

ORDINANCE NO.2023-15

OF THE CITY OF PERU, NEMAHA COUNTY, NEBRASKA

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERU, NEBRASKA, AMENDING THE ORIGINAL CHAPTER 32 OF THE MUNICIPAL CODE OF THE CITY OF PERU, NEBRASKA CODE OF ORDINANCES BY ADDING AN ADDITIONAL SECTION WHICH SHALL BE ENTITLED “32.07 BOARD OF PARK AND RECREATION COMMISSION”; TO PROVIDE A POLICY FOR THE CRATION, ORGANIZATION, OPERATION, AND FUNDING OF A PARK AND RECREATION COMMISSION; TO PROVIDE FOR THE REPEAL OF CONFLICTING ORDINANCES OR SECTIONS THEREOF; ORDERING THE PUBLICATION OR POSTING OF THE ORDINANCE; AND TO PROVIDE FOR AN EFFECTIVE DATE.

WHEREAS, Neb. Rev. Stat. Section 17-952 allows cities of the second class, where land for park purposes or recreational facilities is acquired by the city, to provide by ordinance for the creation of a board of park and recreation commission.

WHEREAS, the City of Peru, Nebraska has acquired land for park purposes or recreational facilities and can benefit from the implementation of a parks and recreation commission.

WHEREAS, the provisions herein prescribed will secure a clear policy for the creation, organization, operation, and funding of a park and recreation commission in the City of Peru, Nebraska.

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERU, NEBRASKA;

SECTION 1. That “Chapter 32: Departments, Boards, and Commissions” of the City of Peru, Nebraska Code of Ordinances is amended, consistent with Code §10.17, to add an additional section which shall be entitled “32.07 Board of Park and Recreation Commission”, to be read as follows:

“§ 32.07 BOARD OF PARK AND RECREATION COMMISSION.

(A) CREATION OF PARK AND RECREATION COMMISSION.

1. A Park and Recreation Commission composed of not less than three board members, who shall be residents of the City of Peru, Nebraska, is hereby created to have charge of all parks and recreational facilities belonging to the City and shall have the power to establish rules for the management, care, and use of the same.

(Neb. RS 17-952)

(B) POWERS AND DUTIES.

1. The Park and Recreation Board shall have the power to enact bylaws, rules, or ordinances for the protection and preservation of any real estate acquired for park and recreation purposes, and provide rules and regulations for the closing of such park or swimming pool, in whole or in part, to the general public, and charge admission thereto during such closing, either by the municipality or by any person, persons, or corporation leasing the same.

(Neb. RS 17-949)

2. The Park and Recreation Board may make recommendations to the City Council to provide suitable penalties for the violation of such bylaws, rules, or ordinances, and the police power of the City shall be at once extended over the same.

(Neb. RS 17-949)

3. The Park and Recreation Board shall not enter into a contract of any nature that involves an expenditure of funds, except for ordinary operating expenses, unless the contract has been approved by resolution of the majority of the members of the City Council prior to the contractual agreement.

(C) OPERATION AND FUNDING.

1. If the City has already acquired or hereafter acquires land for park purposes, or recreational facilities, or has already built, or hereafter builds swimming pools, recreational facilities or dams, the Mayor and City Council may each year make and levy a tax upon the taxable value of all the taxable property in the city. The levy shall be collected and put into the City Treasury and shall constitute the park and recreation fund of the city. The funds so levied and collected shall be used for amusements, for laying out, improving, and beautifying such parks, for maintaining, improving, managing, and beautifying such swimming pools, recreational facilities or dams, and for the payment of salaries and wages of persons employed in the performance of such labor.

(Neb. RS 17-951)

2. If the Mayor and City Council create a Board of Park Commissioners or Board of Park and Recreation Commissioners, when such Board has been appointed and qualified, all accounts against the Park Fund or Park and Recreation Fund shall be audited by the Board and warrants against the fund shall be drawn by the Chairperson of the Board and warrants so drawn shall be paid by the City Treasurer out of the Fund.

(Neb. RS 17-952)

Statutory reference:

Levy limits, see Neb. RS 77-3442

Parks and recreational facilities generally, see NEB. RS 17-948 through 17-952.

SECTION 2. All other sections of Chapter 32 of the Municipal Code of the City of Peru, Nebraska, not in conflict herewith, shall remain in full force and effect.

SECTION 3. Any other ordinance or section thereof passed or approved prior to the passage, approval, and publication or posting of this ordinance that is in direct conflict herewith is hereby repealed.

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

Passed and Approved by City Council on this 20 Day of Nov. 2023, by the following votes:

Theresa Westfall	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Quentin Kieler	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____
Marty Peregoy (seat vacant)	Aye: _____	Nay: _____	Absent: _____	Abstain: _____
Cate Wyckoff (seat vacant)	Aye: _____	Nay: _____	Absent: _____	Abstain: _____
Dave Pease (Mayor) (on tie breaker)	Aye: <u>X</u>	Nay: _____	Absent: _____	Abstain: _____

SUSPEND
READINGS _____
(3/4 VOTE)

FIRST READING 11/20/23
SECOND READING _____
THIRD READING _____

Dave Pease

Dave Pease, Mayor of the City
of Peru, Nebraska

ATTEST:
T. Schultz

Clerk of the City of Peru, Nebraska
(Seal)

