

LEGISLATIVE BILL 32

Approved by the Governor February 2, 1971

Introduced by C. W. Holmquist, 16th District

AN ACT to amend sections 17-101, 17-201, 17-501, and 17-941, Reissue Revised Statutes of Nebraska, 1943, relating to cities of the second class and villages; to harmonize the provisions with previous legislation; and to repeal the original sections, and also section 17-809, Reissue Revised Statutes of Nebraska, 1943.
Be it enacted by the people of the State of Nebraska,

Section 1. That section 17-101, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-101. All cities, towns, and villages containing more than one-thousand six hundred and not more than five thousand inhabitants shall be cities of the second class and be governed by the provisions of sections 17-101 to 17-153, unless they adopt a village government as provided in sections 17-306 to 17-309.

Sec. 2. That section 17-201, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-201. Any town or village containing not less than one hundred nor more than six hundred inhabitants, incorporated as a city, town or village, under the laws of this state, and any city of the second class that shall have adopted village government as provided by law, shall be a village, and shall have the rights, powers, and immunities hereinafter granted, and none other; provided, all county seat towns shall have the powers and immunities as hereinafter granted. Whenever a majority of the taxable inhabitants of any town or village, not incorporated under any laws of this state, shall present a petition to the county board of the county in which said petitioners reside, praying that they may be incorporated as a village, designating the name they wish to assume, and the metes and bounds of the proposed village, and such county board or majority of the members thereof shall be satisfied that a majority of the taxable inhabitants of the proposed village have signed such petition, and that inhabitants to the number of one hundred or more are actual residents of the territory described in the petition,

the board shall declare the proposed village incorporated, and enter the order of incorporation upon its records, and designate the metes and bounds thereof. Thereafter the said village shall be governed by the provisions of law applicable to the government of villages. The county board shall, at the time of the incorporation of said village, appoint five persons, having the qualifications provided in section 17-203, as trustees, who shall hold their offices and perform all the duties required of them by law until the election and qualification of their successors at the time and in the manner provided in sections section 17-202 and 17-604; Provided, the county board shall not declare a proposed village incorporated or enter an order of incorporation if any portion of the territory of such proposed village is within five miles of a Nebraska incorporated village or city of any class.

Sec. 3. That section 17-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-501. Cities of the second class and villages shall be bodies corporate and politic, and may shall have power (1) to sue and be sued; may (2) to contract or be contracted with; may (3) to acquire, and hold real and personal property within or without the limits of the city or village, for the use of the city or village and , convey property, real or personal, and lease, lease with option to buy, or acquire by gift or devise real or personal property; may and (4) to receive and safeguard donations in trust and may, by ordinance, supervise and regulate such property and the principal and income constituting the foundation or community trust property in conformity with the instrument or instruments creating such trust; and the city council of any city of the second class, or the board of trustees of any village, may elect a board of five members, to be known as a board of public trust, who shall be resident freeholders of such city or village and whose duties shall be defined by ordinance and who shall have control and management of such donations in trust, in conformity with such ordinance; Provided, that at the time of the establishment of said board of public trust, one member shall be elected for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, and thereafter one member shall be elected each year for a term of five years. Vacancies in the membership of the board shall be filled in like manner as regular members of the board are elected.

Sec. 4. That section 17-941, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

17-941. The mayor and council or board of trustees may convey cemetery lots by certificate signed by the mayor and chairman, and countersigned by the clerk, under the seal of the city or village, specifying that the person to whom the same is issued is the owner of the lot or lots described therein by number as laid down on such map or plat, for the purpose of interment; and such certificate shall vest in the proprietor, his or her heirs and assigns, a right in fee simple to such lot for the sole purpose of interment, under the regulation of the city council or board of trustees. Such certificate shall be entitled to be recorded in the office of the ~~county-clerk~~ register of deeds of the proper county without further acknowledgment, and such description of lots shall be deemed and recognized as a sufficient description thereof.

Sec. 5. That original sections 17-101, 17-201, 17-501, and 17-941, Reissue Revised Statutes of Nebraska, 1943, and also section 17-809, Reissue Revised Statutes of Nebraska, 1943, are repealed.