

ORDINANCE NO. 2008-05

AN ORDINANCE OF THE VILLAGE OF EAGLE, CASS COUNTY, NEBRASKA, CODIFYING THE GENERAL ORDINANCES OF THE VILLAGE OF EAGLE, NEBRASKA; TO PROVIDE THAT THE CHAIR AND THE APPROPRIATE DEPARTMENT, WHETHER ONE OR MORE, OF THE VILLAGE OF EAGLE, NEBRASKA, ARE HEREBY AUTHORIZED AND DIRECTED TO IMPLEMENT THIS ORDINANCE; TO PROVIDE FOR THE SEVERABILITY OF ANY SECTION, CLAUSE, PROVISION OR PORTION FOUND UNCONSTITUTIONAL OR INVALID; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; TO PROVIDE THAT THIS ORDINANCE SHALL BE PUBLISHED WITHIN THE FIRST 15 DAYS AFTER ITS PASSAGE AND APPROVAL EITHER IN PAMPHLET FORM OR BY POSTING IN THREE PUBLIC PLACES IN THE VILLAGE OF EAGLE, NEBRASKA, AND SHALL BE IN FULL FORCE AND TAKE EFFECT FROM AND AFTER ITS PASSAGE, APPROVAL, AND PUBLICATION, AS PROVIDED HEREIN; AND TO PROVIDE THAT THIS ORDINANCE SHALL BECOME AND BE MADE A PART OF THE MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, AND THE SECTIONS OF THIS ORDINANCE MAY BE RENUMBERED TO ACCOMPLISH SUCH INTENTION.

WHEREAS, the current Municipal Code of the Village of Eagle, Nebraska, was enacted pursuant to Ordinance No. 73-13 on December 17, 1973, and,

WHEREAS, there have been numerous amendments and additions to said Municipal Code, and,

WHEREAS, the Chair and Board of Trustees of the Village of Eagle, Nebraska, deem it in the best interests of the citizens of the Village of Eagle, Nebraska, that there be a re-codification of the Ordinances of the Village of Eagle, Nebraska, and a codification thereof into a new Municipal Code of the Village of Eagle, Nebraska,

NOW, THEREFORE, BE IT ORDAINED BY THE CHAIR AND BOARD OF TRUSTEES OF THE VILLAGE OF EAGLE, NEBRASKA, as follows:

Section 1. That the findings herein and above made should be and are hereby made a part of this Ordinance as fully as if set out at length herein.

Section 2. That all Ordinances of the Village of Eagle, Nebraska, EXCEPT those set forth in Section 3 hereof, are hereby revised and classified into 11 Chapters with Articles and Sections thereunder, which are adopted and declared to be the Ordinances of the Village of Eagle, Nebraska, and shall be designated as the Municipal Code of the Village of Eagle, Nebraska, dated ~~October~~ ^{November} 17th, 2008.

Section 3. That all Ordinances and parts of Ordinances of a general or permanent nature passed and approved prior to the passage and approval of this Codification Ordinance and in conflict with this Codification Ordinance are hereby repealed, except that nothing shall affect any rights acquired, under actions involving, or fines, penalties, forfeitures, or liabilities incurred pursuant to such Ordinances prior to repeal, provided, however, in construing the provisions of this Codification Ordinance, the following Ordinances shall not be considered or held to be Ordinances of a general or permanent nature, to wit:

- a. Ordinances vacating streets or alleys;
- b. Ordinances annexing or detaching territory;
- c. Ordinances granting or accepting easements, plats, or dedication of land to public use;
- d. Ordinances providing for the acquisition or conveyance of real or personal property;
- e. Ordinances authorizing or directing public improvements to be made;
- f. Ordinances levying taxes or special assessments;
- g. Ordinances appropriating money;
- h. Ordinances granting any right, privilege, franchise, or license to persons, firms, or corporations;
- i. Ordinances providing for the issuance of bonds or other instruments of indebtedness;
- j. Any other ordinance which by nature would be considered special.

Section 4. The following shall be incorporated into all portions of the aforementioned Municipal Code of the Village of Eagle, Nebraska, to wit:

- a. For purposes of construction, each Chapter and each Article contained and arranged in the Municipal Code shall be considered as a separate and distinct Chapter and/or Article grouped for convenience under this Codification Ordinance, and each Section appearing in the several Chapters and Articles of the Municipal Code shall be considered a separate and distinct unit of legislation germane to the Chapter or Article under which it is considered;
- b. Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of the Municipal Code as those governing the interpretation of state law;
- c. Headings and captions used in the Municipal Code other than the Chapter, Article, and Section numbers are employed for reference purposes only and shall not be deemed a part of the text of any Section;
- d. Words and phrases shall be taken in their plain, or ordinary and usual sense, however, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import;

e. For purposes of the Municipal Code, the following definitions shall apply unless the context clearly indicates or requires a different meaning, to wit:

- (1) VILLAGE, MUNICIPAL CORPORATION, or MUNICIPALITY shall mean the Village of Eagle, Cass County, Nebraska;
- (2) VILLAGE BOARD; BOARD OF TRUSTEES, or GOVERNING BODY shall mean the legislative body of the Village of Eagle, Nebraska;
- (3) CODE, THIS CODE OF ORDINANCES, or MUNICIPAL CODE OF THE VILLAGE OF EAGLE, NEBRASKA, or CODIFICATION ORDINANCE shall mean this Municipal Code as modified by later amendment, revision, and adoption of new Chapters, Articles or Sections thereof;
- (4) COUNTY shall mean Cass County, Nebraska;
- (5) MAY shall mean the act referred to is permissive.
- (6) MONTH shall mean a calendar month;
- (7) OATH shall mean an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words SWEAR and SWORN shall be equivalent to the words AFFIRM and AFFIRMED;
- (8) OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT shall mean an officer, office, employee, commission, or department of the Village of Eagle, Nebraska, unless the context clearly requires otherwise;
- (9) PERSON shall include bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations;
- (10) PRECEDING or FOLLOWING shall mean next before or next after, respectively;
- (11) REASONABLE TIME shall mean:
 - (a) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(b) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

(12) SHALL shall mean the act referred to is mandatory.

(13) SIGNATURE or SUBSCRIPTION shall include a mark when the person cannot write.

(14) STATE shall mean the state of Nebraska.

(15) WRITTEN shall mean any representation of words, letters, or figures, whether by printing or otherwise.

(16) YEAR shall mean a calendar year, unless otherwise expressed.

f. The construction of all Ordinances of the Village shall be by the following rules, unless such construction is plainly repugnant to the intent of the Chair and Board of Trustees or of the context of the ordinance, to wit:

(1) AND or OR shall include the other as if written "and/or," if the sense requires it;

(2) Acts by assistants shall mean when a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy;

(3) Tenses shall mean words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable;

(4) A general term shall mean a general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

g. If any provision of the Municipal Code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application;

h. Whenever in one Section reference is made to another Section hereof, such reference shall extend and apply to the Section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is materially altered by the amendment or revision;

- i. Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of the Village of Eagle, Nebraska, exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary;
- j. If a manifest error is discovered, consisting of the misspelling of any words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error;
- k. The official time, as established by applicable state/federal laws, shall be the official time within this Village for the transaction of all Village business;
- l. All ordinances passed by the Chair and Board of Trustees requiring publication shall take effect from and after the due publication thereof;
- m.
 - (1) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it to give effect thereto;
 - (2) No suit, proceedings, right, liability, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided;
 - (3) When any ordinance repealing a former ordinance, clause, or provision is itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided;
- n. Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Municipal Code, as set forth at length herein or incorporated herein by reference, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$500 dollars for each offense, unless set forth more specifically in the Municipal Code. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

Section 5. That the Chair, and the appropriate department, whether one or more, of the Village of Eagle, Nebraska, are hereby authorized and directed to implement this Ordinance.

Section 6. That should any section, paragraph, sentence of this Ordinance hereby adopted be declared for any reason be invalid, it is the intent of the Chair and Board of Trustees of the Village of Eagle, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

Section 7. That this Ordinance shall be published within the first 15 days after its passage and approval either in pamphlet form or by posting in three public places in the Village of Eagle, Nebraska, and shall be in full force and take effect on the 15th day from and after its passage, approval, and publication, as provided herein.

Section 8. That it is the intention of the Chair and Board of Trustees of the Village of Eagle, Nebraska, and it is hereby ordained that the provisions of this Ordinance shall amend the Municipal Code of the Village of Eagle, Nebraska, and the sections of this Ordinance may be renumbered to accomplish such intention.

This Ordinance passed and approved this 17th day of ~~October~~ November, 2008.

VILLAGE OF EAGLE, NEBRASKA

By: Michael Wenzel
Michael Wenzel, Its Chair

ATTEST:

Donna Stevens
Donna Stevens, Village Clerk
(SEAL)

First Reading: Oct 7th, 2008
Second Reading: NOV 5th, 2008
Third Reading: NOV 17th, 2008