized and empowered, to diligently inquire into any and all violations of the city ordinances and to make order and arrest with proper process for any offense against the laws or ordinances of the City, and he/she shall prosecute all those guilty of violation.

The city police chief shall have general control over motor vehicular traffic, and said police chief, together with such special officers detailed to assist him/her as traffic officers by the mayor and City Council, shall direct the movement of traffic at intersections and elsewhere; and it shall be unlawful for any person to violate any order or signal of the city police or of any special traffic officer.

The city police chief shall bring all prisoners who are under arrest for the violation of any city ordinances before the County Court whenever required to do so by rule or order of the county judge, and he/she shall make or cause to be made the necessary written complaint against such person or persons when arrested.

He/she shall perform such other duties as may be required of him/her by resolution or by order of the mayor and City Council.

The duties of the city police chief will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. 17-107, 17-121 RS Neb.)

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SECTION 1-212: CITY POLICEMEN

The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jailor some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city policeman shall be expected to be conversant and knowledgeable with the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City policemen shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska. Any city policeman who shall willfully fail, neglect or refuse to make an arrest, or who purposely, and willfully fails to make a complaint after an arrest is made shall be deemed guilty of a misdemeanor, and upon conviction shall be fined. It shall be unlawful for the City Council to retain any city policeman in that position after he/she shall have been duly convicted of the willful violation of any law of the United States of America, the State of Nebraska, or any ordinance of the City, except minor traffic violations. It shall be the duty of every city policeman making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep and produce to the proper judicial official upon the trial everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his/her badge, uniforms and all city-issued equipment to the police chief. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

(Ref. 17-107, 17-118. 17-124 RS Neb.)

SECTION 1-213: UTILITIES SUPERINTENDENT

The City Council shall have the power to appoint a utilities superintendent supervising the city water system and sewer system. The utilities superintendent shall have the general control and supervisory authority over all the city utilities. He/she shall collect all money received by the City on account of said system of water and sewer works and shall faithfully account for and pay over to the city treasurer all such monies collected in the name of the City. He/she shall make a detailed report to the Council at least once every six months of the condition of said water and sewer system, all mains, pipes, hydrants, reservoirs, and machinery and such improvements, repairs and extensions thereof as he/she may think proper. No money shall be expended for improvements, repairs or extension for said water system and sewer system, except upon the recommendation of the utilities superintendent.

The duties of the utilities superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

He/she may be removed for good cause by a 2/3 vote of the City Council.

(Ref. 17-107, 17-541, 17-543 RS Neb.)

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SECTION 1-214: CITY STREET SUPERINTENDENT

The Council shall have the power to appoint one of their members to serve as the city street superintendent, to have general charge, direction and control of all work on the streets, sidewalks, culverts and bridges of the City, and shall perform such other duties as the Council may require. It shall be his/her responsibility to see that gutters and drains therein function properly and that the same are kept in good repair. He/she shall, at the request of the Council, make detailed reports on the condition of the streets, sidewalks, culverts, alleys and bridges of the City, and direct their attention to such improvements, repairs, extensions, additions and additional employees as he/she may believe or need to maintain a satisfactory street system in the City, along with an estimate of the cost thereof. It shall be the special duty of the street superintendent to supervise and direct the snow and tree removal work in the City.

The duties of the street superintendent will be those set forth herein and as set forth specifically in the job description separately adopted by the mayor and City Council.

(Ref. 17-107, 17-119 RS Neb.)

SECTION 1-215: SPECIAL ENGINEER

The City Council may employ a special engineer to make or assist the city engineer in making any particular estimate, surveyor other work. The special engineer shall make a record of the minutes of his/her surveys and all other work done for the City. He/she shall, when directed by the City Council, accurately make all plats, sections, profiles and maps as may be necessary in the judgment of the City Council. He/she shall, upon request of the City Council, make estimates of the costs of labor and material which may be done or furnished by contract with the City, and make all surveys, estimates and calculations necessary for the establishment of grades, bridges, building of culverts, sewers, electric systems, waterworks, power plants, public heating system, curbing and gutters, and the improvement of streets and erection and repair of buildings, and shall perform such other duties as the City Council may require. All records of the special engineer shall be public records which shall belong to the City and shall be turned over to his/her successor.

(Ref. 17-405, 17-568, 17-568.01, 17-919 RS Neb.)

SECTION 1-216: CITY BUILDING INSPECTOR

The City Council shall have the authority to appoint a city building inspector. The building inspector shall conduct surveys and make inspections in any area of the City to determine whether all buildings and structures are in compliance with the city ordinances. In the event that no building inspector is specifically appointed, the utilities superintendent shall be the ex officio building inspector with all of the rights, duties and responsibilities of the building inspector. He/she shall investigate all complaints whether they are verbal, written or in the form of a petition alleging and charging that a violation of the city ordinances exists and that a building or structure is unfit or unsafe for human habitation. The building inspector is authorized upon properly identifying himself/herself to enter, inspect, survey and investigate between the hours of 8:00 A.M. and 5:00 P.M., or at any time if an emergency exists or if requested by the owner or the occupant thereof. He/she shall keep records of all complaints received, inspection reports, orders and complaints issued. The records shall be available for public inspection and he/she shall prepare an annual report including statistics based on the records kept. The building inspector shall have no financial interest in the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building, except where he/she is

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the owner of a building, and he/she shall not act as an agent for any said dealer or as an agent for the sale, lease or rental of any real estate. The building inspector shall report to the City Council as often as they may deem necessary and shall have such other duties and issue such permits as they may direct. The building inspector may be removed by the City Council at any time for good and sufficient cause.

SECTION 1-217: ZONING ADMINISTRATOR

The mayor may appoint a zoning administrator to supervise the administration of and compliance with the zoning laws. Inspections shall be made by the building inspector. In the absence of a specific appointment by the mayor, the City Council is hereby designated as zoning administrator.

SECTION 1-218: ZONING ADMINISTRATOR/CITY BUILDING INSPECTOR POSITION CREATED

The offices of zoning administrator and city building inspector are hereby merged, so that one officer may hold both positions; provided that said offices, as merged and combined, shall always be construed to be separate, and the effects of the merger shall be limited to the consolidation of the official duties only, the salary of the officer holding the merged offices shall not be in excess of the maximum amount provided by law for the salary of said offices combined.

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ARTICLE III – ADMINISTRATION

SECTION 1-301: CORPORATE SEAL

There shall be owned by the City, in the office of the city clerk, a common seal of the corporation, having engraved thereon 'the words "City of Albion, Nebraska, Seal."

The city clerk shall affix an impression of said seal on all papers or documents executed by him/her in his/her official capacity.

(Ref. 17-502 RS Neb.)

SECTION 1-302: OFFICERS, BONDS

The officers of the City, before entering upon their duties, shall give bonds for the faithful performances of their duties in the following amounts:

City Clerk	\$ 1,000.00
City Treasurer	\$ 5,000.00

which said bonds shall be executed with a corporate surety and approved by the City Council. Said bonds shall be filed in the office of the city clerk. Premiums on said bonds shall be paid out of the general funds or other proper funds of said city.

In the event that sureties on the official bond of any officer of the City, in the opinion of the City Council, become insufficient, the Council may require by resolution a reasonable time within which such officer may give a new bond or additional sureties thereon as directed. In the event that this officer shall fail, refuse or neglect to give a new bond or additional sureties to the satisfaction and approval of the Council, then the *office* shall by such failure, refuse or neglect, become vacant and it shall be the duty of the City Council to appoint a competent and qualified person to fill this said office. Any official who is re-elected to office shall be required to file a new bond after each election.

SECTION 1-303: OATH OF OFFICE

All officers of the City, whether elected or appointed, shall before entering upon the duties of their respective offices declare and subscribe the following oath or affirmation:

"I, _____, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Nebraska, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely and without mental reservation or for the purpose of evasion; and that I will faithfully and impartially perform the duties of the office of _____ according to law and to the best of my ability. And I do further swear that I do not advocate, nor am I a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am in this position I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence. So help me God." This oath or affirmation so subscribed shall be filed in the office of the city clerk.

(Ref. 11-101 RS Neb.)

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SECTION 1-304: MEETINGS; PUBLIC

All public meetings as defined by law shall be held in a public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Council usually holds such meetings unless the publicized notice hereinafter required shall designate some other public building or other specified place. The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Council and to the public by a method designated by the City Council or by the mayor if the City Council has not designated a method. Such notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of notice or a statement that such an agent kept continually current shall be available for public inspection at the office of the city clerk. The City Council shall have the right to modify the agenda at the public meeting when convened. The minutes of the city clerk shall include the records of the manner and advance time by which the advance publicized notice was given, a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, and the names of each member of the City Council present or absent at each convened meeting. The minutes of the City Council shall be a public record open to inspection by the public upon request at any reasonable time at the office of the city clerk. Any official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the City Council in open session. The record of the city clerk shall show how each member voted or that the member was absent and did not vote.

Formal actions taken at any public meeting not in conformity with the provisions of this section shall be deemed to be void. Any official who shall violate the provisions of this section shall be deemed to be guilty of a misdemeanor. Nothing herein shall be construed to apply to any preliminary interview or recruitment of prospective officials or employees.
(Ref. 84-1408, 84-1409, 84-1411, 84-1413 RS Neb.)

SECTION 1-305: MEETINGS; CLOSED SESSIONS

Any public body may hold a closed session by the affirmative vote of a majority of its voting members if a closed session is clearly necessary for the protection of the public interest or for the prevention of needless injury to the reputation of an individual and if such individual has not requested a public meeting. Closed session may be held for, but shall not be limited to, such reasons as:

1. Strategy sessions with respect to collective bargaining, real estate purchases, pending litigation or litigation which is imminent as evidenced by communication of a claim or threat of litigation to or by the public body;
2. Discussion regarding deployment of security personnel or devices;
3. Investigative proceedings regarding allegations of criminal misconduct; or
4. Evaluation of the job performance of a person when necessary to prevent needless injury to the reputation of a person and if such person has not requested a public meeting.

Nothing in this section shall permit a closed meeting for discussion of the appointment or election of a new member to any public body.

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The vote to hold a closed session shall be taken in open session. The vote of each member on the question of holding a closed session, the reason for the closed session and the time when the closed session commenced and concluded shall be recorded in the minutes. The public body holding such a closed session shall restrict its consideration to matters during the closed portion to only those purposes set forth in the minutes as the reason for the closed session. The meeting shall be reconvened in open session before any formal action may be taken. For purposes of this section, formal action shall mean a collective decision or a collective commitment or promise to make a decision on any questions, motion, proposal, resolution, order or ordinance or formation of a position or policy but shall not include negotiating guidance given by members of the public body to legal counselor other negotiators in closed sessions authorized under subdivision (1) of this section.

Any member of the public body shall have the right to challenge the continuation of a closed session if the member determines that the session has exceeded the reason stated in the original motion to hold a closed session or if the member contends that the closed session is neither clearly necessary for (A) the protection of the public interest or (B) the prevention of needless injury to the reputation of an individual. Such challenge shall be overruled only by a majority vote of the members of the public body. Such challenge and its disposition shall be recorded in the minutes.

Nothing in this section shall be construed to require that any meeting be closed to the public. No person or public body shall fail to invite a portion of its members to a meeting and no public body shall designate itself a subcommittee of the whole body for the purpose of circumventing the provisions of this section. No closed session, informal meeting, chance meeting, social gathering or electronic communication shall be used for the purpose of circumventing the provisions of this section.

The provisions of this section shall not apply to chance meetings, or to attendance at or travel to conventions or workshops of members of a public body at which there is no meeting of the body then intentionally convened and there is no vote or other action taken regarding any matter over which the public body has supervision, control, jurisdiction or advisory power.
(Ref. 84-1410 RS Neb.)

SECTION 1-306: MEETINGS; NOTICE TO NEWS MEDIA

The city clerk, secretary or designee of each public body shall maintain a list of the news media requesting notification of meetings and shall make reasonable efforts to provide advance notification to them of the time and place of each meeting and the subjects to be discussed at that meeting.

(Ref. 84-1411 RS Neb.)

SECTION 1-307: MEETINGS; PUBLIC PARTICIPATION

Subject to the provisions of this article, the public shall have the right to attend and the right to speak at meetings of public bodies and all or any part of a meeting of a public body, except for closed meetings called pursuant to Section 1-305, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

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It shall not be a violation of this section for any Public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting. The body may require any member of the public desiring to address the body to identify himself/herself. No public body shall for the purpose of circumventing the provisions of this article hold a meeting in place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meetings in its traditional meeting place which is located in this state. An agency which contracts with cities outside the State of Nebraska may hold meetings of any committee outside the State of Nebraska if such meetings are held only in such contracting cities. Final action on any agenda items shall only be taken by the agency at a meeting in the State of Nebraska, which meeting shall comply with Sections 84-1408 to 84-1414 RS Neb. The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting.
(Ref. 84-1412 RS Neb.)

SECTION 1-308: MEETINGS; CITY COUNCIL

The meetings of the City Council shall be held at the council chambers or other location set by the Council by resolution. Regular meetings shall be held on the second Tuesday of each month at the hour of 7:30 P.M. Special meetings may be called by the mayor or by a majority of the City Council for those purposes of which shall be submitted in writing to the council members prior to said meeting. The call and object of said meeting shall be entered upon the journal by the city clerk as well as the disposition of said meeting.

A majority of the members of the City Council shall constitute a quorum for the transaction of business, but a smaller number may adjourn from day to day and compel the attendance of the absent members. At the hour appointed for the meeting, the city clerk shall proceed to call the roll of members and announce whether a quorum is present. If a quorum is present the City Council shall be called to order by the mayor. In the absence of the mayor, the Council shall have the power to appoint a mayor pro tempore, who shall exercise and have the powers and perform the same duties as the regular mayor.
(Ref. 17-105 RS Neb.)

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SECTION 1-309: MEETINGS; ORDER OF BUSINESS

All meetings of the City Council shall be open to the public. Promptly at the hour set by law on the day of each regular meeting, the members of the City Council, the city clerk, the mayor, and such other city officials that may be required shall take their regular stations in the city hall, and the business of the City shall be taken up for consideration and disposition in the following order:

- Roll Call
- Reading and Approval of the Minutes of the Previous Meeting
- Consideration of Petitions and other Communications
- Reports of Officers, Boards and Committees
- Unfinished Business of the Preceding Meeting
- Introduction of Ordinances and Resolutions; First Reading
- Second Reading of Ordinances
- Third Reading of Ordinances
- Final Passage of Ordinances
- New Business
- Miscellaneous Business
- Appropriations and Consideration of Claims
- Adjournment

SECTION 1-310: MEETINGS; PARLIAMENTARY PROCEDURE

The mayor shall preserve order during meetings of the City Council and shall decide all questions of order, subject to an appeal to the City Council. When any person is called to order, he shall be seated until the point is decided. When the mayor is putting the questions, no person shall leave the meeting room. Every person present, previous to speaking, shall rise from his/her seat and address himself/herself to the presiding officer, and while speaking shall confine himself/herself to the question. All resolutions or motions shall be reduced to writing before being acted upon, if requested by the city clerk or any member of the Council. Every member of the Council who is present when a question is voted upon shall cast his/her vote, unless excused by a majority of the City Council present. No motion shall be put or debated unless seconded. When seconded, it shall be stated by the mayor before being debatable. In all cases where a motion or resolution is entered on the minutes, the name of the member of the Council making the motion or resolution shall be entered also. After each vote, a roll call vote shall be taken and entered in the minutes upon the request of any member of the Council. Before the vote is actually taken, any resolution, motion or proposed ordinance may be withdrawn from consideration by the sponsor thereof with the consent of the member of the Council seconding the said resolution, motion or ordinance. When any question is under debate, no motion shall be made, entertained or seconded except the previous question, a motion to table, and to adjourn. Each of the said motions shall be decided without debate. Any of the rules of the City Council for meeting may be suspended by a two-thirds vote of the members present. In all cases in which provisions are not made by these rules, Robert's Rules of Order is the authority by which the City Council shall decide all procedural disputes that may arise.

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SECTION 1-311: MEETINGS; CHANGE IN OFFICE

The change in office shall be made as follows: The mayor and Council shall meet on the first regular meeting date in December of each year in which a city election is held and the outgoing officers and the outgoing members of the Council shall present their reports, and upon the old Council having completed its business up to the said time, the outgoing members of the Council shall surrender their offices to the incoming members, and the outgoing officers shall thereupon each surrender to his/he successor in office all property, records, papers and monies belonging to the same.

(Ref. 17-107.02(9) RS Neb.)

SECTION 1-312: MEETINGS; ORGANIZATIONAL

The newly elected Council shall convene in the council chambers on the first regular meeting in December of each year in which a city election is held immediately after the prior Council adjourns and proceed to organize themselves for the ensuing year. The mayor elected for the new municipal year shall call the meeting to order. The Council shall then proceed to examine the credentials of its members and other elective officers of the City to see that each has been duly and properly elected, and to see that such oaths and bonds have been given as are required. After ascertaining that all members are duly qualified, the Council shall then elect one of its own body who shall be styled as "President of the Council." The mayor shall then nominate his/her candidates for appointive offices. He/she shall then proceed with the regular order of business. It is hereby made the duty of each and every member of the Council or his/her successor in office, and of each officer elected to any office, to qualify prior to the first regular meeting in December following his/her election. All appointive officers shall qualify within two weeks following their appointments. Qualification for each officer who is not required to give bond shall consist in his/her subscribing and taking an oath to support the Constitution of the United States, the Constitution of the State of Nebraska, the laws of the City and to perform faithfully and impartially the duties of his/her office, said oath to be filed in the office of the city clerk. Each officer who is required to give a bond shall file the required bond in the office of the city clerk with sufficient sureties, conditioned on the faithful discharge of the duties of his/her office, with the oath endorsed thereon.

SECTION 1-313: APPOINTMENT OF COMMITTEES

At the organizational meeting of the City Council, the mayor may appoint member of such committees as may be necessary from time to time, which committees shall serve at the pleasure of the City Council. 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 year, unless reappointed.

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ARTICLE IV – ORDINANCES

SECTION 1-401: GRANT OF POWER

The City Council shall have the responsibility of making all ordinances, by-laws, rules, regulations and resolutions, not inconsistent with the laws of the State of Nebraska, as may be necessary and proper for maintaining the peace, good government and welfare of the City and its trade, commerce and security.

(Ref. 17-505 RS Neb.)

SECTION 1-402: PASSAGE

Ordinances, resolutions or orders for the appropriation of money shall require for their passage the concurrence of the majority of the members elected to the Council. Ordinances of a general or permanent nature shall be fully and distinctly read on three different days.

(Ref. 17-614 RS Neb.)

SECTION 1-403: SUSPENSION OF RULES

In the event that three-fourths of the members of the Council present vote to dispense with the rule that ordinances of a general or permanent nature be fully read on three different days, such ordinances may be passed by reading the title one time when introduced, read by title a second time after the rule has been dispensed with, read at large a third time, and then put upon final passage.

SECTION 1-404: STYLE

The style of all city ordinances shall be:

"Be it ordained by the Mayor and City Council of the City of Albion, Nebraska:"

(Ref. 17-613 RS Neb.)

SECTION 1-405: EFFECTIVE DATE

The city clerk shall, within 15 days after the passage of any ordinances, publish the same in a legal newspaper of general circulation in the City, or post the ordinance in the normal three public places. The ordinance shall then become effective upon publication or posting.

SECTION 1-406: TITLE

No ordinance shall contain a subject not clearly expressed in its title.

(Ref. 17-614 RS Neb.)

SECTION 1-407: EMERGENCY ORDINANCES

In the case of riot, infectious or contagious diseases, or other impending danger, failure of a public utility, or other emergency requiring its immediate operation, such ordinance shall take effect upon the proclamation of the mayor, and the posting thereof in at least three of the most public places in the City. Such emergency notice shall recite the emergency and be passed by a three-fourths vote of the Council, and entered upon the city clerk's minutes.

(Ref. 17-613 RS Neb.)

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SECTION 1-408: CERTIFICATE OF PUBLICATION OR POSTING

The passage, approval and publication or posting of all ordinances shall be sufficiently proven by a certificate under the City Seal from the city clerk showing that the said ordinance was passed and approved, and when, and in what paper the same was published, or when, and by whom, and where the same was posted.

(Ref. 17-613 RS Neb.)

SECTION 1-409: AMENDMENTS AND REVISIONS

No ordinance or section thereof shall be revised or amended unless the new ordinance contains the entire ordinance or section as revised or amended, and the ordinance or section so amended shall be repealed.

(Ref. 17-614 RS Neb.)

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ARTICLE V – FISCAL MANAGEMENT

SECTION 1-501: FISCAL YEAR

The fiscal year of the City shall commence on October 1 and extend through the following September 30.

(Ref. 17-701 RS Neb.)

SECTION 1-502: BUDGET PROCEDURE

The Manual of Instructions for City/Village: Budgets, prepared by the Auditor of Public Accounts, State Capitol, Lincoln, Nebraska 68509 is incorporated by reference for the purpose of proper budget preparation and shall be followed wherever practicable.

SECTION 1-503: BUDGET STATEMENT; FILING

The City Council shall adopt a budget statement pursuant to the Nebraska Budget Act, to be termed "The Annual Appropriation Bill," in which the Council shall appropriate such sums of money as may be deemed necessary to defray all necessary expenses and liabilities of the City. Such budget statement shall be prepared on forms prescribed and furnished by the Nebraska Auditor of Public Accounts and shall contain that information required by the Manual of Instructions for City/Village: Budgets, prepared by the state auditor.

The annual appropriation bill shall not be amended without a majority vote of the City Council after a public hearing. Notice of the time and place of the hearing shall be published at least five days prior to the date set for hearing in a newspaper of general circulation within the City. The income arising from the operation of proprietary functions shall be deemed especially appropriated to the payment of the current expenses of and to the cost of improvements, extensions and additions to such functions and shall not be included in the annual appropriation bill.

(Ref. 13-504 RS Neb.)

SECTION 1-504: BUDGET HEARING

Subsequent to the filing of the proposed budget statement, the City Council shall publish a proposed budget and conduct a public hearing on the proposed budget statement. Notice of the place and time of the said hearing, as well as a copy of the proposed budget, shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. After such hearing, the statement shall be adopted or amended, and adopted as amended, and a written record shall be made of such hearing. If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 days after its adoption.

(Ref. 23-925 RS Neb.)

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SECTION 1-505: BUDGET FILING

The City Council shall file with and certify to the levying board and file with the Nebraska State Auditor a copy of the adopted budget statement, together with the amount of the tax to be levied and proof of publication. Such filing shall be made on or before September 20th. The City Council shall not certify any tax that exceeds the maximum levy prescribed by state law; provided, in certifying the amount to be so levied, allowance may be made for delinquent taxes not exceeding five percent of the amount to be levied plus the actual percentage of delinquent taxes for the preceding tax year.

(Ref. 23-927 RS Neb.)

SECTION 1-506: ANNUAL AUDIT

The City Council shall cause an audit of the city accounts to be made by a qualified accountant or shall prepare an unaudited statement of cash receipts and disbursements, in lieu of an audit, as expeditiously as possible following the close of the fiscal year. If an audit is authorized by the City Council, it shall be made on a cash or accrual method at the discretion of the City Council, and shall be completed within six months of the close of the fiscal year. In the event the City elects not to have an audit performed, the city treasurer shall prepare an unaudited statement of cash receipts and disbursements in a form prescribed by the state auditor, and shall submit not less than three copies of the unaudited report to the City Council.

(Ref. 19-2901 through 19-2909, 23-934 RS Neb.)

SECTION 1-507: ALL-PURPOSE LEVY

The City Council has determined that the amount of money to be raised by taxation shall be certified to the county clerk in the form of one all-purpose levy instead of certifying a schedule of levies for specific purposes added together. Said all-purpose levy shall not exceed an annual levy in excess of the legal maximum as prescribed by state law upon the assessed valuation of all taxable property in the City, except intangible property.

(Ref. 17-702 RS Neb.)

SECTION 1-508: CONTRACTS

The City Council shall, before entering into any contract for any public improvement which exceeds \$30,000.00 as estimated by the city engineer, advertise for bids once each week for three consecutive weeks in a legal newspaper of general circulation in the City; provided that in the case of a public emergency as defined in Neb. Rev. Stat. § 17-568.01(6), estimates of costs and advertising for bids may be waived by a three-fourths vote of the City Council.

If after advertisement for bids, the City Council receives fewer than two bids on a contract or if the bids received contain a price which exceeds the estimated cost, the Mayor and the City Council may negotiate a contract in an attempt to complete the proposed improvement at a cost commensurate with the estimate given.

(Ordinance 230(14) June 10, 2014)

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SECTION 1-509: CLAIMS

All claims against the City shall be presented to the City Council in writing with a full account of the items, and no claim or demand shall be audited or allowed unless presented as provided for in this section. No costs shall be recovered against the City in any action brought against it for an unliquidated claim which has not been presented to the City Council to be audited, nor upon claims allowed in part, unless the recovery shall be for a greater sum than the amount allowed, with the interest due. No order or warrant shall be drawn in excess of 85% of the current levy for the purpose for which it is drawn unless there shall be sufficient money in the city treasury for the appropriate fund against which it is to be drawn; provided that in the event there exist obligated funds from the Federal and/or State Government for the general purpose of such warrant, then such warrant may be drawn in excess of 85%, but not more than 100% of the current levy for the purpose for which said warrant is drawn.

(Ref. 17-714, 17-715 RS Neb.)

SECTION 1-510: WARRANTS

All warrants drawn upon the city treasury must be signed by the mayor and countersigned by the city clerk, stating the particular fund to which the warrant is chargeable, the person to whom it is payable, and the purpose of the expenditure. No money shall be otherwise paid than upon warrants so drawn. Each warrant shall specify the amount included of such fund.

(Ref. 17-711 RS Neb.)

SECTION 1-511: TRANSFER OF FUNDS

Whenever during the current fiscal year it becomes apparent due to unforeseen emergencies that there is temporarily insufficient money in a particular fund to meet the requirements of the adopted budget of expenditures for that fund, the City Council may by a majority vote transfer money from other funds to such fund. No expenditure during any fiscal year shall be made in excess of the amounts indicated in the adopted budget statement except as authorized herein. If, as the result of unforeseen circumstances, the revenue of the current fiscal year shall be insufficient, the City Council may propose to supplement the previously adopted budget statement and shall conduct a public hearing at which time any taxpayer may appear or file a written statement protesting the application for additional money. A written record shall be kept of all such hearings. Notice of a place and time for the said hearing shall be published at least five days prior to the date set for the hearing in a newspaper of general circulation in the City. The published notice shall set forth the time and place of the proposed hearing, the amount of additional money required, the purpose of the required money, a statement setting forth the reasons why the adopted budget of expenditures cannot be reduced to meet the need for additional money, and a copy of the summary of the originally adopted budget previously published. Upon the conclusion of the public hearing on the proposed supplemental budget and approval by the City Council, said council shall file with the county clerk and the state auditor a copy of the supplemental budget and shall certify the amount of additional tax to be levied. The City Council may then issue warrants in payment for expenditures authorized by the adopted supplemental budget. The said warrants shall be referred to as "registered warrants" and shall be repaid during the next fiscal year from funds derived from taxes levied therefor.

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SECTION 1-512: SPECIAL ASSESSMENT FUND

All money received on special tax assessments shall be held by the city treasurer as a special fund to be applied to the payment of the improvement for which the assessment was made. (Ref. 17-710 RS Neb.)

SECTION 1-513: SINKING FUNDS

The City Council, subject to the limitations set forth herein, shall have the power to levy a tax not to exceed that prescribed by state law in addition to the amount of tax which may be annually levied for the purposes of the adopted budget statement of the City, for the purpose of establishing a sinking fund for the construction, purchase, improvement, extension or repair of the approved uses as authorized by state law. To initiate the said sinking fund, the City Council shall declare its purpose by resolution to submit to the qualified electors of the City the proposition to provide the improvement at the next general city election. The resolution shall set forth the improvement, the estimated cost, the amount of the annual levy, the number of years required to provide the required revenue, the name of the sinking fund proposed, and the proposition as it will appear on the ballot. Notice of the said proposition shall be published in its entirety three times on successive weeks before the day of the election in a legal newspaper of general circulation in the City. The sinking fund may be established after the election if a majority or more of the legal votes were in favor of the establishment of the fund. The City Council may then proceed to establish the said fund in conformity with the provisions of the proposition and applicable state law. The funds received by the city treasurer shall, as they accumulate, be immediately invested with the written approval of the City Council in the manner provided by state law. No sinking fund so established shall be used for any purpose or purposes contrary to the purpose as it appeared on the ballot unless the City Council is authorized to do so by 60% of the qualified electors of the City voting at a general election favoring such a change in the use of the sinking fund.

(Ref. 19-1301 through 19-1304, 77-2337, 7-2339 RS Neb.)

SECTION 1-514: DEPOSIT OF FUNDS

The City Council, at its first meeting in each fiscal year, shall designate one or more banks of approved and responsible standing in which the city treasurer shall keep at all times all money held by him/her; provided, if more than one bank in the City meets the requirements for approved banks as herein defined, the said funds shall be deposited in each of them and the city treasurer shall not give a preference to anyone or more of them in the money he/she shall deposit. A bond shall be required from all banks so selected in a penal sum which equals the maximum amount on deposit at any time less the amount insured by the Federal Deposit Insurance Corporation or a pledge of sufficient assets of the bank to secure the payment of all such deposits.

(Ref. 17-607. 77-2362 through 77-2364 RS Neb.)

SECTION 1-515: INVESTMENT OF FUNDS

The City Council may, by resolution, direct and authorize the city treasurer to invest surplus funds in the outstanding bonds or registered warrants of the City, and other approved bonds and obligations as provided by law. The interest on such bonds or warrants shall be credited to the fund out of which the said bonds or warrants were purchased.

(Ref. 1.7-608. 17-609, 21-1316.02, 77-2341 RS Neb.)

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SECTION 1-516: EXPENDITURES

No city official shall have the power to appropriate, issue or draw any order or warrant on the city treasury for money, unless the same has been appropriated or ordered by ordinance, or the claim for the payment of such order or warrant has been allowed according to Nebraska law and funds for the claim or out of which said claim is payable had been included in the adopted budget statement according to law.

SECTION 1-517: MISCELLANEOUS EXPENDITURES

Section 9 -12 of LB 734 , known as the Local Government Miscellaneous Expenditure Act, hereby incorporated by reference as though printed in full herein, is adopted in its entirety for the elected and appointed officials and employees of the City of Albion with the following clarifications:

1 Payment or reimbursement of public funds for actual and necessary expenses is subject to the provisions of the Personnel Manual of the City of Albion and the approved fiscal year budget. These two documents shall represent the uniform policy of the City. Any other request for payment or reimbursement of public funds not covered by either of these documents shall only be approved after a formal vote of the City Council.

2 The maximum allowable meal cost per person for one recognition dinner each year shall be \$25.00.

3 The maximum allowable expenditure for public funds for plaques, certificates of achievement or items of value (including an annual Christmas turkey, ham or equivalent) awarded to elected or appointed officials, employees or volunteers including persons serving on local government boards or commissions, shall not exceed \$75.00 except in the case of farewell parties, in which the maximum expenditure of public funds, including cake and coffee shall not exceed \$150.00.

4 Training meetings for city employees that are approved by either the mayor or city administrator, which may include meals, are specifically authorized.

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ARTICLE VI – POLICE DEPARTMENT

SECTION 1-601: POWER, DUTIES, RESPONSIBILITIES

The city police, whether regular or special, shall have the power to arrest all offenders against the laws of the State of Nebraska or the City, by day or by night, and keep the said offenders in the city jailor some other place to prevent their escape until trial can be held before the proper official of the State of Nebraska or the City. They shall have full power and authority to call on any person whenever necessary to assist them in performing public duties, and failure, neglect or refusal to render such assistance shall be deemed a misdemeanor punishable upon conviction by a fine. Every city police officer shall be expected to be conversant and knowledgeable of the city and state laws and no law enforcement official shall have any interest in any establishment having a liquor license. City police shall have the duty to file such complaints and reports as may be required by the city ordinances and the laws of the State of Nebraska. City police who shall willfully fail, neglect or refuse to make an arrest, or purposely and willfully fail to make an arrest, or purposely and willfully fail to make a complaint after an arrest is made shall be charged with the misdemeanor, and upon conviction of said misdemeanor, shall be fined. It shall be unlawful for the City Council to retain any city police officer in such position upon conviction of any Class I misdemeanor, Class W misdemeanor, or any felony violation of the United States, the State of Nebraska, or any other comparable offenses of any other jurisdiction. It shall be the duty of every city police officer making a lawful arrest to search all persons in the presence of some other person, whenever possible, and shall carefully keep, and produce to the proper judicial official upon the trial, everything found upon the person of such prisoners. All personal effects so taken from prisoners aforesaid shall be restored to them upon their release. Suitable uniforms and badges shall be furnished to the city police by the City. Any member who shall lose or destroy the same shall be required to pay the replacement costs, and in the event that any member shall leave the force, he/she shall immediately deliver his badge to the city police chief. The City Council may from time to time provide the city police with such uniforms, equipment and transportation as may be essential in the performance of their official duties.

SECTION 1-602: ARREST JURISDICTION

The city police chief or any other city police officer shall have the power and authority to enforce the laws of this state and the City or otherwise perform the functions of that office anywhere within his/her primary jurisdiction. Primary jurisdiction shall mean the geographic area within territorial limits of the City of Albion.

The city police chief and any other city police officer who is within this state but beyond the territorial limits of his/her primary jurisdiction shall have the power and authority to enforce the laws of this state or any legal ordinance of the City or otherwise perform the functions of his/her office, including the authority to arrest and detain suspects, as if enforcing the laws or performing the functions within the territorial limits of his/her primary jurisdiction in the following cases:

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1 The city police chief or any other city police officer, if in a fresh attempt to apprehend a person suspect of committing a felony, may follow such person into any other jurisdiction in this state and there arrest and detain such person and return such person to the officer's primary jurisdiction;

2 The city police chief or any other city police officer. if in a fresh attempt to apprehend a person suspected of committing a misdemeanor or a traffic infraction, may follow such person anywhere in an area within 25 miles of the boundaries of the officer's primary jurisdiction and there arrest and detain such person and return such person to the officer's primary jurisdiction;

3 The city police chief or any other city police officer shall have such enforcement and arrest and detention authority when responding to a call in which a local, state or federal law enforcement officer is in need of assistance. A law enforcement officer in need of assistance shall mean (A) a law enforcement officer whose life is in danger or (8) a law enforcement officer who needs assistance in making an arrest and the suspect (i) will not be apprehended unless immediately arrested, (ii) may cause injury to himself/herself or others or damage to property unless immediately arrested, or (iii) may destroy or conceal evidence of the commission of a crime; and

4 If the City, under the provisions of the Interlocal Cooperation Act, enters into a contract with any other municipality or county for law enforcement services or joint law enforcement services, law enforcement personnel may have such enforcement authority within the jurisdiction of each of the participating political subdivisions if provided for in the agreement. Unless otherwise provided in the agreement, the City shall provide liability insurance coverage for its own law enforcement personnel as provided in Section 13-1802 RS Neb. (Ref. 29-215 RS Neb.)

SECTION 1-603: DISCHARGE OR DISCIPLINE OF POLICE MEMBERS

Any police officer or the city police chief may be disciplined or immediately discharged from duty for gross misconduct, neglect of duty or disobedience of lawful orders of the mayor or the City Council as a whole.

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SECTION 1-604: APPEAL PROCEDURE FOR DISCHARGED OR DISCIPLINED POLICE OFFICERS

In the event of discharge for any of the causes set forth in Section 1-603, the police officer or city police chief shall have the right to appeal his/her discharge or disciplinary action to the City Council. Such appeal shall be made within 30 days of his/her discharge or disciplinary action by filing a written application for a hearing before the Council. Such written application shall be made to the city clerk, and if such application is made the clerk shall immediately notify the mayor of the receipt of such application. Upon notice of the filing of such application, the mayor shall call a special meeting of the City Council, within 20 days of receipt of the written application, to consider such application. Both the police officer and the individuals causing such disciplinary action or discharge shall have the right at the hearing to be heard and to present evidence to the City Council for its consideration. Not later than 30 days following the adjournment of the meeting at which the hearing was held, the City Council shall vote to uphold, reverse or modify the removal or disciplinary action. The failure of the City Council to act within 30 days or the failure of a majority of the elected board members to vote to reverse or modify the removal or disciplinary action shall be construed as a vote to uphold the removal or disciplinary action. The decision of the City Council shall be based upon its determination that, under the facts and evidence presented at the hearing, the challenged removal or disciplinary action was necessary for the proper management and the effective operation of the police department in the performance of its duties under the statutes of the State of Nebraska.

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ARTICLE VII – PLANNING COMMISSION

SECTION 1-701: MEMBERS; TERM OF OFFICE

The Planning Commission shall consist of nine members appointed by the mayor, by and with the approval of a 3/4 vote of the City Council. Said commission members are to be residents of the City. However, two of such members may be appointed from the area over which the City is authorized to exercise extraterritorial zoning and subdivision regulations. The members of the Commission shall serve a three year term of office unless reappointed.

SECTION 1-702: COMPENSATION OF MEMBERS

All members of the City Planning Commission shall serve as such 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.

SECTION 1-703: OFFICERS AND RULES

At the time of the Commission's first meeting in June of each year, the Commission shall organize by selecting from its membership a chairman and a 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 city clerk where they shall be available for public inspection at any reasonable time. No member of the Planning Commission shall serve in the capacity of both the chairman and secretary of the Commission. No member of the City Council or other city official, except where otherwise specifically provided, shall serve as a member of the Planning Commission while serving any other term of office. The Planning Commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. A majority of the Commission shall constitute a quorum for the purpose of doing business. Special meetings may be held upon the call of the chairman or any three members of the Commission.

SECTION 1-704: FUNDING

The Planning Commission shall be funded by the City Council from time to time out of the General Fund.

SECTION 1-705: PLANS FOR PHYSICAL DEVELOPMENT

It shall be the function and duty of the Commission to make and adopt plans for the physical development of the City, including any areas outside of its boundaries but within its statute authority which, in the commission's judgment, bear relation to the planning of the City. All actions by the Commission shall be subject to the review and supervision of the City Council. Recommendations from the Commission be received by the City Council within 60 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development or zoning. The Commission shall be responsible for making such reports and performing such other duties as the City Council may from time to time designate.

(Ref. 19-924 through 19-929 RS Neb.)

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ARTICLE VIII – BOARD OF HEALTH

SECTION 1-801: MEMBERS

A Board of Health is hereby created, which shall consist of four members: the mayor; a city physician who shall be the medical advisor to the Board; and the city police chief who shall be secretary and quarantine officer of the Board; and the President of the City Council. The mayor shall act as chairman of the Health Board. The members of the Board shall serve a one year term of office, unless reappointed, and shall reorganize at the first meeting in January of each year.

SECTION 1-802: POWERS AND DUTIES

A majority of the Board shall constitute a quorum and shall enact rules and regulations to safeguard the health of the people of the city and shall provide fines and punishments for the violations thereof. The Board is authorized and directed to make all necessary rules and regulations relating to matters of sanitation, including the removal of dead animals, and sanitary conditions of the streets and alleys, and vacant grounds and of private and public stock yards and all other buildings and places where filth, nuisances or offensive matter is kept or is liable to and does accumulate. It shall suppress and prevent the occurrence of nuisances and enforce all laws of the State and ordinances of the City relating to the matters of sanitation of the City. It shall keep a record of all matters transacted at its meetings and all actions taken by it, which records shall be filed with the city clerk and be part of the public records of the City. (Ref. 17-121 RS Neb.)

SECTION 1-803: STATE HEALTH RULES; INCORPORATED BY REFERENCE

Three copies of the Rules and Regulations relating to Public Health, published by the Department of Health of the State of Nebraska, as revised, adopted and promulgated in pamphlet form, are hereby incorporated by reference insofar as the same are applicable to cities, and they shall be incorporated herein, the same as though copied at full length in this article.

(Ref. 17-208, 17-121 RS Neb.)

SECTION 1-804: DEPOSITING OR PERMITTING DEPOSIT OR ACCUMULATION OF ANY SUBSTANCE DETRIMENTAL TO HEALTH OR OFFENSIVE TO SMELL; PENALTY

It shall be unlawful for any person to deposit, or permit the deposit or accumulation of any garbage, refuse of any kind or article or thing which is detrimental to health or from which obnoxious or offensive odors arise, on the streets, alleys or public grounds or on any private premises including enclosures in which livestock is kept within said city, and any person who violates this section and shall fail to remove such objectionable substances or otherwise comply with the orders of the Board of Health with reference thereto within 24 hours from the receipt of written notice thereof, upon conviction shall be fined not more than that amount permitted by Nebraska law for violation of a municipal ordinance, and the offensive matter removed by or at the expense of the defendant, and each 24 hour failure to comply with the orders of the Board shall constitute a separate and distinct offense.

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ARTICLE IX – CITY TREE BOARD

SECTION 1-901: CREATION AND ESTABLISHMENT OF A CITY TREE BOARD

There is hereby created and established a City Tree Board for the City, which shall consist of five members, citizens and residents of this City, who shall be appointed by the mayor with the approval of the City Council.

SECTION 1-902: DEFINITIONS

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

"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 City, or to which the public has free access as a park.

SECTION 1-903: TERM OF OFFICE

The term of the six persons to be appointed by the mayor shall be three years with staggered terms, so that two members' terms shall expire every two years. Terms shall commence July 1 of each year. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term.

SECTION 1-904: COMPENSATION

Members of the Tree Board shall serve without compensation.

SECTION 1-905: DUTIES AND RESPONSIBILITIES

It shall be the responsibility of the Tree Board to study, investigate, counsel and develop and/or update annually and administer a written plan for the care, preservation, pruning, planting, replanting, 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 City Tree Plan for the City. The Tree Board, when requested by the Council, shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 1-906: OPERATION

The Tree Board shall choose its own officers, make its own rules and regulations and keep a minute book of its proceedings. A majority of its members shall be a quorum for the transaction of business.

SECTION 1-907: STREET TREE SPECIES TO BE PLANTED

The tree list adopted by the Tree Board and published by them constitutes the official street tree species for the City. No species other than those included in this list may be planted as street trees without written permission of the City Tree Board.

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SECTION 1-908: SPACING

The spacing of street trees will be in accordance with the three species size classes listed in the tree list and no trees may be planted closer together than the following: Small trees, 30 feet; Medium trees, 40 feet; and Large trees, 50 feet: except in special plantings designed or approved by a landscape architect.

SECTION 1-909: DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in the tree list and no trees may be planted closer to any curb or sidewalk than the following: Small trees, two feet; Medium trees, three feet; and Large trees, four feet.

SECTION 1-910: DISTANCE FROM STREET CORNERS AND FIREPLUGS

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than ten feet of any fireplug.

SECTION 1-911: UTILITIES

No street trees other than those species listed as Small trees in the tree list may be planted under or within ten lateral feet of any overhead utility wire, or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 1-912: PUBLIC TREE CARE

The City shall have the right to plant, subject to Section 1-913 herein, prune, maintain and remove trees, plants and shrubs within the lines of all streets, alleys, avenues, lanes, squares and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with this article.

SECTION 1-913: CONSENT OF PROPERTY OWNER

The City Tree Board shall plant no trees on public right of way without the consent of the adjacent property owners. Such consent shall be in writing and shall be maintained as part of the official tree board records.

SECTION 1-914: TREE TOPPING

It shall be unlawful as a normal practice for any person, firm or city department to top any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this article at the determination of the City Tree Board.

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SECTION 1-915: PRUNING, CORNER CLEARANCE

Every owner of any tree overhanging any street or right of way within the City shall prune the branches, so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection, and so that there shall be space of eight feet above the surface of the street or sidewalk.

SECTION 1-916: REPEALED

(REPEALED BY ORDINANCE 157(05), OCTOBER 11, 2005)

SECTION 1-917: REMOVAL OF STUMPS

All stumps of street and park trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

SECTION 1-918: INTERFERENCE WITH CITY TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the City Tree Board, or any of its agents, while engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any street trees, park trees, or trees on private grounds, as authorized in this article.

SECTION 1-919: ARBORIST'S LICENSE

It shall be unlawful for any person or firm to engage in the business or occupation of pruning, treating or removing street trees within the City without first applying for and procuring a license. The license fee shall be \$25.00 annually in advance; provided, however, that no license shall be required of any public service company or city employee doing such work in the pursuit of their public service endeavors. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000.00 for bodily injury and \$100,000.00 property damage, indemnifying the City or any person injured or damaged resulting from the pursuit of such endeavors as herein described.

SECTION 1-920: REVIEW BY CITY COUNCIL

The City Council shall have the right to review the conduct, acts and decisions of the City Tree Board. Any person may appeal any ruling or order of the City Tree Board to the Council, who may hear the matter and make a final decision.

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ARTICLE X – LIBRARY

SECTION 1-1001: LIBRARY BOARD

The Library Board shall be appointed or elected. At the first regular meeting of the City Council in January of each even numbered year the City Council shall, by ordinance, adopt the manner in which the five members of the Board are to be chosen. If the members are to be chosen by appointment, the nominated members must receive a majority vote of the City Council. If the members are to be elected, the usual election procedures of the City shall be followed. The Board shall consist of five members who shall be residents of the City. The members of the Library Board shall serve a four year term of office as specified by Nebraska Statutes. 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. At the time of the Board's first meeting in July of each year, the Board shall organize by selecting from their number a chairman and secretary. It shall be the duty of the secretary to keep the full and correct minutes and records of all meetings and to file the same with the city clerk where they shall be available for public inspection at any reasonable time. A majority of the board members shall constitute a quorum for the transaction of business. The Board shall meet at such times as the City Council may designate. Special meetings may be held upon the call of the chairman or any three 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 City 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 City Council. The Board shall be responsible for making such reports and performing such additional duties as the City Council may designate from time to time. No member of the City Council shall serve as a member of the Library Board while serving a term of office as a member of the City Council. No member of the Library Board shall serve in the capacity of both the chairman and secretary of the Board.

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SECTION 1-1002: THEFT OF LIBRARY MATERIALS

A person is guilty of theft if he/she takes or exercises control over library books, magazines, tapes or other property of the Albion Library with intent to deprive the City of Albion, Nebraska, doing business as the Albion Public Library.

It shall be presumed that any person who checks out books, magazines, tapes or any other property from the Albion Public Library and does not return the property checked out within the time limit allowed by the Albion Public Library on the library card when the item is checked out, that the property is kept with the intent to deprive the City of Albion, doing business as the Albion Public Library, of their property, if such person has been mailed notice by certified mail that the time for returning the library books, magazines, tapes or other property of the City has expired and that he/she has failed within ten days after such notice to return such property. If the person returns the property within ten days of the certified letter, he/she shall be assessed a late fee in an amount set by the Library Board. This fee shall be in addition to all other fines assessed by the Albion Public Library for overdue materials.

Failure of the person to return the property to the Albion Public Library within ten days after such written notice shall be a presumption in favor of the City that such person intended to defraud the City, doing business as the Albion Public Library, of such property. Such notice shall be sent out by either the city attorney of the City of Albion, his deputy, or any employee of the Albion Public Library Department. Said notice shall be sent by U.S. Mail addressed to such person at his/her last known address as shown on the Albion Library card records.

Said notice shall be sent by certified mail, return receipt requested. Any person convicted of violating this section shall be fined not less than \$25.00 or more than \$100.00 for each book, magazine, tape or other property not returned within the time limits set out in this section and be further ordered to return the books, magazines, tapes, or other property of the City of Albion at the Albion Public Library; in the event the books, magazines, tapes or other property are damaged or lost, be ordered to make restitution to the City through the Albion Public Library for the value of the books, magazines, tapes or other property of the Albion Public Library. The fact that restitution of the books, magazines, tapes or other property of the Albion Public Library has been made to the city library and the cost of filing the court action with the Boone County Court, Nebraska, have been paid shall be a mitigating factor in the imposition of a fine for any violation of this section. A separate fine of a minimum of \$25.00 up to \$100.00 shall be given by the court for each book, magazine, tape or other property.

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SECTION 1-1003: THEFT OF LIBRARY MATERIALS OBTAINED BY THE ALBION PUBLIC LIBRARY THROUGH THE INTERLIBRARY LOAN PROGRAM

A person is guilty of theft if he/she takes or exercises control over books, magazines, tapes or other property obtained by the Albion library through the Interlibrary Loan Program with intent to deprive the City, doing business as the Albion Public library through the Interlibrary Loan Program for library books, magazines, tapes or other property obtained from libraries located within or without the State of Nebraska.

It shall be presumed that any person who checks out books, magazines, tapes or any other property from the Albion Public Library through the Interlibrary Loan Program owned by libraries located within or without the State of Nebraska and does not return the property checked out within the time limit allowed by the Albion Public Library on the library card when the item is checked out, that the property is kept with the intent to deprive the City, doing business as the Albion Public Library through the Interlibrary Loan Program, of their property, if such person has been mailed notice by certified mail that the time for returning the library books, magazines, tapes or other property of the City has expired and that he/she has failed within ten days after such notice to return such property. If the person returns the property within ten days of the certified letter, he/she shall be assessed a late fee in an amount set by the Library Board. In the event the person returns the property within the ten days of the certified letter directly to the library that loaned the books, magazines, tapes or other property to the Albion Public Library through the Interlibrary Loan Program, this person shall immediately thereafter file proof with the Albion Public Library that said person has returned the books, magazines, tapes or other property and to who they have returned the property, the address and the date. This fee shall be in addition to all other fines assessed by the Albion Public Library for overdue materials.

Failure of the person to return the property to the Albion Public Library or to the library through which the Albion library obtained the property within ten days after such written notice shall be a presumption in favor of the City that such person intended to defraud the City, doing business as the Albion Public Library, through the Interlibrary Loan Program, of such property. Such notice shall be sent out by either the city attorney of the City of Albion, his/her deputy, or any employee of the Albion Public Library Department. Said notice shall be sent by U.S. Mail addressed to such person at his/her last known address as shown on the Albion Library card records.

Said notice shall be sent by certified mail, return receipt requested. Any person convicted of violating this section shall be fined not less than \$25.00 or more than \$100.00 for each book, magazine, tape or other of the Albion Public Library. The fact that restitution of the books, magazines, tapes or other property of the Albion Public Library through the Interlibrary Loan Program has been made to either the Albion Public Library or to the library from which it was obtained through the Interlibrary Loan Program and the cost of filing the court action with the Boone County Court, Nebraska, have been paid shall be a mitigating factor in the imposition of a fine for any violation of this section. A separate fine of a minimum of \$25.00 up to \$100.00 shall be given by the court for each book, magazine, tape or other property.

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ARTICLE XI – AIRPORT AUTHORITY BOARD

SECTION 1-1101: MEMBERS; TERM OF OFFICE; VACANCIES

The Airport Authority Board shall have the full and exclusive jurisdiction and control over all facilities owned or hereafter acquired by the City for the purpose of aviation operation, air navigation and air safety operation. The Board is a body corporate and politic, constituting a public corporation and an agency of the city. The Board shall consist of five members. Members of the Board shall be nominated and elected in the manner provided by law for the election of other elected officials and shall make office and commence their duties on the first regular meeting in December following their election. Member of the Board shall be residents of the City and shall serve a term of six years. Two members of the Board shall be elected in each election year; provided that in each third election year, one member only shall be elected to the Airport Authority Board. Any vacancy on the Board resulting from any cause other than the expiration of a term of office shall be filled by temporary appointment by the mayor, with the approval of the City Council, until a successor can be elected at the next general election to serve the unexpired portion of the term. A member of the Board may be removed from office for incompetence, neglect of duty, or malfeasance in office. An action for the removal of such officer may be brought, upon resolution of the City Council, in the District Court of the County. The Board shall have such other powers and duties as may be prescribed by state law.

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ARTICLE XII – PARKS AND SWIMMING POOL

SECTION 1-1201: CITY PARKS; OPERATION AND FUNDING

The City owns and operates the city parks and other recreational areas through the Board of Park Commissioners. The City Council, for the purpose of defraying the cost of the care, management and maintenance of the city park 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 corporate limits that is subject to taxation. The revenue from the said tax shall be known as the Park Fund and shall remain in the custody of the city treasurer. The Board shall have the authority to adopt rules and regulations for the efficient management of the city parks and other recreational areas of the City. The Board shall not enter into a contract of any nature which involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.

SECTION 1-1202: CITY SWIMMING POOL; OPERATION AND FUNDING

The City owns and manages the city swimming pool. The City Council, 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 City 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 city treasurer. The city administrator, working in conjunction with the Board of Park Commissioners, shall provide overall supervision of the swimming pool. The city administrator shall have the power and authority to hire and supervise the swimming pool manager and such employees as he/she 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. All actions by the city administrator shall be under the supervision and control of the City Council.

SECTION 1-1203: CITY SWIMMING POOL; ADMISSION CHARGE

The Board of Park commissioners may, for the purpose of defraying the expenses involved in maintaining, improving, managing and beautifying the swimming pool, make a reasonable admission charge for the use by any person of the city swimming pool. The said charges shall be on file at the office of the city clerk and shall also be posted in a conspicuous place at the swimming pool for public inspection. Such rates may be structured for classes of persons in a reasonable manner; provided that 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.

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SECTION 1-1204: CITY PARKS AND SWIMMING POOL; PROHIBITIONS; PENALTY

It shall be unlawful for any person in the city park, city swimming pool, any city recreation area or the sports complex to:

- 1 Mark, deface, disfigure, injure, tamper with or displace or remove any buildings, tables, benches, fire places, railings, paving or paving materials, water lines or other public utilities, or parts of appurtenances thereof; signs, notices or placards whether temporary or permanent; monuments, stakes, posts or other boundary markers; or other structures or equipment, facilities or park property or pool property, recreational property or sports complex property or appurtenances whatsoever, either real or personal.
- 2 Fail to cooperate and maintain restrooms and washrooms in a neat and sanitary condition. No person over the age of six years shall use the restrooms or washrooms designated for the opposite sex.
- 3 Dig or remove any artifacts, soil, rock, sand, stones, trees, shrubs, plants or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency or look for coins or other minerals without the permission of the City of Albion.
- 4 Construction or erect any building or structure of whatever kind, whether permanent or temporary, or run or string any public service, utility into or upon such lands except by permission of the City of Albion.
- 5 Damage, cut, carve, mark, transplant or remove any plant, or injure the bark, or pick flowers or seed of any tree or plant, dig in or otherwise disturb grass areas, or in any other way injure the natural beauty or usefulness of any area without the permission of the City of Albion.
- 6 Climb any tree or walk, climb, stand, or sit upon monuments, vases, planters, fountains, railings, fences or upon any other property not designated or customarily used for such purpose.
- 7 Attach any rope or cable or other contrivance to any tree, fence, railing, bench or other structure without the permission of the City of Albion.
- 8 Take into, carry through, or put into any park, swimming pool or swimming pool area, recreation area or city sports complex any rubbish, refuse, garbage or other material. Such refuse and rubbish shall be deposited in receptacles so provided. Where receptacles are not provided, all such rubbish or waste shall be carried away from the above areas by the person responsible for its presence and properly disposed of elsewhere.
- 9 Cause or permit any animal to run loose; tie or hitch an animal to any tree or plant; or to ride a horse without permission of the City of Albion.
- 10 Drive any vehicle on any area except the area provided for roads or parking areas, or such areas as may on occasion be specifically designated as temporary areas.
- 11 Park a vehicle anywhere except on a designated parking area or street.

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- 12 Ride a bicycle except on hard surface areas or without reasonable regard to the safety of others.
- 13 Wash any vehicle.
- 14 Have possession of any pistol or revolver or objects upon which loaded or blank cartridges may be used unless permission is obtained from the City; have possession of any rifle, shotgun, BB gun, air gun, spring gun, slingshot, bow or other weapon in which the propelling force is gunpowder, a spring or air.
- 15 Have possession of or set off any fireworks.
- 16 Expose or offer for sale any article without a license or permission of the City.
- 17 Kindle, build, maintain or use a fire except in places provided for such purposes. Any fire shall be continuously under the care and direction of a competent person from the time it is kindled until it is extinguished. No person shall throwaway or discard any lighted match, cigar, cigarette, tobacco, paper or other material within or against any building, vehicle or under any tree or in underbrush or other improvements owned by the City.
- 18 Have possession of alcoholic beverages, or controlled dangerous substances, drink or use the same or bring alcoholic beverages into the area.
- 19 Solicit contributions for any purpose, whether public or private, except for ball teams.
- 20 Enter an area posted as "Closed to the Public," except employees of the City.
- 21 Engage in threatening, abuse, insulting or indecent language or engage in any disorderly conduct or behavior tending to breach the public peace.
- 22 Be in the swimming pool building or area inside the swimming pool fence, except when the swimming pool is open for swimming purposes. Pool employees, city employees and other persons authorized by the City are allowed in the above area for examination of the swimming pool and for employment purposes and for repair of the swimming pool and improvements.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less \$10.00 nor more than \$100.00 for each offense.

SECTION 1-1205: RECREATIONAL TRAILS; RULES FOR USE; PENALTY

The City of Albion Recreational Trails are intended primarily for pedestrian and bicycling use. Use of motorized vehicles by the general public on the trails is prohibited except for emergency vehicles and electrically powered mobility devices for persons with disabilities.

Pets are allowed on the trails but must be leashed and under control of a competent person. However, the deposit of animal waste on or about the trails is strictly prohibited and any person who shall fail to remove said waste deposited by an animal under their control shall be in violation of this section.

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Patrons shall not litter, nor deposit rubbish on or along the trail. Such refuse or rubbish shall be deposited in receptacles wherever provided. Where receptacles are not provided, all such refuse or rubbish shall be carried away from the trail area by person responsible for its presence and properly disposed of elsewhere.

Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less \$10.00 nor more than \$100.00 for each offense.

*This section as amended per Ordinance 273 (18) – October 9, 2018

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ARTICLE XIII – HOUSING AUTHORITY BOARD

SECTION 1-1301: MEMBERS; TERM OF OFFICE; COMPENSATION

The City Council shall appoint five persons who shall constitute the Housing Authority and such persons shall be called the commissioners. One commissioner shall be appointed each year. Each commissioner shall serve a five year term of office or until his/her successor is duly appointed; provided that all vacancies shall be filled for the unexpired terms. The City Council may appoint one of its members to serve as one of the five members of such Housing Authority for such term as the City Council may determine. No person shall serve as a commissioner unless he/she resides within the area of operation of that Housing Authority. A certificate of the appointment or reappointment of any commissioner shall be filed with the city clerk and such certificate shall be conclusive evidence of the proper appointment of such commissioner. A commissioner shall receive no compensation for his/her services, but he/she shall be entitled to the necessary expenses, including travel expenses, incurred in discharge of his/her duties. A majority of commissioners shall constitute a quorum of the Authority for the purpose of conducting its business, exercising its 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. The commissioners shall elect a chairman and vice-chairman from among the commissioners and shall have the power to employ an executive director who shall serve as ex officio secretary of the Authority. The Authority may also employ legal counsel, or it may call upon the city attorney 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. During his/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 acquiring any such interest, or voluntarily or involuntarily acquired any such interest prior to appointment or employment as commissioner, officer or employee, he/she shall immediately disclose his/her interest in writing to the Authority. and such disclosure shall be entered upon the minutes of the Authority and he/she shall not participate in any action by the Authority relating to the property or contract in which he has any such interest; provided that 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. The mayor may remove a commissioner for neglect of duty or misconduct in office in the manner prescribed hereinafter. The mayor shall send a notice of removal to such commissioner, which notice shall contain a statement containing the charges against him/her. Unless within ten days from the receipt of such notice such commissioner files with the clerk a request for a hearing before the City Council, the commissioner shall be deemed removed from office. If a request for a hearing is filed with the clerk, the City Council shall hold a hearing at which the commissioner shall have the right to appear in person or by counsel and the City Council shall determine whether the removal shall be disapproved or upheld. If the removal is disapproved, the commissioner shall continue to hold his/her position.

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The Housing Authority shall keep an accurate account of all its activities and of all its receipts and disbursements and shall make a report to the City Council on all such information.
(Ref. 71-1524 through 71-1526, 71-1552 RS Neb.)

SECTION 1-1302: OWNERSHIP

The City Housing Authority is owned by the City and operated through the Housing Authority Commission. The Housing Authority shall constitute a body corporate and politic and shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of the Nebraska Housing Authority Law.
(Ref. 71-1529 RS Neb.)

SECTION 1-1303: DEFINITIONS

Except as otherwise specifically provided, the definitions and terms set out in the Nebraska statutes relating to Housing Authorities under the Nebraska Housing Authority Law are hereby adopted by reference as they now exist or may hereafter be amended.
(Ref. 71-1522 RS Neb.)

SECTION 1-1304: OPERATION AND MANAGEMENT

The Authority shall at all times observe the following duties with respect to rental and tenant selection:

1. It may rent or lease dwelling accommodations therein only to persons of low income, elderly, or handicapped persons of low income, and displaced persons in need.
2. There shall be no discrimination in the eligibility or occupancy of tenants on the basis of race, sex, marital status, religion, color, creed, national origin or ancestry.
3. The Authority shall not accept any person as a tenant in any dwelling in the housing project if the persons who occupy the dwelling have an aggregate annual income which equals or exceeds the amount which the Authority has conclusively determined to be sufficient to enable one to secure safe, sanitary and uncongested dwelling accommodations within the area served by the Authority and to provide an adequate standard of living.
4. The Authority may rent or lease to a tenant a dwelling consisting of a number of rooms which is deemed necessary to provide safe and sanitary accommodations to the occupants without overcrowding.
5. The Authority shall fix income limits for occupancy and rents after taking into consideration:
 - a. The family size, composition, age, physical handicaps, and other factors which might affect the rent paying ability of the person.
 - b. The economic factors which affect the financial stability and solvency of the project.
6. The Authority may accept as a tenant any displaced person or persons in need, regardless of income, but in no event shall such person or persons remain as a tenant or tenants of the Authority for more than a period of six months, unless such persons also qualify as persons of low income, elderly, or handicapped persons of low income.

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7. All persons of low income, elderly, or handicapped persons of low income, or displaced persons in need, shall be entitled to the benefits of this article and the Authority may establish rules and regulations consistent with the purposes of this article concerning eligibility and occupancy of the housing project or other such shelter.

8. Nothing herein shall prohibit the right of the Authority to inquire into the financial condition, family composition, medical, personal and employment history of any tenant or prospective tenant.

9. The Authority shall prohibit subletting by tenants.

The Authority may establish from time to time rules and regulations consistent with federal and state laws and regulations and the purposes of this article concerning the termination of vacancy. Any tenant so terminated shall be sent a written notice of termination setting out the reasons for such termination and any tenant served with a notice shall be given the opportunity to contest the termination in an appropriate hearing, except that tenants who have created or maintained a threat constituting a serious and clear danger to the health or safety of other tenants or the Authority employees need not be given such a hearing by the Authority. Such notice may provide that if the tenant fails to pay his/her rent or comply with any covenant or condition of his/her lease, or the rules and regulations of such Authority, or cure a violation or default thereof, as the case may be, as specified in such notice, or follow the procedure for a hearing as set forth in the notice, all within the time or times set forth in such notice, the tenancy shall then be automatically terminated and no such other notice or notices need to be given of such termination or the intent to terminate the tenancy, and upon such termination, and without any notice other than as provided for in this section, the Authority may file suit against any tenant for recovery of possession of the premises and may recover the same as provided by law.

The Authority may establish from time to time rules and regulations consistent with the purposes of this article concerning personal property of tenants and other persons located in projects of the Authority, and if such personal property is not removed from a dwelling unit at the time of the termination of the lease, at the time of vacation or abandonment of the dwelling unit, or at the time of the death of any tenant, then the Authority may remove the same and store such property at the tenant's risk and expense. In the event that possession of such personal property is not taken by the tenant or other persons authorized by law to take possession within 45 days after such termination, vacation or abandonment, and any such storage removal charges remain unpaid, then the Authority may, at its option, dispose of the personal property in any manner which the Authority deems fit, except that any proceeds from the disposal of such personal property shall be paid to the general fund of the body which created the Authority. No tenant or other person shall have any cause of action against the Authority for such removal or disposition of such personal property.

(Ref. 71-1536 RS Neb.)

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SECTION 1-1305: RULES AND REGULATIONS

The Housing Authority may establish from time to time rules and regulations consistent with the purposes of this article concerning the priority of eligible applicants for occupancy. The Authority may give preferential treatment to applicants who are servicemen or veterans, relatives of servicemen or veterans, to disabled servicemen or veterans, the elderly or disabled, those in urgent need of adequate housing or who have no adequate source of income; provided that in any such system of priority, displaced persons in need shall have a priority ahead of all other persons; and provided further than no tenant in good standing then in occupancy and qualified for continued occupancy shall have his/her tenancy terminated in order to provide dwelling units for classes or categories of applicants as the Authority may establish.

(Ref. 71-1547 RS Neb.)

SECTION 1-1306: REPORTS

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 at the second regular meeting in January of each year to the City Council. Such report shall include all mortgages and other interests in real property held by the Housing Authority, including options to purchase and land sale contracts; a listing of all bond issues and their essential terms and obligations; and all other financial obligations of the Housing Authority over \$50,000.00. Such reports shall be considered public records. If there has been no change from the last report in the status of any of the items reported pursuant to this section, the Housing Authority may file a statement to that effect in lieu of the report.

(Ref. 71-1552 RS Neb.)

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ARTICLE XIV -PENAL PROVISION

SECTION 1-1401: VIOLATION; PENALTY

Anyone violating any of the terms and conditions of any of the foregoing chapter and articles shall be deemed guilty of a misdemeanor and shall be fined in a sum of not more than \$500.00 for each offense, and each day's maintenance of the same shall constitute a separate offense.