

CHAPTER 2 – COMMISSIONS AND BOARDS

ARTICLE 1 – LIBRARY BOARD

2-101 MEMBERS

2-102 ANNUAL REPORT TO VILLAGE BOARD

ARTICLE 2 – PLANNING COMMISSION

2-201 MEMBERS; TERMS

2-202 VACANCIES

2-203 JOINT PLANNING COMMISSION

ARTICLE 3 – VILLAGE PARKS

2-301 OPERATION AND MANAGEMENT

2-302 DESTRUCTION OR VANDALISM; LITTERING

ARTICLE 4 – TREE BOARD

2-401 MEMBERS; TERMS; VACANCIES; DUTIES

2-402 TREES; DEFINITIONS

2-403 TREES; SPECIES TO BE PLANTED

2-404 TREES; SPACING

2-405 TREES; DISTANCE FROM CURB AND SIDEWALK

**2-406 TREES; DISTANCE FROM STREET INTERSECTIONS, DRIVEWAYS
AND ALLEYS**

2-407 TREES; UTILITIES

2-408 TREES; PUBLIC TREE CARE

2-409 TREES; TREE TOPPING

2-410 TREES; PRUNING; CORNER CLEARANCE

**2-411 TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE
PROPERTY**

2-412 TREES; REMOVAL OF STUMPS

2-413 INTERFERENCE WITH TREE BOARD

2-414 ARBORISTS; LICENSE, INSURANCE AND BOND

2-415 REVIEW BY THE VILLAGE BOARD

ARTICLE 5 – PENAL PROVISION

2-501 VIOLATION; PENALTY

CHAPTER 2 – COMMISSIONS AND BOARDS

Article 1 – Library Board

SECTION 2-101: MEMBERS

The Village Board may enter into an interlocal agreement with the Palmer Public School for appointment of school officials as members of the Library Board. One member of the Village Board may be appointed to serve as liaison between the Village Board and the Library Board.

SECTION 2-102: ANNUAL REPORT TO VILLAGE BOARD

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the number of periodical subscriptions on record, including newspapers; the number of materials added and the number withdrawn from the collection during the year; the number of materials circulated during the year; and other statistics, information, and suggestions as the Library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

Article 2 – Planning Commission

SECTION 2-201: MEMBERS; TERMS

The Planning Commission shall consist of five members who shall represent so far as possible different professions or occupations in the Village. The membership thereof shall be appointed by the chairman with the approval of a three-fourths vote of the Village Board. All members of the Planning Commission shall serve without compensation and shall hold no other village office. The term of each member shall be three years.

SECTION 2-202: VACANCIES

All members shall hold office until their successors are duly appointed. Any member of the Planning Commission may, after a public hearing before the Village Board, be removed by the chairman by and with the consent of a three-fourths vote of the board for (A) inefficiency, neglect or malfeasance in office, (B) missing three consecutive meetings without good and sufficient reason, or (C) other good and sufficient reasons. Vacancies occurring other than through the expiration of a term shall be filled for an unexpired term by the chairman.

SECTION 2-203: JOINT PLANNING COMMISSION

The Village of Palmer hereby agrees to join with the County of Merrick and/or any incorporated villages, cities, or counties that may wish to participate in the creation of the Merrick County Joint Planning Commission through the execution of an intergovernmental agreement. The chairman of the Village Board is hereby authorized for and on behalf of the Village, as its corporate act and deed under its corporate name and seal, to execute an agreement for participation by the Village of Palmer in the Joint Planning Commission, which said agreement shall be substantially in the words and figures set forth in the agreement attached to Ord. No. 111. (Ord. No. 111, 06/10/70)

Article 3 – Village Parks

SECTION 2-301: OPERATION AND MANAGEMENT

The Village owns and operates the village parks and other recreational areas through the Village Board, which, for the purpose of defraying the cost of the care, management and maintenance of the village parks, may each year levy a tax not exceeding the maximum limit prescribed by state law on the actual valuation of all real estate and personal property within the corporate limits that is subject to taxation. The revenue shall remain in the custody of the village treasurer. The Village Board shall have the authority to adopt rules and regulations for the efficient management of the parks and other recreational areas of the Village.

SECTION 2-302: DESTRUCTION OR VANDALISM; LITTERING

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

Article 4 – Tree Board

(Ord. No. 182, 09/05/01)

SECTION 2-401: MEMBERS; TERMS; VACANCIES; DUTIES

A. There is hereby created and established a Tree Board for the Village which shall consist of five members who are citizens and residents of this Village, appointed by the chairman of the Village Board. The term of each member shall be three years. In the event that a vacancy shall occur during the term of any member, his/her successor shall be appointed for the unexpired portion of the term. Members of the board shall serve without compensation.

B. It shall be the responsibility of the board to study, investigate, counsel and develop and/or update annually, and administer a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. The board shall consider, investigate, make finding, report and recommend upon any special matter of question coming within the scope of its work.

SECTION 2-402: TREES; DEFINITIONS

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

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

SECTION 2-403: TREES; SPECIES TO BE PLANTED

The following list constitutes the official street tree species for the Village. No species other than those included in this list may be planted as street trees without permission of the Tree Board.

A. *Small Trees*: apricot, flowering crabapple, golden currant, Bradford pear, eastern redbud, soapberry, lilac, flowering peach, purple leaf plum, Peking cotoneaster, Amur honeysuckle, Nanking cherry, American plum, sand cherry, caragana, silver buffalo berry, elderberry, American hazel, winterberry euonymus, Amur maple, skunkbush sumac, arrowwood viburnum, dogwood, gray pussy willow, Vanhoutte spirea.

B. *Medium Trees*: Midwest crabapple, Washington hawthorn, black cherry, Russian olive, green ash, thornless honey locust, hackberry, eastern red cedar, linden, English oak, red oak, pecan, weeping willow, blue ash, paper birch, Ohio buckeye, Japanese tree lilac, European mountain ash.

C. *Large Trees*: black walnut, silver maple, male cottonless cottonwood, Siberian elm, jack pine, Scotch pine, Colorado blue spruce, Austrian pine, ponderosa pine, bur oak, American sycamore, northern catalpa, male ginkgo, horse chestnut, Kentucky coffee tree, Norway maple, English oak, pin oak, northern red oak, scarlet oak, Japanese pagoda tree, white poplar.

SECTION 2-404: TREES; SPACING

The spacing of street trees will be in accordance with the three species size classes listed in Section 2-403 and no trees may be planted closer together than the following: small trees, 30 feet; medium trees, 40 feet; and large trees, 50 feet; except in special plantings designed or approved by a landscape architect.

SECTION 2-405: TREES; DISTANCE FROM CURB AND SIDEWALK

The distance trees may be planted from curbs or curb lines and sidewalks will be in accordance with the three species size classes listed in Section 2-403 and no trees may be planted closer to any curb or sidewalk than the following: small trees, 2 feet; medium trees, 3 feet; and large trees, 4 feet.

SECTION 2-406: TREES; DISTANCE FROM STREET INTERSECTIONS, DRIVEWAYS AND ALLEYS

No street tree shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines. No street tree shall be planted closer than 10 feet of any fireplug.

SECTION 2-407: TREES; UTILITIES

No street trees other than those species listed as small trees in Section 2-403 may be planted under or within 10 lateral feet of any overhead utility wire or over or within 5 lateral feet of any underground water line, sewer line, transmission line or other utility.

SECTION 2-408: TREES; PUBLIC TREE CARE

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

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

C. This section does not prohibit the planting of street trees by adjacent property owners, providing that the selection and location of said trees is in accordance with Sections 2-403 through 2-407 herein.

SECTION 2-409: TREES; TREE TOPPING

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

SECTION 2-410: TREES; PRUNING; CORNER CLEARANCE

Every owner of any tree overhanging any street or right-of-way within the Village shall prune the branches so that such branches shall not obstruct the light from any street lamp or obstruct the view of any street intersection. Said owners shall remove all dead, diseased or dangerous trees or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

SECTION 2-411: TREES; DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village when such trees constitute a hazard to life and property or harbor insects or disease which constitute a potential threat to other trees. The Tree Board will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within 60 days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

SECTION 2-412: TREES; REMOVAL OF STUMPS

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

SECTION 2-413: INTERFERENCE WITH TREE BOARD

It shall be unlawful for any person to prevent, delay or interfere with the Tree Board or any of its agents while they are engaging in and about the planting, cultivating,

mulching, pruning, spraying, or removing of any street trees, park trees, or trees on private grounds, as authorized herein.

SECTION 2-414: ARBORISTS; LICENSE, INSURANCE AND BOND

A. It shall be unlawful for any person to be engaged in the occupation of treating, trimming, cutting down or removing trees for profit within the corporate limits of the Village without first complying with the provisions herein. Any person desiring to engage in the stated activities shall:

1. Apply for a license on a registration form as provided by the Village. The license fee shall be paid annually in advance; provided, however, that no license shall be required of any public service company or village employee doing such work in the pursuit of their public service endeavors. Such fee shall be set by the Village Board and filed in the office of the village clerk. Before any license shall be issued, each applicant shall first file evidence of possession of liability insurance in the minimum amounts of \$50,000 for bodily injury and \$100,000 property damage indemnifying the Village of any person injured or damaged resulting from the pursuit of such endeavors as herein described.
2. Provide such other information and documents or copies thereof as may be required.
3. Post a bond as set by the Village Board, conditioned upon the proper completion of any work commenced and upon the proper cleanup of the property involved and the public ways and property over which the debris may be carried. It shall be the duty of any tree trimmer or tree cutter to haul all debris on the property resulting from said work to the landfill area. Upon the approval of said work by the street commissioner or the village clerk, the bond posted aforesaid may, at the option of the applicant, be returned to him/her. In the event that said bond is returned, a new application and bond shall be required for any subsequent work. If the bond is left with the clerk, no new application shall be required if the applicant has done any of said work within the previous two years.

B. Prior to doing any of said work, arborists shall be required also to notify the street commissioner of the same and shall follow his directives in the removal of debris.

SECTION 2-415: REVIEW BY THE VILLAGE BOARD

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

Article 5 – Penal Provision

SECTION 2-501: PENALTY

Any person, firm, association or corporation violating any of the provisions of the chapter herein for which no other penalty is imposed shall, upon conviction, be deemed guilty of a misdemeanor and fined in an amount of not more than \$500.00. Each day's maintenance of a misdemeanor shall constitute a separate offense.