

ORDINANCE NO. 649

AN ORDINANCE RELATING TO the reading and passage of ordinances, resolutions, orders, and bylaws; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF  
MURRAY, NEBRASKA:

Section 1. The village's Code of Ordinances is revised to read as follows regarding waiver of the three readings of the ordinance adopting the new election district boundary map by a three-fourths vote of the Board of Trustees:

**30.25** READING AND PASSAGE OF ORDINANCES, RESOLUTIONS, ORDERS, BYLAWS.

(A) All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all members elected to the Board of Trustees. Ordinances of a general or permanent nature shall be read by title on 3 different days unless 3/4 of the Board of Trustees vote to suspend this requirement. Such requirement shall not be suspended for any ordinance for the annexation of territory, or the redrawing of boundaries for village board of trustees election districts or wards, except as otherwise provided in Neb. RS 17-614(3) or as otherwise provided by law. In case this requirement is suspended, the ordinance shall be read by title and then moved for final passage. Three-fourths of the Board of Trustees may require a reading of any such ordinance in full before enactment under either procedure set out in this section.  
(Neb. RS 17-614)

(B) On the passage or adoption of every bylaw or ordinance, and every resolution or order to enter into a contract by the Board of Trustees, the yeas and nays shall be called and recorded. To pass or adopt any bylaw, ordinance, or any such resolution or order a concurrence of a majority of the whole number of members elected to the Board of Trustees shall be required. All appointments of the officers by the Board of Trustees shall be made viva voce, and the concurrence of a like majority shall be required, and the names of those, and for whom they voted, on the vote resulting in an appointment, shall be recorded. The requirements of a roll call or viva voce vote shall be satisfied by a village which utilizes an electronic voting device which allows the yeas and nays of each member of the Board of Trustees to be readily seen by the public.  
(Neb. RS 17-616)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 650

AN ORDINANCE RELATING TO publishing ordinances in electronic form; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (~~city~~/village)'s Code of Ordinances is revised to read as follows regarding publishing ordinances in electronic form:

**30.26 PUBLICATION OR POSTING.**

All ordinances of a general nature shall, before they take effect, be published within 15 days after they are passed:

(A) In legal newspaper in or of general circulation in the (~~city~~/village) or, if no paper is published in the (~~city~~/village), then by posting a written or printed copy in each of 3 public places in the (~~city~~/village); or

(B) In book, or pamphlet, or electronic form.  
(Neb. RS 17-613)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>th</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

*Shirley J. Hagen*

Clerk

ORDINANCE NO. 651

AN ORDINANCE RELATING TO merger of offices and clarifying provisions relating to village boards of trustees and to officers and employees of villages; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF  
MURRAY, NEBRASKA:

Section 1. The village's Code of Ordinances is revised to read as follows regarding merger of offices:

**31.02** MERGER OF OFFICES.

(A) (1) The Board of Trustees may, by ordinance, combine or merge any elective or appointive village office or village employment or any combination of duties of any such offices or employments, except that the office of Trustee shall not be combined or merged with any other village office or village employment except as provided in subsection (B) of this section.

(2) The village offices or village employments combined or merged shall always be construed to be separate and the effect of the combination or merger shall be limited to a consolidation of official duties only.

(B) (1) The office of Trustee shall not be combined or merged with any other village office or village employment, except that a member of the Board of Trustees may receive compensation to perform seasonal or emergency work upon approval by the Board of Trustees.

(2) No member of the Board of Trustees shall receive compensation from the village in excess of the maximum amount provided by law.

(C) For purposes of this section, volunteer firefighters and volunteer rescue squad personnel shall not be considered village officers.  
(Neb. RS 17-209.02)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

Jeff Anderson  
(Chairperson)

(SEAL)  
David Hager  
Clerk

ORDINANCE NO. 652

AN ORDINANCE RELATING TO the (City/Village) Clerk; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE ~~(CITY/VILLAGE)~~ OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding duties of the (City/Village) Clerk:

**31.04** ~~(CITY/VILLAGE)~~ CLERK.

(A) The (City/Village) Clerk shall have the custody of all laws and ordinances and shall keep a correct journal of the proceedings of the (City Council/Board of Trustees). After the period of time specified by the State Records Administrator pursuant to the Records Management Act, the Clerk may transfer the journal of the proceedings of the (City Council/Board of Trustees) to the State Archives of the Nebraska State Historical Society for permanent preservation. The Clerk shall also perform such other duties as may be required by the ordinances of the (city/village). If the Clerk is acting as the Treasurer, he or she shall also comply with the requirements of § 31.05(A)(3).  
(Neb. RS 17-605)

(B) (1) It shall be the duty of the Clerk to prepare and publish the official proceedings of the (City Council/Board of Trustees) within 30 days after any meeting of the (Council/Board). The publication shall be in a newspaper of general circulation in the (city/village), shall set forth a statement of the proceedings of the meeting, and shall also include the amount of each claim allowed, the purpose of the claim, and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly, or hourly salaries corresponding to such job titles shall be published. Each job title published shall be descriptive and indicative of the duties and functions of the position. The charge for the publication shall not exceed the rates provided for in Neb. RS 23-122.  
(Neb. RS 19-1102)

(2) Publication under division (B)(1) shall be made in one legal newspaper of general circulation in the (city/village). If no legal newspaper is published in the (city/village), then the publication shall be made in one legal newspaper published or of general circulation within the county in which the (city/village) is located. The cost of publication shall be paid out of the general funds of the (city/village).  
(Neb. RS 19-1103)

(C) The Clerk shall dispose of or destroy (city/village) public records when the records have been determined to be of no further legal, administrative, fiscal, or historical value by the State Records Administrator pursuant to the Records Management Act. This shall not apply to the minutes of the Clerk and the permanent ordinance and resolution books, or any other record classified as permanent by the State Records Administrator.

(Neb. RS 18-1701)

(D) (1) The Clerk shall permit any person to examine and copy the public records in the Clerk's custody, and may charge a fee for providing copies of a public record, as provided in Neb. RS 84-712 through 84-712.09.

(2) The Clerk may charge a reasonable fee for certified copies of any record in his or her office as set by resolution of the (City Council/Board of Trustees).

(E) The Clerk shall permit no records, public papers, or other documents of the (city/village) kept and preserved in his or her office to be taken therefrom, except by such officers of the (city/village) as may be entitled to the use of the same, but only upon their leaving a receipt therefor, and except pursuant to Neb. RS 84-712(2). He or she shall keep all the records of his or her office, including a record of all licenses issued by him or her, in a blank book with a proper index. He or she shall include as part of his or her records all petitions under which the (City Council/Board of Trustees) shall order public work to be done at the expense of the property fronting thereon, together with references to all resolutions and ordinances relating to the same. He or she shall endorse the date and hour of filing upon every paper or document so filed in his or her office. All such filings made by him or her shall be properly docketed. Included in his or her records shall be all standard codes, amendments thereto, and other documents incorporated by reference and arranged in triplicate in a manner convenient for reference. He or she shall keep an accurate and complete account of the appropriation of the several funds and draw, sign, and attest all warrants ordered for the payment of money on the particular fund from which the same is payable. At the end of each month, he or she shall then make a report of the amounts appropriated to the various funds and the amount of the warrants drawn thereon.

(F) The Clerk shall deliver all warrants, ordinances, and resolutions under his or her charge to the (Mayor/Chairperson) for his or her signature. He or she shall also deliver to officers, employees, and committees all resolutions and communications which are directed at such officers, employees, or committees. With the seal of the (city/village), he or she shall duly attest the Mayor's signature to all ordinances, deeds, and papers required to be attested to when ordered to do so by the (City Council/Board of Trustees).

(G) The Clerk shall issue and sign all licenses, permits, and occupation tax receipts authorized by law and required by the (city/village) ordinances. He or she shall collect all occupation taxes and license money, except where some other (city/village) officer is specifically charged with that duty. He or she shall keep a register of all licenses granted in the (city/village) and the purpose for which they have been issued.

(H) The Clerk shall keep in a book with a proper index, copies of all notices required to be published or posted by the Clerk by order of the (City Council/Board of Trustees) or under the ordinances of the (city/village). To each of the file copies of the notices shall be attached the printer's

affidavit of publication, if the notices are required to be published, or the Clerk's certificate under seal where the same are required to be posted only.

(I) The Clerk shall receive all objections to creation of paving districts and other street improvements. He or she shall receive the claims of any person against the (city/village), and in the event that the claim is disallowed in part or in whole, the Clerk shall notify the claimant or his or her agent or attorney by letter within 5 days after the disallowance, and the Clerk shall then prepare transcripts on appeals of any disallowance of a claim in all proper cases.

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
(Mayor/Chairperson)

(SEAL)

  
Clerk

ORDINANCE NO. 653

AN ORDINANCE RELATING TO filing fees; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding filing fees:

**33.08 FILING FEE.**

(A) Except as provided in division (D) or (E) of this section, a filing fee shall be paid to the (City/Village) Treasurer by or on behalf of each candidate for (city/village) office prior to filing for office. The fee shall be placed in the general fund of the (city/village). No candidate filing forms shall be filed until the proper payment or the proper receipt showing the payment of such filing fee is presented to the filing officer. On the day of the filing deadline, the (City/Village) Treasurer's office shall remain open to receive filing fees until the hour of the filing deadline.

(B) Except as provided in division (D) or (E) of this section, the filing fee shall be a sum equal to 1% of the annual salary as of November 30 of the year preceding the election for the office for which he or she files as a candidate.

(C) All declared write-in candidates shall pay the filing fees that are required for the office at the time that they present the write-in affidavit to the filing officer.

(D) No filing fee shall be required for any candidate filing for an office in which a per diem is paid rather than a salary or for which there is a salary of less than \$500 per year.

(E) (1) No filing fee shall be required of any candidate completing an affidavit requesting to file for elective office in forma pauperis.

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

**AVAILABLE RESOURCES.** Includes every type of property or interest in property that an individual owns and may convert into cash except:

- (i) Real property used as a home;
- (ii) Household goods of a moderate value used in the home; and

(iii) Assets to a maximum value of \$3,000 used by a recipient in a planned effort directed towards self-support.

**PAUPER.** A person whose income and other resources for maintenance are found under assistance standards to be insufficient for meeting the cost of his or her requirements and whose reserve of cash or other available resources does not exceed the maximum available resources that an eligible individual may own.

(F) If any candidate dies prior to an election, the spouse of the candidate may file a claim for refund of the filing fee with the (City Council/Board of Trustees) prior to the date of the election. Upon approval of the claim by the (City Council/Board of Trustees), the filing fee shall be refunded. (Neb. RS 32-608)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 654

AN ORDINANCE RELATING TO candidate filing forms and filing deadlines; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding the filing period for candidates to appear on a primary ballot:

**33.12 CANDIDATE FILING FORMS; DEADLINES; FILING OFFICER.**

(A) Any candidate may place his or her name on the general election ballot by filing a candidate filing form prescribed by the Secretary of State as provided in division (B). If a candidate is an incumbent of an elective office, the filing period for filing the candidate filing form shall be between January 5 and July 15 prior to the date of the primary election. No incumbent who resigns from elective office prior to the expiration of his or her term shall file for any office after February 15 of that election year. All other candidates shall file for office between January 5 and August 1 prior to the date of the general election.

(Neb. RS 32-606)

(B) Candidate filing forms shall be filed in the office of the Election Commissioner or County Clerk.

(Neb. RS 32-607)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

*Shirley J. Hagen*

Clerk

ORDINANCE NO. 655

AN ORDINANCE RELATING TO the adopted budget statement and changing certain dates relating to tax levies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE ~~(CITY/VILLAGE)~~ OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding filing adopted budget statements:

**34.34** ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT OF TAX.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the (City Council/Board of Trustees) shall file with and certify to the levying board or boards on or before September 30 of each year or September 30 of the final year of a biennial period and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 to 13-522, together with the amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued by the (City Council/Board of Trustees); and

(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) If the prime rate published by the Federal Reserve Board is 10% or more at the time of the filing and certification required under this subsection, the (City Council/Board of Trustees), in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year or biennial period and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year or biennial period which is still pending. Except for such allowances, the (City Council/Board of Trustees) shall not certify an amount of tax more than 1% greater or lesser than the amount determined under § 35.28.

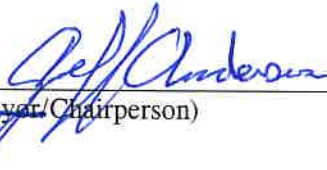
(C) The (City Council/Board of Trustees) shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the

levy. The (City Council/Board of Trustees) may designate one of its members to perform any duty or responsibility required of the (Council/Board) by this section.  
(Neb. RS 13-508)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 656

AN ORDINANCE RELATING TO proprietary functions, fiscal year and budget statements; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding hearing and publication of budget statements:

**34.38 PROPRIETARY FUNCTIONS; FISCAL YEAR; BUDGET STATEMENTS; FILING; HEARING; ADOPTION; RECONCILIATION.**

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

**PROPRIETARY FUNCTION.** A water supply or distribution utility, a wastewater collection or treatment utility, an electric generation, transmission, or distribution utility, a gas supply, transmission, or distribution utility, an integrated solid waste management collection, disposal, or handling utility, or a hospital or a nursing home owned by the (city/village).  
(Neb. RS 18-2803)

**SUBSIDIZATION.** The costs of operation of a proprietary function are regularly financed by appropriations from the (city/village)'s general fund in excess of the amount paid by the (city/village) to the proprietary function for actual service or services received.  
(Neb. RS 18-2804)

(B) The (City Council/Board of Trustees) may establish a separate fiscal year for each proprietary function, except that any proprietary function which is subsidized by appropriations from the (city/village)'s general fund shall have the same fiscal year as the (city/village).

(C) (1) At least 30 days prior to the start of the fiscal year of each proprietary function, a proposed proprietary budget statement shall be prepared in writing and filed with the (City/Village) Clerk containing the following information:

(a) For the immediately preceding fiscal year, the revenue from all sources, the unencumbered cash balance at the beginning and end of the year, the amount received by taxation, and the amount of actual expenditure;

(b) For the current fiscal year, actual and estimated revenue from all sources separately stated as to each such source, the actual unencumbered cash balance available at the beginning of the year, the amount received from taxation, and the amount of actual and estimated expenditure, whichever is applicable;

(c) For the immediately ensuing fiscal year, an estimate of revenue from all sources separately stated as to each such source, the actual or estimated unencumbered cash balance, whichever is applicable, to be available at the beginning of the year, the amounts proposed to be expended during the fiscal year, and the amount of cash reserve based on actual experience of prior years; and

(d) A uniform summary of the proposed budget statement which shall include a total of all funds maintained for the proprietary function.

(2) The statement shall contain the estimated cash reserve for each fiscal year and shall note whether or not the reserve is encumbered. The cash reserve projections shall be based upon the actual experience of prior years.

(3) Each proprietary budget statement shall be filed on forms prescribed and furnished by the Auditor of Public Accounts following consultation with representatives of such governing bodies as operate proprietary functions subject to the provisions of the Municipal Proprietary Function Act.

(Neb. RS 18-2805)

(D) (1) After a proposed proprietary budget statement is filed with the (City/Village) Clerk, the (City Council/Board of Trustees) shall conduct a public hearing on the statement. Notice of the time and place of the hearing, a summary of the proposed proprietary budget statement, and notice that the full proposed proprietary budget statement is available for public review with the (City/Village) Clerk during normal business hours shall be published 1 time at least 5 days prior to the hearing in a legal newspaper in or of general circulation within the (City Council/Board)'s jurisdiction or by mailing to each resident within the (Council/Board)'s jurisdiction.

(2) After the hearing, the proposed proprietary budget statement shall be adopted or amended and adopted as amended, and a written record shall be kept of the hearing. If the adopted proprietary budget statement reflects a change from the proposed proprietary statement presented at the hearing, a copy of the adopted proprietary budget statement shall be filed with the (City/Village) Clerk within 20 days after its adoption and published in a legal newspaper in or of general circulation within the (Council/Board)'s jurisdiction or by mailing to each resident within the (Council/Board)'s jurisdiction.

(Neb. RS 18-2806)

(E) If the actual expenditures for a proprietary function exceed the estimated expenditures in the proprietary budget statement during its fiscal year, the (City Council/Board of Trustees) shall adopt a proprietary function reconciliation statement within 90 days after the end of the fiscal year which reflects any difference between the adopted proprietary budget statement for the previous fiscal year and the actual expenditures and revenue for that fiscal year. After the adoption of a proprietary function reconciliation statement, it shall be filed with the (City/Village) Clerk and published in a legal newspaper in or of general circulation within the (Council/Board)'s jurisdiction or by mailing to each

resident within the (Council/Board)'s jurisdiction. If the difference between the adopted proprietary budget for the previous fiscal year and the actual expenditures and revenues for that fiscal year is greater than 10%, the proprietary function reconciliation statement shall only be adopted following a public hearing.

(Neb. RS 18-2807)

(F) If the budget of a proprietary function is included in the (city/village) budget statement created pursuant to the Nebraska Budget Act, the Municipal Proprietary Function Act need not be followed for that proprietary function. Any income from a proprietary function which is transferred to the general fund of the (city/village) shall be shown as a source of revenue in the (city/village) budget statement created pursuant to the Nebraska Budget Act.

(Neb. RS 18-2808)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

**ORDINANCE NO. 657**

AN ORDINANCE TO AMEND TITLE 34, SECTION 34.62 OF THE VILLAGE OF MURRAY'S CODE OF ORDINANCES RELATING TO PROPERTY TAX REQUESTS AND THE PROCEDURE FOR SETTING THE SAME BY DELETING THE SAME IN ITS ENTIRETY AND ADOPTING THE FOLLOWING; TO HARMONIZE THE SAME WITH STATE LAW; TO REPEAL ALL CONFLICTING ORDINANCES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE VILLAGE OF MURRAY, NEBRASKA:

**Section 1.** Title 34, Section 34.62 of the Village of Murray Code of Ordinances is amended by deleting the same in its entirety and substituting the following as it relates to property tax increases by more than the allowable growth percentage and the procedure for setting the same:

**34.62 PROPERTY TAX REQUEST; INCREASE BY MORE THAN ALLOWABLE GROWTH PERCENTAGE; PROCEDURE FOR SETTING.**

1. For purposes of this section, Political Subdivision includes the Village of Murray.
2. If the Village seeks to increase its property tax request by more than the allowable growth percentage, it may do so only if:
  - a. A public hearing is held and notice of such hearing is provided in compliance with division (c) of this section; and
  - b. The Village Board of Trustees passes a resolution or an ordinance that complies with division (d) of this section.
3.
  - a. If the Village seeks to increase its property tax request by more than the allowable growth percentage, the Village shall participate in a joint public hearing with other political subdivision on the county desiring to do the same. The Board of Trustees shall designate one representative to attend the joint public hearing on behalf of the Village. At such hearing, there shall be no items on the agenda other than discussion on each political subdivision's intent to increase its property tax request by more than the allowable growth percentage.
    - b. The joint public hearing shall be held on or after September 17 and prior to September 29 and before any of the participating political subdivisions file their adopted budget statement pursuant to Neb. Rev. Stat. §13-508.
    - c. The joint public hearing shall be held after 6:00 p.m. local time on the relevant date.
    - d. At the joint public hearing, the Village's representative shall give a

brief presentation on the political subdivision's intent to increase its property tax request by more than the allowable growth percentage and the effect of such request on the political subdivision's budget. The presentation shall include:

- (1) The name of the political subdivision;
- (2) The amount of the property tax request; and
- (3) The following statements:
  - (a) The total assessed value of property differs from last year's total assessed value by what percent;
  - (b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be what dollar amount per \$100 of assessed value;
  - (c) That the Village of Murray proposes to adopt a property tax request that will cause its tax rate to be what amount per \$100 of assessed value;
  - (d) Based on the proposed property tax request and changes in other revenue, the total operating budget of Village of Murray will exceed last year's by what percent; and
  - (e) To obtain more information regarding the increase in the property tax request, citizens may contact the Clerk of the Village of Murray at (402) 235-2119 or [murrayclerk@windstream.net](mailto:murrayclerk@windstream.net).

e. Any member of the public shall be allowed to speak at the joint public hearing and shall be given a reasonable amount of time to do so.

f. Notice of the joint public hearing shall be provided:

(1) By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;

(2) By posting notice of the hearing on the home page of the relevant county's website, except that this requirement shall

only apply if the county has a population of more than 25,000 inhabitants; and

(3) By publishing notice of the hearing in a legal newspaper in or of general circulation in the relevant county.

g. Each political subdivision that participates in the joint public hearing shall send the information prescribed in subdivision 3(h) of this section to the county clerk by September 5. The county clerk shall transmit the information to the county assessor no later than September 10. The county clerk shall notify each participating political subdivision of the date, time, and location of the joint public hearing. The county assessor shall mail the postcards required in this subsection. Such postcards shall be mailed at least 7 calendar days before the joint public hearing. The cost of creating and mailing the postcards, including staff time, materials, and postage, shall be divided among the political subdivisions participating in the joint public hearing.

h. The postcard sent under this subsection and the notice posted on the county's website, if required under subdivision 3(f)(2) of this section, and published in the newspaper shall include the date, time, and location for the joint public hearing, a listing of and telephone number for each political subdivision that will be participating in the joint public hearing, and the amount of each participating political subdivision's property tax request. The postcard shall also contain the following information:

(1) The following words in capitalized type at the top of the postcard: NOTICE OF PROPOSED TAX INCREASE;

(2) The name of the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in subdivision 3(h)(1) of this section;

(3) The following statement: The following political subdivisions are proposing a revenue increase as a result of property taxes in (insert current tax year). This notice contains estimates of the tax on your property and the proposed tax increase on your property as a result of this revenue increase. These estimates are calculated on the basis of the proposed (insert current tax year) data. The actual tax on your property and tax increase on your property may vary from these estimates.

(4) The parcel number for the property;

(5) The name of the property owner and the address of the property;

(6) The property's assessed value in the previous tax

year;

(7) The amount of property taxes due in the previous tax year for each participating political subdivision;

(8) The property's assessed value for the current tax year;

(9) The amount of property taxes due for the current tax year for each participating political subdivision;

(10) The change in the amount of property taxes due for each participating political subdivision from the previous tax year to the current tax year; and

(11) The following statement: To obtain more information regarding the tax increase, citizens may contact the political subdivision at the telephone number provided in this notice.

4. After the joint public hearing required in subsection 3 of this section, the governing body of each participating political subdivision shall pass an ordinance or resolution to set such political subdivision's property tax request. If the political subdivision is increasing its property tax request over the amount from the prior year, including any increase in excess of the allowable growth percentage, then such ordinance or resolution shall include, but not be limited to, the following information:

a. The name of the political subdivision;

b. The amount of the property tax request;

c. The following statements:

(1) The total assessed value of property differs from last year's total assessed value by what percent;

(2) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be what per \$100 of assessed value;

(3) The Village of Murray proposes to adopt a property tax request that will cause its tax rate to be what amount per \$100 of assessed value; and

(4) Based on the proposed property tax request and changes in other revenue, the total operating budget of the Village

of Murray will exceed last year's by what percent.

d. The record vote of the governing body in passing such resolution or ordinance.

5. Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the county clerk on or before October 15 of the year for which the tax request is to apply.

6. The county clerk, or his or her designee, shall prepare a report which shall include:

(a) the names of the representatives of the political subdivision participating in the joint public hearing; and

(b) the name and address of each individual who spoke at the joint public hearing, unless the address requirement is waived to protect the security of the individual, and the name of any organization represented by each such individual. Such report shall be delivered to the political subdivisions participating in the joint public hearing within ten days after such hearing. (Ref. Neb. Rev. Stat. §77-1633)

**Section 2.** Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

**Section 3.** This ordinance is adopted and published in pamphlet form.

**Section 4.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY 2022.

  
\_\_\_\_\_  
Jeff Anderson  
Chair of the Board of Trustees

ATTEST:

  
\_\_\_\_\_  
Shelli Hayes, Village Clerk

Publication Date: \_\_\_\_\_

ORDINANCE NO. 658

AN ORDINANCE RELATING TO property tax requests and the procedure for setting them; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding property tax requests and the procedure for setting them:

**34.63** PROPERTY TAX REQUEST; PROCEDURE FOR SETTING.

(A) If the annual assessment of property would result in an increase in the total property taxes levied by a county, municipality, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the (city/village)'s property tax request for the current year shall be no more than its property tax request in the prior year, and the (city/village)'s rate of levy for the current year shall be decreased accordingly when such rate is set by the County Board of Equalization pursuant to Neb. RS 77-1601. The (City Council/Board of Trustees) shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the (City Council/Board of Trustees) seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section. If any county, city, school district, or community college seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision shall comply with the requirements of Neb. 77-1633 in lieu of the requirements in divisions (C) and (D) of this section.

(B) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by a county, city, village, school district, learning community, sanitary and improvement district, natural resources district, educational service unit, or community college, as determined using the previous year's rate of levy, the (city/village)'s property tax request for the current year shall be no more than its property tax request in the prior year, and the (City Council/Board of Trustees)'s rate of levy for the current year shall be adjusted accordingly when such rate is set by the County Board of Equalization pursuant to Neb. RS 77-1601. The (City Council/Board of Trustees) shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (C) of this section. If the (City Council/Board of Trustees) seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (C) of this section and by passing a resolution or ordinance that complies with division (D) of this section. If any county, city,

school district, or community college seeks to increase its property tax request by more than the allowable growth percentage, such political subdivision shall comply with the requirements of Neb. 77-1633 in lieu of the requirements in divisions (C) and (D) of this section.

(C) The resolution or ordinance required under this section shall only be passed after a special public hearing called for the purpose is held and after notice is published in a newspaper of general circulation in the area of the (city/village) at least 4 calendar days prior to the hearing. For purposes of such notice, the 4 calendar days shall include the day of publication but not the day of hearing. If the (city/village)'s total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the notice may be posted at the (City Council/Board of Trustee)'s principal headquarters.

(D) The hearing notice shall contain the following information:

(1) The certified taxable valuation under Neb. RS 13-509 for the prior year, the certified taxable valuation under Neb. RS 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year;

(2) The dollar amount of the prior year's tax request and the property tax rate that was necessary to fund that tax request;

(3) The property tax rate that would be necessary to fund last year's tax request if applied to the current year's valuation;

(4) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request;

(5) The percentage increase or decrease in the property tax rate from the prior year to the current year; and

(6) The percentage increase or decrease in the total operating budget from the prior year to the current year.

(E) Any resolution or ordinance setting a (city/village)'s property tax request under Neb. RS 77-1632 at an amount that exceeds the (city/village)'s property tax request in the prior year shall include, but not be limited to, the following information:

(1) The name of the (city/village);

(2) The amount of the property tax request;

(3) The following statements:

(a) The total assessed value of property differs from last year's total assessed value by \_\_\_ percent;

(b) The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ \_\_\_\_ per \$100 of assessed value;

(c) The (name of city/village) proposes to adopt a property tax request that will cause its tax rate to be \$ \_\_\_\_ per \$100 of assessed value; and

(d) Based on the proposed property tax request and changes in other revenue, the total operating budget of (name of city/village) will exceed last year's by \_\_\_\_ percent; and

(4) The record vote of the (City Council/Board of Trustees) in passing such resolution or ordinance.

(F) Any resolution or ordinance setting a property tax request under this section shall be certified and forwarded to the County Clerk on or before October 15 of the year for which the tax request is to apply.

(G) Any tax levy which is not in compliance with this section and Neb. RS 77-1601 shall be construed as an unauthorized levy under Neb. RS 77-1606.  
(Neb. RS 77-1632)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 659

AN ORDINANCE RELATING TO public participation at meetings of public bodies; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding public participation:

**35.09 PUBLIC PARTICIPATION.**

(A) Subject to this subchapter and the Open Meetings Act, the public has 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 sessions called pursuant to Neb. RS 84-1410, may be videotaped, televised, photographed, broadcast, or recorded by any person in attendance by means of a tape recorder, a camera, video equipment, or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of division (A) 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, including meetings held by virtual conferencing. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings.

(C) No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(D) No public body shall, for the purpose of circumventing this subchapter or the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience.

(E) No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(F) No public body shall be deemed in violation of this section if it holds a meeting outside of this state if, but only if, a member entity of the public body is located outside of this state and the other requirements of Neb. RS 84-1412 are met.

(G) 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.

(H) Public bodies shall make available at the meeting, for examination and copying by members of the public, at least 1 copy of all reproducible written material to be discussed at an open meeting, either in paper or electronic form. Public bodies shall make available at least 1 current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public shall be informed about the location of the posted information.

(Neb. RS 84-1412)


Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 660

AN ORDINANCE RELATING TO conflicts of interest involving contracts; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding conflicts of interest involving contracts:

**35.41 CONFLICT OF INTEREST INVOLVING CONTRACTS.**

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

***BUSINESS ASSOCIATION.***

(a) A business:

1. In which the individual is a partner, limited liability company member, director, or officer; or
2. In which the individual or a member of the individual's immediate family is a stockholder of closed corporation stock worth \$1,000 or more at fair market value or which represents more than a 5% equity interest or is a stockholder of publicly traded stock worth \$10,000 or more at fair market value or which represents more than 10% equity interest.

(b) An individual who occupies a confidential professional relationship protected by law shall be exempt from this definition. This definition shall not apply to publicly traded stock under a trading account if the filer reports the name and address of the stockbroker.  
(Neb. RS 49-1408)

***IMMEDIATE FAMILY.*** A child residing in an individual's household, a spouse of an individual, or an individual claimed by that individual or that individual's spouse as a dependent for federal income tax purposes.  
(Neb. RS 49-1425)

***OFFICER.***

(a) Includes:

1. A member of any board or commission of the (city/village) which spends and administers its own funds, who is dealing with a contract made by such board or commission; or

2. Any elected (city/village) official.

(b) **OFFICER** does not mean volunteer firefighters or ambulance drivers with respect to their duties as firefighters or ambulance drivers.

(B) (1) Except as provided in Neb. RS 49-1499.04 or 70-624.04, no officer may have an interest in any contract to which his or her governing body, or anyone for its benefit, is a party. The existence of such an interest in any contract shall render the contract voidable by decree of a court of competent jurisdiction as to any person who entered into the contract or took assignment of the contract with actual knowledge of the prohibited conflict. An action to have a contract declared void under this section may be brought by the County Attorney, the governing body, or any resident within the jurisdiction of the governing body and shall be brought within 1 year after the contract is signed or assigned. The 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 governing body has benefitted thereby.

(2) The prohibition in this division (B) shall apply only when the officer or his or her parent, spouse, or child:

(a) Has a business association with the business involved in the contract;  
or

(b) Will receive a payment, fee, or commission as a result of the contract.

(C) Division (B) of this section does not apply if the contract is an agenda item approved at a meeting of the governing body and the interested officer:

(1) Makes a declaration on the record to the governing body responsible for approving the contract regarding the nature and extent of his or her interest prior to official consideration of the contract;

(2) Does not vote on the matters of granting the contract, making payments pursuant to the contract, or accepting performance of work under the contract, or similar matters relating to the contract, except that if the number of members of the governing body declaring an interest in the contract would prevent the body with all members present from securing a quorum on the issue, then all members may vote on the matters; and

(3) Does not act for the governing body which is a party to the contract as to inspection or performance under the contract in which he or she has an interest.

(D) The receiving of deposits, cashing of checks, and buying and selling of warrants and bonds of indebtedness of any such governing body by a financial institution shall not be considered a contract for purposes 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.

(E) If an officer's parent, spouse, or child is an employee of the officer's governing body, 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 or her parent, spouse, or child for special action.

(F) Neb. RS 49-14,102 does not apply to contracts covered by this section.  
(Neb. RS 49-14,103.01)

(G) (1) The person charged with keeping records for the governing body shall maintain separately from other records a ledger containing the information listed in divisions (G)(1)(a) through (G)(1)(e) of this section about every contract entered into by the governing body in which an officer of the body has an interest and for which disclosure is made pursuant to division (C) of this section. This information shall be kept in the ledger for 5 years from the date of the officer's last day in office and shall include:

- (a) The names of the contracting parties;
- (b) The nature of the interest of the officer in question;
- (c) The date that the contract was approved by the governing body;
- (d) The amount of the contract; and
- (e) The basic terms of the contract.

(2) The information supplied relative to the contract shall be provided no later than 10 days after the contract has been signed by both parties. The ledger kept pursuant to this division (G) shall be available for public inspection during the normal working hours of the office in which it is kept.

(Neb. RS 49-14,103.02)

(H) An open account established for the benefit of any governing body with a business in which an officer has an interest shall be deemed a contract subject to this section. The statement required to be filed by division (G) of this section shall be filed within 10 days after the account is opened. Thereafter, the person charged with keeping records for the governing body shall maintain a running account of amounts purchased on the open account. Purchases made from petty cash or a petty cash fund shall not be subject to this section.

(Neb. RS 49-14,103.03)

(I) Notwithstanding divisions (A) through (H) of this section, the governing body may prohibit contracts over a specific dollar amount in which an officer of the governing body may have an interest.

(Neb. RS 49-14,103.05)


(J) The governing body may exempt from divisions (A) through (H) of this section, contracts involving \$100 or less in which an officer of that body may have an interest.

(Neb. RS 49-14,103.06)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>th</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 661

AN ORDINANCE RELATING TO garbage and refuse; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding garbage and refuse:

**53.06 GARBAGE AND REFUSE.**

(A) The owner, duly authorized agent, or tenant of any lot or land within the corporate limits or extraterritorial zoning jurisdiction of the (city/village) shall remove garbage or refuse found upon the lot, land, streets, roads, or alleys abutting the lot or land which constitutes a public nuisance.

(B) Notice that removal of garbage or refuse is necessary shall be given to each owner or owner's duly authorized agent and to the tenant if any. The notice shall be provided by personal service or by certified mail. After providing the notice, the (city/village) shall, in addition to other proper remedies, remove the garbage or refuse, or cause it to be removed, from the lot, land, streets, roads, or alleys.

(C) If the (Mayor/Chairperson) declares that the accumulation of garbage or refuse upon any lot or land constitutes an immediate nuisance and hazard to public health and safety, the (city/village) shall remove the garbage or refuse, or cause it to be removed, from the lot or land within 48 hours after notice by personal service or following receipt of a certified letter in accordance with division (B) of this section if the garbage or refuse has not been removed.

(D) Whenever the (city/village) removes any garbage or refuse, or causes it to be removed, from any lot or land pursuant to this section, it shall, after a hearing conducted by the (Mayor/Board of Trustees), assess the cost of the removal against the lot or land.  
(Neb. RS 18-1752)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>th</sup> day of FEBRUARY, 20 22.

  
(Mayor/Chairperson)

(SEAL)

  
Clerk

ORDINANCE NO. 662

AN ORDINANCE RELATING TO licenses and (city/village) powers and duties; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding licenses and (city/village) powers and duties:

110.24 LICENSES; (~~CITY~~/VILLAGE) POWERS AND DUTIES.

(A) The (City Council/Board of Trustees) is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act, the business of all retail, bottle club, craft brewery, and microdistillery licensees carried on within the corporate limits of the (city/village).  
(Neb. RS 53-134.03)

(B) During the period of 45 days after the date of receipt by mail or electronic delivery from the Nebraska Liquor Control Commission notice and a copy of an application for a new license to sell alcoholic liquor at retail, a craft brewery license, or a microdistillery license, the (City Council/Board of Trustees) may make and submit to the Commission recommendations relative to the granting or refusal to grant the license to the applicant.  
(Neb. RS 53-131)

(C) The (City Council/Board of Trustees), with respect to licenses within the corporate limits of the city, has the following powers, functions, and duties with respect to retail, bottle club, craft brewery, and microdistillery licenses:

(1) To cancel or revoke for cause retail, craft brewery, or microdistillery licenses to sell or dispense alcoholic liquor or bottle club licenses issued to persons for premises within its jurisdiction, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted by the (City Council/Board of Trustees) has been or is being violated, and at that time examine the premises of the licensee in connection with such determination. Any law enforcement officer who determines that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation adopted

by the local governing body has been or is being violated shall report such violation in writing to the Executive Director of the Commission:

- (a) Within 30 days after determining that such violation has occurred;
- (b) Within 30 days after the conclusion of an ongoing police investigation;

or

(c) Within 30 days after the verdict in a prosecution related to such an ongoing police investigation if the prosecuting attorney determines that reporting such violation prior to the verdict would jeopardize such prosecution, whichever is later;

(3) To receive a signed complaint from any citizen within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule, or regulation relating to alcoholic liquor has been or is being violated and to act upon these complaints in the manner provided in the Act;

(4) To receive retail, bottle club, craft brewery, and microdistillery license fees as provided in Neb. RS 53-124 and 53-124.01 and pay the same, after the license has been delivered to the applicant, to the (City/Village) Treasurer;

(5) To examine or cause to be examined any applicant or any retail, bottle club, craft brewery, or microdistillery licensee upon whom notice of cancellation or revocation has been served as provided in the Act, to examine or cause to be examined the books and records of any applicant or licensee, except as otherwise provided for bottle club licensees under state law, and to hear testimony and to take proof for its information in the performance of its duties. For purposes of obtaining any of the information desired, the (City Council/Board of Trustees) may authorize its agent or attorney to act on its behalf;

(6) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided in Neb. RS 53-134.04, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted, adopted, and promulgated relating to alcoholic liquor. The order of cancellation or revocation may be appealed to the Commission within 30 days after the date of the order by filing a notice of appeal with the Commission. The Commission shall handle the appeal in the manner provided for hearing on an application in Neb. RS 53-133;

(7) Upon receipt from the Commission of the notice and copy of application as provided in Neb. RS 53-131, to fix a time and place for a hearing at which the (City Council/Board of Trustees) shall receive evidence, either orally or by affidavit from the applicant and any other person, bearing upon the propriety of the issuance of a license. Notice of the time and place of the hearing shall be published in a legal newspaper in or of general circulation in the city, 1 time not less than 7 and not more than 14 days before the time of the hearing. The notice shall include, but not be limited to, a statement that all persons desiring to give evidence before the (City Council/Board of Trustees) in support of or in protest against the issuance of the license may do so at the time of the hearing. The hearing shall be held not more than 45 days after the date of receipt of the notice from the Commission, and after the hearing the (City Council/Board of Trustees) shall cause to be recorded in the minute record of its proceedings a resolution recommending either issuance or refusal of the

license. The (City/Village) Clerk shall mail to the Commission by first class mail, postage prepaid, a copy of the resolution which shall state the cost of the published notice, except that failure to comply with this provision shall not void any license issued by the Commission. If the Commission refuses to issue such a license, the cost of publication of notice shall be paid by the Commission from the security for costs; and

(8) To review and authorize an application by a retail, bottle club, craft brewery, farm winery, or microdistillery licensee for a temporary expansion of its licensed premises within the jurisdiction of the local governing body to an immediately adjacent area owned or leased by the licensee or to an immediately adjacent street, parking lot, or alley, not to exceed 50 days for calendar year 2020 and, for each calendar year thereafter, not to exceed 15 days per calendar year, as provided in Neb. RS 53-123.12 and Neb. RS 53-129; and

(9) To review and authorize an application by a craft brewery, farm winery, or microdistillery licensee that holds a promotional farmers market special designated license for a permit to use such promotional farmers market special designated license to sell or dispense alcoholic liquor, which the holder is licensed to produce, at a farmers market within the jurisdiction of the local governing body as provided in section 14 of this act. The local governing body shall electronically notify the commission within five days after authorization of any permit pursuant to this subdivision. (Neb. RS 53-134)

(D) (1) When the Nebraska Liquor Control Commission mails or delivers to the (City/Village) Clerk a retail, craft brewery, or microdistillery license issued or renewed by the Commission, the Clerk shall deliver the license to the licensee upon receipt from the licensee of proof of payment of:

(a) The license fee if by the terms of Neb. RS 53-124 the fee is payable to the (City/Village) Treasurer;

(b) Any fee for publication of notice of hearing before the (City Council/ Board of Trustees) upon the application for the license;

(c) The fee for publication of notice of renewal, if applicable, as provided in Neb. RS 53-135.01; and

(d) Occupation taxes, if any, imposed by the city, except that Class J retail licensees shall not be subject to occupation taxes.

(2) Notwithstanding any ordinance or charter power to the contrary, the (city/village) shall not impose an occupation tax on the business of any person, firm, or corporation licensed under the Nebraska Liquor Control Act and doing business within the corporate limits of the (city/village) in any sum which exceeds 2 times the amount of the license fee required to be paid under the Act to obtain that license.

(Neb. RS 53-132)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>th</sup> day of FEBRUARY, 20 22.

Jeff Anderson  
(Mayor/Chairperson)

(SEAL)

Shirley S. Hagan  
Clerk

ORDINANCE NO. 663

AN ORDINANCE RELATING TO abandoned vehicles; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding abandoned vehicles:

**130.11 ABANDONED AUTOMOBILES.**

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

***ABANDONED VEHICLE.***

- (a) A motor vehicle is an ***ABANDONED VEHICLE***:
- (i) If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than 6 hours on any public property;
  - (ii) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;
  - (iii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;
  - (iv) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated;
  - (v) If left for more than 30 days in the custody of a (city/village) law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under division (D) of this section; or
  - (vi) If removed from private property by the (city/village) pursuant to a (city/village) ordinance or this code.

(b) An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

(i) If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

(ii) If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

(iii) If left unattended for more than 7 days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

(iv) If left for more than 30 days in the custody of a (city/village) law enforcement agency after the agency has sent a letter to the last-registered owner and lienholder under division (D) of this section; or

(vi) If removed from private property by the (city/village) pursuant to a (city/village) ordinance or this code.

(c) A **MOBILE HOME** is an abandoned vehicle if left in place on private property for more than 30 days after a local governmental unit, pursuant to an ordinance or resolution, has sent a certified letter to each of the last-registered owners and posted a notice on the mobile home, stating that the mobile home is subject to sale or auction or vesting of title as set forth in Neb. RS 60-1903.

(d) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this section.

**MOBILE HOME.** A movable or portable dwelling constructed to be towed on its own chassis, connected to utilities, and designed with or without a permanent foundation for year-round living. It may consist of one or more units that can be telescoped when towed and expanded later for additional capacity, or of two or more units, separately towable but designed to be joined into one integral unit, and shall include a manufactured home as defined in Neb. RS 71-4603. **MOBILE HOME** does not include a mobile home or manufactured home for which an affidavit of affixture has been recorded pursuant to Neb. RS 60-169.

**PRIVATE PROPERTY.** Any privately owned property which is not included within the definition of public property.

**PUBLIC PROPERTY.** Any public right-of-way, street, highway, alley, or park or other state, county, or (city/village)-owned property.  
(Neb. RS 60-1901)

(B) If an abandoned vehicle, at the time of abandonment, has no license plates of the current year or valid In Transit stickers issued pursuant to Neb. RS 60-376 affixed and is of a wholesale value, taking into consideration the condition of the vehicle, of \$500 or less, title shall immediately vest in the (city/village). Any certificate of title issued under this division to the (city/village) shall be issued at no cost to the (city/village).

(Neb. RS 60-1902)

(C) (1) Except for vehicles governed by division (B) of this section, the (city/village) shall make an inquiry concerning the last-registered owner of such vehicle as follows:

(a) Abandoned vehicle with license plates affixed, to the jurisdiction which issued such license plates; or

(b) Abandoned vehicle with no license plates affixed, to the Department of Motor Vehicles.

(2) The (city/village) shall notify the last-registered owner, if any, and any lienholder, if any, within 15 business days that the vehicle in question has been determined to be an abandoned vehicle and that, if unclaimed, either:

(a) It will be sold or will be offered at public auction after 5 days from the date such notice was mailed; or

(b) Title will vest in the (city/village) 30 days after the date such notice was mailed.

(3) If the agency described in division (C)(1)(a) or (b) of this section also notifies the (city/village) that a lien or mortgage exists, such notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle.

(4) Title to an abandoned vehicle, if unclaimed, shall vest in the (city/village):

(a) Five days after the date the notice is mailed if the vehicle will be sold or offered at public auction under division (C)(2)(a) of this section;

(b) Thirty days after the date the notice is mailed if the (city/village) will retain the vehicle; or

(c) If the last-registered owner cannot be ascertained, when notice of such fact is received.

(5) After title to the abandoned vehicle vests pursuant to division (C)(4) of this section, the city may retain for use, sell, or auction the abandoned vehicle. If the (city/village) has determined that the vehicle should be retained for use, the (city/village) shall, at the same time that the notice, if any, is mailed, publish in a newspaper of general circulation in the jurisdiction an announcement that the (city/village) intends to retain the abandoned vehicle for its use and that title will vest in the (city/village) 30 days after the publication.

(Neb. RS 60-1903)

(D) (1) If a (city/village) law enforcement agency has custody of a motor vehicle for investigatory purposes and has no further need to keep it in custody, it shall send a certified letter to each of the last-registered owners, if any, and lienholders, if any, within 15 calendar days stating that

the vehicle is in the custody of the law enforcement agency, that the vehicle is no longer needed for law enforcement purposes, and that after 30 days the agency will dispose of the vehicle.

(2) This division shall not apply to motor vehicles subject to forfeiture under Neb. RS 28-431.

(3) No storage fees shall be assessed against the registered owner of a motor vehicle held in custody for investigatory purposes under this division (D) unless the registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor related to the offense for which the law enforcement agency took the vehicle into custody. If a registered owner or the person in possession of the vehicle when it is taken into custody is charged with a felony or misdemeanor but is not convicted, the registered owner shall be entitled to a refund of the storage fees.

(Neb. RS 60-1903.01)

(E) (1) A law enforcement agency is authorized to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. After removal, the law enforcement agency with custody of the vehicle shall follow the procedures in Neb. RS 60-1902 and 60-1903.

(2) A law enforcement agency is authorized to contact a private towing service in order to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. A vehicle towed away under this subsection is subject to Neb. RS 52-601.01 to 52-605 and 60-2410 by the private towing service which towed the vehicle.

(3) A private property owner is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within 24 hours, the designated law enforcement agency in the jurisdiction from which the vehicle is removed and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to Neb. RS 52-601.01 to 52-605 and 60-2410 by the private towing service that towed the vehicle.

(4) For purposes of this section, a trespassing vehicle is a vehicle that is parked without permission on private property that is not typically made available for public parking.

(Neb. RS 60-1903.02)

(F) If a state agency caused an abandoned vehicle described in division (A)(a)(5) or (A)(b)(4) of this section to be removed from public property in this (city/village), the state agency shall be entitled to custody of the vehicle. If a state agency caused an abandoned vehicle described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section to be removed from public property in this (city/village), the state agency shall deliver the vehicle to the (city/village) which shall have custody.

(Neb. RS 60-1904)

(G) Any proceeds from the sale of an abandoned vehicle in the (city/village)'s custody less any expenses incurred by the (city/village) shall be held by the (city/village) without interest, for the benefit of the owner or lienholders of such vehicle for a period of 2 years. If not claimed within such 2-year period, the proceeds shall be paid into the general fund of the (city/village).  
(Neb. RS 60-1905)

(H) Neither the owner, owner's agent, owner's employee, lessee, nor occupant of the premises from which any abandoned vehicle is removed, nor the (city/village), shall be liable for any loss or damage to such vehicle which occurs during its removal or while in the possession of the (city/village) or its contractual agent, while in the possession of a private towing service, or as a result of any subsequent disposition.  
(Neb. RS 60-1906)

(H) No person shall cause any vehicle to be an abandoned vehicle as described in division (A)(a)(1), (2), (3), or (4) or (A)(b)(1), (2), or (3) of this section.  
(Neb. RS 60-1907)

(I) No person other than one authorized by the (city/village) or appropriate state agency shall destroy, deface, or remove any part of a vehicle which is left unattended on a highway or other public place without license plates affixed or which is abandoned. Anyone violating this division shall be guilty of an offense.  
(Neb. RS 60-1908)

(J) The last-registered owner of an abandoned vehicle shall be liable to the (city/village) for the costs of removal and storage of such vehicle.  
(Neb. RS 60-1909)

(K) Any person violating the provisions of this section shall be guilty of an offense.  
(Neb. RS 60-1911)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

*Shirley S. Hayes*  
Clerk

ORDINANCE NO. 664

AN ORDINANCE RELATING TO gambling and such operations within licensed racetracks; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE (~~CITY~~/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding gambling:

130.14 GAMBLING.

- (A) For the purpose of this section, the definitions found in Neb. RS 28-1101 shall be used.
- (B) A person commits the offense of promoting gambling if he or she knowingly:
- (1) Advances or profits from any unlawful gambling activity by:
    - (a) Engaging in bookmaking;
    - (b) Receiving, in connection with any unlawful gambling scheme or enterprise, any amount of money played in the scheme or enterprise in any one day; or
    - (c) Betting something of value in an amount of \$500 or more with one or more persons in one day; or  
(Neb. RS 28-1102 and 28-1103)
  - (2) Participates in unlawful gambling as a player by betting less than \$500 in any one day.  
(Neb. RS 28-1104)
- (C) (1) A person commits the offense of possession of a gambling device if he or she manufactures, sells, transports, places, possesses, or conducts or negotiates any transaction affecting or designed to affect ownership, custody, or use of any gambling device, knowing that it shall be used in the advancement of unlawful gambling activity.
- (2) The owner or operator of a retail establishment who is not a manufacturer, distributor, or seller of mechanical amusement devices as defined under the Mechanical Amusement Device Tax Act, shall have an affirmative defense to possession of a gambling device described in division (C)(1) of this section if the device bears an unexpired mechanical amusement device decal as

required by such Act. However, such affirmative defense may be overcome if the owner or operator had actual knowledge that operation of the device constituted unlawful gambling activity at any time such device was operated on the premises of the retail establishment.

(3) Notwithstanding any other provisions of this division, any mechanical game or device classified by the federal government as an illegal gambling device and requiring a federal Gambling Device Tax Stamp as required by the Internal Revenue Service in its administration of 26 U.S.C. 4461 and 4462, amended July 1, 1965, by Public Law 89-44, is hereby declared to be illegal. (Neb. RS 28-1107)

(D) In any prosecution under this section, it shall be an affirmative defense that the writing, paper, instrument, or article possessed by the defendant was neither used nor intended to be used in the advancement of an unlawful gambling activity. (Neb. RS 28-1108)

(E) Proof of possession of any gambling device shall be prima facie evidence of possession thereof with knowledge of its contents and character. (Neb. RS 28-1109)

(F) It shall be no defense to a prosecution under any provision of this section relating to gambling that the gambling is conducted outside this (city/village) and is not in violation of the laws of the jurisdiction in which it is conducted. (Neb. RS 28-1110)

(G) In addition to any other penalty, a sentencing court may order that any money, securities, negotiable instruments, firearms, conveyances, or electronic communication devices as defined in Neb. RS 28-833 or any equipment, components, peripherals, software, hardware, or accessories related to electronic communication devices, or any gambling devices be forfeited as a part of the sentence imposed if it finds by clear and convincing evidence adduced at a separate hearing in the same prosecution, conducted pursuant to Neb. RS 28-1601, that any or all such property was derived from, used, or intended to be used to facilitate a violation of this section. (Neb. RS 28-1111)

(H) In any prosecution for an offense defined in this section, when the defendant's status as a player constitutes an excusing condition, the fact that the defendant was a player shall constitute an affirmative defense. (Neb. RS 28-1112)

(I) Nothing in this section shall be construed to:

(1) Apply to or prohibit wagering on the results of horse races by the parimutuel or certificate method when conducted by licensees within the racetrack enclosure at licensed horse race meetings; or

(2) Prohibit or punish the conducting or participating in any bingo, lottery by the sale of pickle cards, lottery, raffle, or gift enterprise when conducted in accordance with the Nebraska Bingo Act, the Nebraska County and City Lottery Act, the Nebraska Lottery and Raffle Act, the

Nebraska Pickle Card Lottery Act, the Nebraska Small Lottery and Raffle Act, the State Lottery Act, or Neb. RS 9-701; or.

(3) Apply to or prohibit the operation of games of chance, whether using a gambling device or otherwise, by authorized gaming operators within licensed racetrack enclosures or the participation or playing of such games of chance, whether participated in or played using a gambling device or otherwise, by individuals 21 years of age or older within licensed racetrack enclosures as provided in the Nebraska Racetrack Gaming Act.

(Neb. RS 28-1113)

(J) In any prosecution under this section in which it is necessary to prove the occurrence of a sporting event, a published report of its occurrence in any daily newspaper, magazine, or other periodically printed publication of general circulation shall be admissible in evidence and shall constitute prima facie evidence of the occurrence of the event.

(Neb. RS 28-1117)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

ORDINANCE NO. 665

AN ORDINANCE RELATING TO building permits issued to the County Assessor; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE ~~CITY~~ (CITY/VILLAGE) OF  
MURRAY, NEBRASKA:

Section 1. The (city/village)'s Code of Ordinances is revised to read as follows regarding duplicate building permits issued to the County Assessor:

**150.22** DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration, or repair of any building within the (city/village)'s corporate limits or extraterritorial zoning jurisdiction, if the improvement is \$2,500 or more, a duplicate of the permit shall be issued to the County Assessor.  
(Neb. RS 18-1743)

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
(Mayor/Chairperson)

(SEAL)

  
\_\_\_\_\_  
Clerk

**ORDINANCE RECORD**

**ORDINANCE #649, #650, #651, #652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665.**

**1 READING**

Chairman Anderson introduced and read by title Ordinance #649, #650, #651, 652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665.

TRUSTEE BLESSING moved, seconded by TRUSTEE FLAK that the statutory rule requiring reading on three different days be suspended so that Ordinance #649, #650, #651, 652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665 be introduced, read by title, and adopted (3/4 vote required). The following BOARD OF TRUSTEES voted: AYES: BLESSING, FLAK, STRONG, ANDERSON, (VACANT); MOTION CARRIED.

Chairman Anderson raised the question “Shall Ordinance #649, #650, #651, 652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665 be adopted as read by title”. TRUSTEE BLESSING moved, seconded by TRUSTEE FLAK that said Ordinance #649, #650, #651, 652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665 be adopted, published or posted as required by law. The following BOARD OF TRUSTEES voted: AYES:

BLESSING, FLAK, STRONG, ANDERSON, (VACANT); MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinances adopted. A true and correct copy of the Ordinances are attached.

DATED THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2022.

  
CHAIRMAN  
VILLAGE OF MURRAY

ATTEST:

  
VILLAGE CLERK

(SEAL)

**CERTIFICATION OF PASSAGE**

**ORDINANCE #649, #650, #651, #652, #653, #654, #655, #656, #657, #658,  
#659, #660, #661, #662, #663, #664, #665**

STATE OF NEBRASKA  
COUNTY OF CASS  
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #649, #650, #651, #652, #653, #654, #655, #656, #657, #658, #659, #660, #661, #662, #663, #664, #665 as attached herewith, was passed and approved on the 8<sup>th</sup> day of FEBRUARY, 20 22, and has been published in a legal newspaper, the Plattsmouth Journal as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 15<sup>th</sup> day of FEBRUARY, 20 22.

  
\_\_\_\_\_  
Shelli S. Hayes, Village Clerk

(SEAL)

ORDINANCE NO. 666

AN ORDINANCE TO ENACT TITLE 71, SECTION 71.14 OF THE VILLAGE OF MURRAY'S CODE OF ORDINANCES RELATING TO RESTRICTIONS ON DIRECTION OF TRAVEL BY ADOPTING THE FOLLOWING; TO HARMONIZE WITH STATE LAW; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

**Section 1.** The Village of Murray's Code of Ordinances Section 71.14 is enacted as follows regarding restrictions on direction of travel:

**71.14 RESTRICTIONS ON DIRECTION OF TRAVEL.**

1. The Board of Trustees with respect to highways under its jurisdiction may designate any highway, roadway, part of a roadway, or specific lanes upon which vehicular traffic shall proceed in one direction at all times or at such times as shall be indicated by traffic control devices.

2. Except for emergency vehicles, no vehicle shall be operated, backed, pushed, or otherwise caused to move in a direction which is opposite to the direction designated by competent authority on any deceleration lane, acceleration lane, access ramp, shoulder, or roadway.

3. A vehicle which passes around a roundabout shall be driven only to the right of the central island while on the circulatory roadway in such roundabout. (Neb. Rev. Stat. §60-6,138)

**Section 2.** Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

**Section 3.** This ordinance is adopted and published in pamphlet form.

**Section 4.** This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 8<sup>TH</sup> day of FEBRUARY 2022.

  
\_\_\_\_\_  
Jeff Anderson  
Chair of the Board of Trustees

ATTEST:

  
\_\_\_\_\_  
Shelli Hayes, Village Clerk

Publication Date: \_\_\_\_\_

# ORDINANCE RECORD

## ORDINANCE # 666

### 1 READING

Chairman Anderson introduced and read by title Ordinance # 666.

TRUSTEE FLAK moved, seconded by TRUSTEE STRONG that the statutory rule requiring reading on three different days be suspended so that Ordinance # 666 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , STRONG , ANDERSON ,  
(VACANT) ; MOTION CARRIED.

Chairman Anderson raised the question "Shall Ordinance # 666 be adopted as read by title?" TRUSTEE BLESSING moved, seconded by TRUSTEE STRONG that said Ordinance #666 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , STRONG , ANDERSON ,  
(VACANT) ; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 8<sup>TH</sup> DAY OF FEBRUARY, 2022.

  
CHAIRMAN  
VILLAGE OF MURRAY

ATTEST:

  
VILLAGE CLERK

(SEAL)

**CERTIFICATION OF PASSAGE**

**ORDINANCE #666**

STATE OF NEBRASKA  
COUNTY OF CASS  
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #666 as attached herewith, was passed and approved on the 8<sup>TH</sup> day of FEBRUARY, 2022, and has been published in a legal newspaper, the Plattsmouth Journal as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 15<sup>TH</sup> day of FEBRUARY, 2022.



Shelli S. Hayes, Village Clerk

(SEAL)