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## CHAPTER 2 – COMMISSIONS AND BOARDS

### Article 1 – Library Board

#### SECTION 2-101: LIBRARY; OPERATION AND FUNDING

The Village owns and manages the village library through the Library Board. The Village Board, for the purpose of defraying the cost of the management, maintenance purchases, and improvements of the library may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the Village that is subject to taxation. The revenue from the said tax shall be known as the Library 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 village library. The Library Fund shall at all times be in the custody of the village treasurer. The Library Board shall have the power and authority to appoint the Librarian and to hire such other employees as it may deem necessary and may pass such other rules and regulations for the operation of the library as may be proper for its efficient operation; however, the Village Board shall approve any personnel administrative or compensation policy or procedure before implementation of such policy or procedure by the Library Board. All actions by the Library Board shall be under the supervision and control of the Village Board. (Neb. Rev. Stat. §51-201, 51-202, 51-211) (Am. by Ord. No. 723, 8/14/12)

#### SECTION 2-102: LIBRARY; FUNDS, DISPOSITION; SINKING FUND

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

#### SECTION 2-103: MEMBERS; TERMS

The Library Board shall be appointed by the Village Chairperson and confirmed by a majority vote of the Board of Trustees. The Library Board shall consist of five regular members and one alternate member who shall be residents of the Village. The regular members of the Library Board shall serve three-year terms of office as specified by guidelines governing the Nebraska Library System and the alternate shall serve a one year term. A person shall not be eligible for reappointment to the Library Board until at least one year has passed since the person last served on the Board. No member of the Village Board shall serve as a member of the Library Board while serving a term of office as a member of the Village Board. The Library Board members shall serve without compensation. (Neb. Rev. Stat. § 51-202) (Am. by Ord.742

10/14/14, Ord.775 11/22/16)

#### **SECTION 2-104: OFFICERS; MEETINGS**

At the time of the Library Board's first meeting in September of each year, the members shall organize by selecting from their number a President and Secretary. No member of the Library Board shall serve in the capacity of both President and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and to file the same with the Village Clerk, where they shall be available for public inspection during office hours. A majority of the board members shall constitute a quorum for the transaction of business. The Library Board shall meet bimonthly or at such times as the Village Board may designate. Special meetings may be held upon the call of the President or any three board members. **(Neb. Rev. Stat. §51-204)**

#### **SECTION 2-105: DUTIES**

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 village 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 supervision and control of the Village Board. The Library Board shall be responsible for making such reports and performing such additional duties as the Village Board may designate from time to time. **(Neb. Rev. Stat. §51-202)**

#### **SECTION 2-106: ANNUAL REPORT**

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

#### **SECTION 2-107: RULES AND REGULATIONS**

The Library Board shall establish rules and regulations for the governing of the village library for the preservation and efficient management thereof. It shall fix and impose by general rules, penalties and forfeitures for injury to the library grounds, rooms, books, or other property, or for failure to return a book. All fees, penalties, and forfeitures may be collected in civil action in the event of failure, neglect, or refusal to pay the said assessments. **(Neb. Rev. Stat. §51-205, 51-214)**

**SECTION 2-108: LIBRARY; BOOKS**

A. The Director shall keep or cause to be kept a register of all books issued and returned at the time they were so issued and returned. None of the books shall be retained more than fourteen days without being renewed. No book may be renewed more than two consecutive times by any person without the special permission of the Director or an authorized employee of the library.

B. The Library Board may authorize the sale, exchange, or disposal of any surplus, damaged, defective, obsolete, or duplicate books in the Library. Records shall be kept of any such surplus, damaged, defective, obsolete, or duplicate books so disposed of.

**(Neb. Rev. Stat. §51-207)**

**SECTION 2-109: LIBRARY; BOOK LABELING**

It shall be the duty of the Director to label or cause to be labeled, with a printed or stamped label, proof of village ownership on each book.

**SECTION 2-110: LIBRARY; DAMAGED AND LOST BOOKS**

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

**SECTION 2-111: LIBRARY; UNLAWFUL BOOK REMOVAL**

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

**SECTION 2-112: LIBRARY; COST OF USE**

The village library shall be free for the use of the inhabitants of the Village. The Librarian may exclude from the use of the library and reading rooms any person who shall willfully violate or refuse to comply with the rules and regulations established for the government thereof. **(Neb. Rev. Stat. §51-201, 51-212)**



## Article 2 – Planning Commission

(Article am. by Planning Commission Bylaws adopted 4/28/09)

### SECTION 2-201: POWERS AND DUTIES

The objectives and purposes of the Waterloo Planning Commission are those set forth in **Neb. Rev. Stat. §19-901** and the following powers and duties delegated to the Planning Commission by the Board of Trustees:

A. All actions by the Commission shall be subject to the supervision and control of the Board of Trustees.

B. The Commission shall adopt rules and regulations for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which shall be a public record.

C. The Commission shall make and adopt plans for the physical development of the Village, including any areas outside its boundaries which, in the Commission's judgment, bear relation to the planning of the Village, and shall carry out the other duties and exercise the powers specified in **Neb. Rev. Stat. §19-929**.

D. The Commission shall make its recommendations to the Board of Trustees so that they are received by the Board within 90 days after the Commission begins consideration of a matter relating to the comprehensive development plan, capital improvements, building codes, subdivision development, the annexation of territory, or zoning.

E. The Commission shall be responsible for making such reports and performing such other duties as the Board of Trustees may designate from time to time.

### SECTION 2-202: OFFICERS; DUTIES

The officers of the Planning Commission shall consist of a Chair, a Vice-Chair, and a Secretary and shall be subject to the provisions of **Neb. Rev. Stat. §19-926**.

A. The Chair shall preside at all meetings and hearings of the Planning Commission and shall have the duties normally conferred by parliamentary usage on such officers. The term shall be for one year and he/she is eligible for re-election. The chair shall be one of the citizen members of the Commission. He/she shall have the privileges of discussing all matters before the Commission and of voting thereon.

B. The Vice-Chair shall act for the Chair in his/her absence. He/she shall be a citizen member of the Commission. The term shall be for one year and he/she is eligible for re-election.

C. The Secretary shall keep the minutes and records of the Commission. The term shall be for one year and he/she is eligible for re-election.

### **SECTION 2-203: ELECTION OF OFFICERS; VACANCIES**

Nomination of officers shall be made from the floor at the annual organizational meeting, which shall be held during the January meeting each year, and the elections shall follow immediately thereafter. When more than one candidate is nominated, election of officers shall be made by anonymous paper ballot. A candidate receiving a majority of the vote of the entire membership of the Planning Commission shall be declared elected and shall take office and serve for one year or until his/her successor shall take office. Vacancies in offices shall be filled immediately by regular election procedures.

### **SECTION 2-204: MEMBERSHIP**

A. Membership of the Commission shall consist of five regular members and one alternate member, all of whom shall reside within the corporate limits of the Village. However, two members may reside outside the corporate limits and within the extraterritorial jurisdiction, or outside the corporate limits and within an area utilizing village services and utilities. Per **Neb. Rev. Stat. §19-926**, when said population within the extraterritorial jurisdiction equals 500 or more residents, there shall be a minimum of one member from the extraterritorial jurisdiction.

B. Membership will be for a length of three years, commencing in January or June, with the possibility for reappointment.

C. Members are expected to attend all meetings. If a member cannot attend a meeting, the Chair or Secretary shall be notified prior to the scheduled meeting.

D. If a member of the Commission misses more than four consecutive meetings, unexcused, or more than six in a 12-month period, unexcused, notice will be given to the Village Board, requesting that the absent member be replaced.

E. Members shall avoid conflict of interest. Where a member has a conflict, he/she shall excuse himself/herself from the meeting and not participate in discussing any item where such conflict exists.

F. Members shall not indicate their voting intentions with applicants until the public hearing is closed. Any ex parte communication must be disclosed during regularly scheduled Planning Commission meetings.

### **SECTION 2-205: MEETINGS**

A. Meetings are defined as regularly scheduled Planning Commission meetings for the purpose of conducting normal business. Meetings will be held on the first



Monday of each month at 7:00 p.m. at the village office and are subject to change. Notice of such meetings shall be posted in three conspicuous public places at least four days prior to the public meeting. All meetings shall be open to the general public.

B. All agenda items for the public meeting shall be submitted no later than 12:00 p.m. on the Thursday prior to the next regularly scheduled Planning Commission meeting. A copy of the agenda for that meeting shall be kept current in the village office for review by the public.

C. A majority of the membership of the Commission, or three out of five members, shall constitute a quorum, and the number of votes necessary to transact business shall be a majority of the entire membership of the Commission. Voting shall be by roll call.

D. Special meetings may be called by the Chair. It shall be his/her duty to call such a meeting when requested to do so in writing or by prior approved motion by a majority of the commission members. The notice of such a meeting shall specify the purposes of such a meeting and no other business may be considered except by unanimous consent of the members. The Secretary shall notify all members of the Commission in writing, by email, or phone not less than five days in advance of such special meeting.

## **SECTION 2-206: ORDER OF BUSINESS**

The order of business at regular meetings shall be:

- A. Roll call
- B. Approval of minutes
- C. Old business
- D. New business
- E. Adjournment

## **SECTION 2-207: COMMITTEES**

The following standing committees may be appointed by the Chair:

- A. Land Use Committee
- B. Thoroughfare Committee
- C. Public Facilities Committee
- D. Housing and Codes Committee
- E. Economic Development Committee
- F. Budget and Finance Committee
- G. Public Relations Committee

The standing committees may be appointed for any length of time. Special commit-

tees may be appointed by the Chair for purposes and terms which the Commission approves.

### **SECTION 2-208: HEARINGS**

A. Hearings are defined as public discussion taking place within public meetings for the purpose of hearing testimony from applicants, proponents and opponents of specific items. In addition to those required by law, the Commission may at its discretion hold public hearings when it decides that such hearings will be in the public interest. Notice of such hearings shall be published in the official newspaper of the Village or in a newspaper of general circulation in the Village at least ten days before the time of public hearing.

B. All applications and supplemental materials for a public hearing shall be submitted to the Commission no later than 21 days prior to a Planning Commission public hearing or meeting. A copy of the agenda shall be kept current in the village office for review by the public.

C. The case before the Commission shall be presented in summary by the Secretary or a designated member of the Commission, and parties in interest shall have privileges of the floor. A record shall be kept of those speaking before the Commission.

### **SECTION 2-209: AMENDMENTS**

The bylaws may be amended by at least a two-thirds vote of the entire membership of the Planning Commission.

## Article 3 – Board of Adjustment

### SECTION 2-301: POWERS AND DUTIES

The Board of Trustees shall serve as the Board of Adjustment. Notwithstanding the provisions of **Neb. Rev. Stat. §19-907** and **§19-908**, the Village Board shall constitute the Board of Adjustment and shall exercise only the powers granted to such boards by **Neb. Rev. Stat. §19-907 to §19-910**. The Village Board shall have the powers and duties therein provided for the Board of Adjustment, and other parties shall have all rights and privileges therein provided for. The concurring vote of two-thirds of the members of the Board of Adjustment shall decide any question upon which it is required to pass as such Board. (**Neb. Rev. Stat. §19-911**)



## **Article 4 – Park and Tree Board**

### **SECTION 2-401: PARKS; OPERATION AND FUNDING**

A. The Village owns and operates the village parks and other recreational areas through the Park and Tree Board. The Village Board, for the purpose of defraying the cost of the care, management, and maintenance of the village parks, 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 village treasurer.

B. The Park and Tree Board shall have the authority to adopt rules and regulations for the efficient management of the village parks and other recreational areas of the Village and tree planting and care within the Village. The Park and Tree 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 Village Board prior to the contractual agreement. (Neb. Rev. Stat. §17-948 through 17-952)

### **SECTION 2-402: MEMBERS; TERMS**

The Waterloo Park and Tree Board shall consist of five members who shall be resident freeholders appointed by the Chairperson by and with the consent of the Board of Trustees. No member of the Village Board shall serve as a member of the Park and Tree Board while serving a term of office as a member of the Village Board. The members of the Park and Tree Board shall serve a one-year term of office unless re-appointed. The members of the Park and Tree Board shall serve without compensation and may be required, in the discretion of the Village Board, to give a bond in a sum set by resolution of the Village Board and conditioned upon the faithful performance of their duties.

### **SECTION 2-403: MEETINGS; OFFICERS**

The Park and Tree Board shall meet at such times as the Village Board may designate. Special meetings may be held upon the call of the Chairperson or any three of the Board members. A majority of the members shall constitute a quorum for the transaction of business. At the time of the Board's first meeting in January of each year, the members shall organize by selecting from their number a Chairperson and Secretary. No member of the Park and Tree Board shall serve in the capacity of both Chairperson and Secretary. It shall be the duty of the Secretary to keep the full and correct minutes and records of all meetings and file the same with the Village Clerk, where they shall be available for public inspection during office hours.

**SECTION 2-404: DUTIES**

It shall be the duty of the Park and Tree Board:

A. To take immediate charge of all parks and recreational facilities belonging to the Village. The Board shall establish appropriate rules and regulations for the management, use, and operation of the same. All employees of the Village doing work in or for the village parks shall be under the supervision and direction of the Board. All actions of the Park and Tree Board shall be subject to the review and control of the Village Board. The Park and Tree Board shall be responsible for making such reports and performing such other duties as the Village Board may, from time to time, designate. (**Neb. Rev. Stat. §17-952**)

B. To study, investigate, counsel and develop and/or update annually and administer written plans, annual and long range, for the care, replacement, maintenance, and removal or disposition of trees and shrubs in parks, along streets and in other public areas. Such plan will be presented annually to the Village Board and upon its acceptance and approval shall constitute the official comprehensive village tree plan. The Park and Tree Board, when requested by the Village Board, shall consider, investigate, make finding, report and recommend upon any special matter or question relating to trees.

**SECTION 2-405: INTERFERENCE WITH BOARD**

It shall be unlawful for any person to prevent, delay or interfere with the Park and Tree Board or any of its representatives or agents while they are engaging in and about the planting, cultivating, mulching, pruning, spraying or removing of any trees within the public community forest.

**SECTION 2-406: PARK AND TRAIL HOURS**

A. All public parks within the corporate limits of the Village shall be closed daily to the public between the hours of 11:00 P.M. and 6:00 A.M. It shall be unlawful for any person to enter upon, remain in, loiter, wander, stroll, loaf, play on or in any manner utilize the public parks in the Village during such hours.

B. The Waterloo Trail shall be closed daily to the public from 9:00 P.M. to 6:00 A.M.

**SECTION 2-407: PARKS; INJURY TO PROPERTY**

It shall be unlawful for any person to maliciously or willfully cut down, injure, or destroy any tree, plant, or shrub. It shall be unlawful for any person to injure or destroy any sodded or planted area, or injure or destroy any building, structure, equipment, fence, bench, table, or any other property of the village parks and recreational areas. No person shall litter the village parks or other public grounds.

**SECTION 2-408: TREES; DEFINITIONS**

"Street trees" shall mean trees, shrubs, bushes, and all other woody vegetation on land lying between the property lines on either side of streets, avenues or ways within the village.

"Park trees" shall mean trees, shrubs, bushes, and all other woody vegetation in public parks, and all areas owned by the village or to which the public has free access as a park.

"Community forest" shall mean all trees within village boundaries.

"Public community forest" shall mean all street and park trees and other trees owned by the Village as a total resource.

**SECTION 2-409: STREET TREE SPECIES TO BE PLANTED**

The Village shall maintain a list of recommended trees for planting in public areas. Such list shall be available to residents of the Village upon request to aid in the selection of trees for private properties. The list of recommended trees shall be updated periodically to reflect new developments or species that will affect the population of the community forest.

**SECTION 2-410: TREES**

- A. Street trees may not be planted. (Am. by Ord 733 3/25/14)

**SECTION 2-411: TREES IN SIDEWALK SPACE; UNLAWFUL TREES, NUISANCE**

A. No person shall plant, or allow to grow, any tree within the sidewalk space. Nothing in this section shall be construed to apply to any existing trees now growing within the sidewalk space.

B. Any tree planted within the sidewalk space after the adoption date of this section shall be deemed to be unlawfully planted and growing and shall, at the discretion of the Village Board, be deemed to be a nuisance. When any such tree is declared to be a nuisance, the Village Board shall order, with proper notice, the tree removed at the expense of the owner of the property adjacent to the sidewalk space upon which the tree has been unlawfully planted.

C. If the property owner fails or neglects to remove, or cause to be removed, the said tree, the Village Board shall order the same removed and assess the expense of such removal against the property adjacent to the sidewalk space wherein the tree is planted and growing. In the event the property owner is a nonresident of the county in which the property lies, the Village shall, before levying any special assessment against that property, send a copy of any notice required by law to be pub-

lished by means of certified mail, return receipt requested to the last known address of the nonresident property owner. The last known address shall be that address listed on the current tax rolls at the time such required notice was first published.

D. "Sidewalk space," as used herein, shall mean that portion of a street between curb lines and adjacent property lines.  
(Neb. Rev. Stat. §17-557.01, 18-1720) (Am. by Ord 733 3/25/14)

#### **SECTION 2-412: PUBLIC TREE CARE**

A. The Village shall have the right to plant, prune, maintain, and remove trees, plants and shrubs within right-of-way or bounds of all streets, alleys, lanes, squares, and public grounds as may be necessary to insure the public safety or to preserve or enhance the beauty of such public grounds.

B. The Tree Board may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements or is seriously affected with any injurious insect or disease.

C. The abutting property owners shall have the responsibility to perform normal tree care on all street trees.

#### **SECTION 2-413: TREE TOPPING**

It shall be unlawful as a normal practice for any person, firm, or village 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 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 section at the determination of the Tree Board.

#### **SECTION 2-414: ABUSE OR MUTILATION OF TREES**

Unless specifically authorized by the Tree Board, no person shall intentionally damage, cut, carve, transplant, or remove any street tree or park tree; attach any rope, wire, nails, advertising posters, or other contrivance to such trees; allow any gaseous, liquid, or solid substance which is harmful to such trees to come in contact with them; or set fire to or permit any fire to burn when such fire or the heat thereof will injure any portion of such trees. The preceding restrictions do not apply to proper planting, staking and guying practices.

#### **SECTION 2-415: TREES; CLEARANCE OVER STREETS AND WALKWAYS**

Clearance over streets and walkways shall be the responsibility of the abutting prop-



erty owner. Property owners are responsible for trees on their own property as well as trees on the public way that abuts their property.

#### **SECTION 2-416: TREES; PLANTING; 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 2-417: DEAD OR DISEASED TREES; NUISANCE**

A. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the Village.

B. It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the Village. For the purpose of carrying out the provisions of this section, the village police shall have the authority to enter upon private property to inspect the trees thereon.

C. Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within 30 days after the receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing or fails to comply with the order to abate and remove the nuisance, the Village may have such work done and may levy and assess all or any portion of the costs and expenses of the work upon the lot

or piece of ground so benefited in the same manner as other special taxes for improvements are levied or assessed.

(Neb. Rev. Stat. §17-555, 18-1720, 28-1321)

#### **SECTION 2-418: REMOVAL OF TREE 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.



## Article 5 – Community Development Agency

### SECTION 2-501: MEMBERS; DUTIES AND POWERS

A. The Waterloo Community Development Agency has been created pursuant to **Neb. Rev. Stat. §18-2101.01**.

B. The Waterloo Community Development Agency shall consist of the Board of Trustees of the Village of Waterloo.

C. The Waterloo Community Development Agency shall function as a community development authority and shall have all the power and authority granted to a community redevelopment authority set forth in **Neb. Rev. Stat. §18-2101 to §18-2154** and any additional powers granted by the Nebraska Legislature from time to time for community redevelopment authorities.

(Ord. No. 651, 11/24/03)



## **Article 6 – Penal Provision**

### **SECTION 2-601: VIOLATION; PENALTY**

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