

ORDINANCE NO. 02-608

AN ORDINANCE TO AMEND SECTION 2-203(1) OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA, RELATED TO THE BOARD OF ADJUSTMENT; TO PROVIDE FOR PROVISIONS ALLOWING THE GOVERNING BODY TO APPOINT MEMBERS TO THE BOARD OF ADJUSTMENT; TO PROVIDE FOR PROVISIONS SPECIFYING THE MEMBERSHIP OF THE BOARD MEMBERS; THE TERM OF APPOINTMENT, THE FILLING OF VACANCIES; THE ADOPTION OF RULES IN ACCORDANCE WITH PROVISIONS OF NEBRASKA STATUTORY LAW; THE HOLDING OF MEETINGS OPEN TO THE PUBLIC; TO REPEAL ALL PRIOR ORDINANCES IN CONFLICT HERewith; TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

WHEREAS, Section 2-203 of the Municipal Code of the City of Friend, Nebraska, provided that the Board of Adjustment of Saline County, Nebraska was to serve as the local Board of Adjustment for the City of Friend; and

WHEREAS, the governing body of the City of Friend has deemed it desirable to appoint a Board of Adjustment consisting of members within the city limits and the extra-territorial boundaries of the City,

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF FRIEND, NEBRASKA, AS FOLLOWS:

Section 1. That Section 2-203 (1) of the Municipal Code of the City of Friend, Nebraska, be amended as follows:

Board of Adjustment The governing body shall appoint the Board of Adjustment. The board of adjustment shall consist of five regular members, plus one additional member designated as an alternate who shall attend and serve only when one of the regular members is unable to attend for any reason, each to be appointed for a term of three years and removable for cause by the appointing authority upon written charges and after public hearings. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. One member only of the board of adjustment shall be appointed from the membership of the planning commission, and the loss of membership on the planning commission by such member shall also result in his or her immediate loss of membership on the board of adjustment and the appointment of another planning commissioner to the board of adjustment. The first vacancy occurring on the board of adjustment shall be filled by the appointment of a person who resides in the extraterritorial zoning jurisdiction of the city or village at such time as more than two hundred persons reside within such area, unless at least one current member of the board of adjustment then resides in that jurisdiction. Thereafter, at all times, at least one member of the board of adjustment shall reside outside of the corporate boundaries of the city or village but within its extraterritorial zoning jurisdiction. The board of adjustment shall adopt rules in accordance with the provisions of

any ordinance adopted pursuant to Nebraska Revised Statutes 19-901 to 19-914.

Meetings of the board shall be held at the call of the chairperson and at such other times as the board may determine. Such chairperson, or in his or her absence the acting chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board and shall be a public record. (Ref. 19-908 RS Neb.)

Section 2. That all ordinances and parts of ordinances in conflict herewith are hereby specifically repealed.

Section 3. Should any section paragraph, sentence, or word of this Ordinance hereby adopted be declared for any reason to be invalid, it is the intent of the Mayor and Council of the City of Friend, Nebraska, that it would have passed all other portions of this Ordinance independent of the elimination hereof of any such portion as may be declared invalid.

Section 4. This Ordinance shall take effect after its approval, passage, and publication in pamphlet form according to law.

Passed and approved this 4th day of December, 2002.

CITY OF FRIEND, NEBRASKA



Attest:

By: Roger C. Honner
MAYOR

Debbie J. Gilman
CITY CLERK/TREASURER