

CITY OF NEBRASKA CITY, NEBRASKA  
MINUTES OF CITY COUNCIL REGULAR MEETING  
January 7, 2013

Pursuant to due call and notice thereof, a Regular Meeting of the City Council of the City of Nebraska City was conducted in the Council Chambers at City Hall, 1409 Central Avenue, on January 7, 2013. Notice of the meeting was given in advance thereof by posting in at least three public places, the designated method for giving notice, as shown by the Certificate of Posting Notice attached to these minutes. Availability of the agenda was communicated in advance to the media, Mayor and Commissioners of this proceeding and said meeting was open to the public.

Mayor Hobbie called the meeting to order at 6:00 p.m. The Mayor publicly stated to all in attendance that a current copy of the Nebraska Open Meetings Act was available for review and indicated the location of such copy posted in the room where the meeting was being held. Mayor Jack Hobbie then led in the Pledge of Allegiance. Upon roll call the following answered present: Jim Stark, Jeff Crunk, Dean Handy, Mark Mercer and Mayor Hobbie. The following City Officials were present: City Administrator Joe Johnson, City Clerk-Treasurer Arnold M. Ehlers, City Attorney William Davis, Police Chief David Lacy, and Public Properties Director/Zoning Director Dan Giittinger.

Commissioner Mercer moved to approve the minutes of the December 17, 2012, City Council Regular Meeting, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion adopted.

Commissioner Mercer moved to pay all claims as presented, seconded by Commissioner Handy. Upon roll call the following voted YES: Stark, Crunk, Handy, Mercer and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing to consider revisions to Section 521 of the Zoning Ordinances covering signs. Dan Giittinger explained some of the more significant changes to the ordinance. Better definitions, clearer rules and regulations, especially concerning pole signs which have not been allowed for many years. Also changed was the number of signs per building based on number of businesses. No one else spoke in support or opposition to the revisions. Moved by Commissioner handy and seconded by Mercer to close the Public Hearing. Upon roll call the following voted YES: Crunk, Stark, Mercer, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie opened the Public Hearing on the request for \$89,600 grant to do a structural study of Morton Kitchens Buildings and immediately moved to postpone the hearing to January 21, 2012. Commissioner Handy seconded the motion. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed.

Mayor Hobbie introduced Ordinance No. 2894-13 entitled AN ORDINANCE TO AMEND SECTION 521, SIGNS, OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY RECODIFYING THE ENTIRE SECTION 521, SIGNS, TO INCLUDE THE FOLLOWING SUBSECTIONS: SEC. 521.01 SIGNS, GENERALLY; SEC. 521.02 LEGALIZING EXISTING SIGNS; SEC. 521.03, DEFINITIONS; SEC. 521.04 EXEMPTIONS; SEC. 521.05 INCIDENTAL SIGNS; SEC. 521.06 MAINTENANCE AND REMOVAL; SEC. 521.07, GENERAL PROVISIONS; SEC 521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES-RESERVED FOR FUTURE; SEC. 521.09, BUSINESS SIGNS; SEC. 521.10 BILLBOARDS AND SECTION 521.11 PUBLIC SERVICE SIGNS: TO REPEAL THE ORIGINAL SECTION 521, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2894-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2894-13

AN ORDINANCE TO AMEND SECTION 521, SIGNS, OF THE OFFICIAL ZONING ORDINANCE OF THE CITY OF NEBRASKA CITY, NEBRASKA, BY RECODIFYING THE ENTIRE SECTION 521, SIGNS, TO INCLUDE THE FOLLOWING SUBSECTIONS: SEC. 521.01 SIGNS, GENERALLY; SEC. 521.02 LEGALIZING EXISTING SIGNS; SEC. 521.03, DEFINITIONS; SEC. 521.04 EXEMPTIONS; SEC. 521.05 INCIDENTAL SIGNS; SEC. 521.06 MAINTENANCE AND REMOVAL; SEC. 521.07, GENERAL PROVISIONS; SEC 521.08 HISTORIC SIGN DESIGN REQUIREMENTS AND REVIEW PROCEDURES-RESERVED FOR FUTURE; SEC. 521.09, BUSINESS SIGNS; SEC. 521.10 BILLBOARDS AND SECTION 521.11 PUBLIC SERVICE SIGNS; TO REPEAL THE ORIGINAL SECTION 521, AND ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES WHICH ARE IN CONFLICT WITH THIS ORDINANCE; AND TO DECLARE AN EFFECTIVE DATE.

WHEREAS, the Planning Commission of the City of Nebraska City, Nebraska, has held a public hearing on the subject of amending Section 521 of the Official Zoning Ordinance of Nebraska City, and has recommended that the Mayor and City Commissioners approve such Amendments to Section 521, and

WHEREAS, the Mayor and City Commissioners have also held a public hearing on the matter, after giving public notice of such hearing as provided by law.

NOW THEREFORE, Be It Ordained by the Mayor and the City Commissioners of the City of Nebraska City, Nebraska, as follows:

Section 1. That Section 521 of the Official Zoning Ordinance of the City of Nebraska City, Nebraska, be amended to read as follows:

“521.01 *Signs, generally:* Any sign shall, by definition, be a structure. No land, building, or structure shall be used for sign purposes except in conformance with these regulations and those of the applicable zoning district. Signs shall only be permitted in zoning districts permitting said signs and no sign shall be erected, enlarged, or otherwise modified until a Sign Permit has been issued, except as specified in Section 521.04 listing exemptions.

521.02 *Legalizing existing signs:* All signs legally existing at the date of adoption of this ordinance or applicable amendment thereto may remain in use under the conditions of legal non-conformance. Signs in legal non-conformance shall not be enlarged, moved, lighted, or reconstructed without compliance with this ordinance, provided that normal maintenance of such signs and the changing of the advertising display in the case of billboards shall not be restricted. Conversion of any non-conforming business sign to another business sign or product name may be done, provided such non-conforming sign is not an obsolete sign, as defined in Section 521.03 below. If such non-conforming sign is determined to be an obsolete sign, it shall not be converted to any other sign unless such conversion would bring such sign into conformance with these regulations.

521.03 *Definitions:*

1. *Billboard* – An off-site free-standing sign, unattached to any other structure, which directs attention to an object, product, place, activity, business, person or persons, service or interest not situated on the same premises as such billboard. See Section 521.10 below.
2. *Business sign* – An on-site sign which identifies or directs attention to an object, product, place, activity, business, person or persons, service or interest situated on the same premises as said sign.
3. *Canopy* – A structure, either detached from or attached to and extending from the enclosed portion of a building, and used principally to provide shelter in connection with activities conducted in the principal building. This definition includes, but is not limited to fuel station, bank and pharmacy canopies. See Section 521.07 below and Pictorial Exhibit A.
4. *Commercial Complex* – A building or a group of buildings that contain multiple independent business entities.
5. *Sign* – Any outdoor visual identification, description, display, drawing or illustration, message, placard, poster, billboard, insignia or information which is affixed to, painted on, or attached to a building, post, pole or other structure and which directs attention to an object, product, place, activity, business, person or persons, service or interest; provides direction, information, or advertisement; or otherwise provides a means of visually communicating with the general public.

6. *Sign, animated* – Any sign that uses movement or change of lighting to depict action or create a special effect or scene, appearance or optical illusion of movement, or appears to flash, undulate, pulse, blink, move closer to or move further from the viewer, expand or contract, bounce, rotate, twist or otherwise portray movement.
7. *Sign, awning* – An on-premises attached sign displayed, attached to, or incorporated into the surface of an architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of non-rigid materials, and/or fabric on a supporting framework that may be either permanent or retractable. See Section 521.07 below and Pictorial Exhibit A.
8. *Sign, central identification* – A sign erected to provide direction to a commercial complex or development including multiple uses and/or structures within the commercial complex or development. Central identification signs shall include the name of the commercial complex or development and may include, when permitted, the names of major tenants of the commercial complex or development.
9. *Sign, digital billboard* – An off-site sign capable of displaying multiple static images controlled by electronic communications.
10. *Sign, electronic information* – On-site signs capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means. Signs whose information is limited to time and temperature are not considered electronic information signs.
11. *Sign face* – The display surface of the sign upon, against, or through which the message is exhibited.
12. *Sign, flashing* – A sign that utilizes a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated, fully non-illuminated, or varying light intensities for the purpose of drawing attention to the sign.
13. *Sign, frame effect* – A visual effect on an electronic information sign applied to a single frame to transition from one message to the next message.
14. *Sign, free-standing* – A sign attached to a self-supporting structure, which is unattached to any building or other structure.
15. *Sign, height* – The vertical distance from average grade (ground level) immediately below the sign to the top of the sign – including the supporting structure and any projecting design elements.
16. *Sign, incidental* – A nameplate, temporary sign, or on-site sign providing direction for entrances, exits, parking areas and similar uses, including real estate "for sale" and "for rent or lease" signs and elected officials or public issue campaign signs.
17. *Sign, monument* – A free-standing sign in which the sign face is immediately attached to the foundation of the sign without poles or posts visible above the ground level. See Section 521.09 below and Pictorial Exhibit B.
18. *Sign, moving/vehicle* – A sign that is physically mobile and able to move from one position to another position. It is also a sign that is mounted on a motor vehicle, trailer, or other framework that is not permanently attached to a pole, building or other stationary structure.
19. *Sign, obsolete* – Any sign which advertises an activity, business, product or service no longer conducted on the premises on which the sign is located for a period of twelve (12) months. The time frame for the calculation of an obsolete sign shall begin the day following the day that the business closes for the final time at that location.
20. *Sign, pole* – A mounted free-standing pole or other support so that the bottom edge of the sign face is eighteen inches (18") or more above ground level and the poles that are used to support the sign are visible to the public. See Section 521.09 below and Pictorial Exhibit C. Flag poles are not considered to be a sign as defined herein.
21. *Sign, political campaign* – An outdoor sign of temporary nature, erected for the purpose of soliciting votes or support for, or in opposition to, any candidate or any political party under whose designation any candidate is seeking nomination or election, or for the purpose of endorsing or in opposition to a proposition or public question being placed on a ballot at an election held under the laws of the state. See Section 521.04 below.
22. *Sign, projecting* – A sign suspended from or supported by a building and extending outward in such a manner that its leading edge extends more than fifteen (15) inches beyond the surface of the building or wall to which it is attached. See Section 521.07 below and Pictorial Exhibit D.
23. *Sign, real estate* – Any temporary sign displayed for the purposes of offering for sale, lease, or rent the property on which such sign is erected, affixed, or otherwise established. See Section 521.04 below.
24. *Sign, rotating* – A sign that changes its message through rotating or changing elements.
25. *Sign, sail (banner or flag)* – A wind device that contains a harpoon style pole or staff driven into the ground for support or mounted on a weighted portable base. Sail signs are generally used in connection with a commercial promotion or to

- advertise a commercial product, service, business, activity or person. All sail signs shall be considered temporary signs.
26. *Sign, sponsorship: Public Service, Public Equipment and Public Furnishing* – An off-site sign that is attached to a public service, public equipment or public furnishing that advertises an activity, business, product or service as a sponsorship to obtain funding or in-kind support for public services, public equipment or public furnishings that may not otherwise be available.
  27. *Sign, wall* – An on-premises sign affixed to or painted on the wall of any building and completely in contact with the building throughout its greatest dimension, which does not extend beyond the main wall of the building more than fifteen (15) inches except in accordance with these regulations. See Section 521.09 below and Pictorial Exhibit E.
  28. *Sign structure* – The base, support or supports, uprights, bracing and framework, which supports the sign surface. In the case of a sign structure consisting of two (2) or more sign faces, where the angle formed between any of the faces, or projections thereof, exceeds fifteen (15) degrees, each side shall be considered a separate sign structure.
  29. *Sign surface* – The entire area within a single continuous perimeter enclosing all elements of a sign which are intended to be part of the visual image of the sign.
  30. *Sign, temporary* – Any sign used to display information relating to a land use or event of limited duration which is not rigidly and permanently installed in the ground, attached to a building, or identified in this Section. The use of said sign shall be limited to thirty (30) total days per calendar year, subject to the regulations provided in Section 521.05 – Incidental Signs. A business shall be limited to one (1) temporary on-site sign per event. This definition also includes any and all signs supported by human beings or animals.
  31. *Special event* – A one-time or infrequently occurring event outside of normal programs or activities of the sponsoring or organizing body or business. For the purpose of this Section, a special event shall be a business grand opening, business anniversary celebration, local community celebration or a specific organizational event.

521.04 *Exemptions:* The following signs shall be exempt from these regulations, subject to the conditions specified below:

1. Signs not exceeding two (2) square feet in area and bearing only property numbers, address numbers, names of occupants or premises, or other identification of the premises not denoting any business activity.
2. Flags and insignia of any governmental unit, civic, educational or religious organization, except where displayed in connection with a business promotion.
3. Legal notices, identification, informational, warning, no trespassing, directional or other similar signs erected, or required to be erected by any governmental unit, and informational or directional signs allowed by the City Council to be placed in any public Right-of-Way.
4. Memorial plaques, historical markers, integral decorative or architectural features of a building, except trademarks, moving parts or moving lights.
5. One (1) real estate sign for each lot of frontage indicating "for sale" or "for rent or lease", provided any such sign shall be set back at least five (5) feet from any street Right-of-Way line.
6. Political campaign signs shall be limited to sixteen (16) square feet or less in all other areas. Campaign signs are allowed on private property with the consent of the property owner, but are prohibited on public property, including the Rights-of-Way. Political campaign yard signs, up to thirty-two (32) square feet in size are allowed adjacent to a state or business highway. (Refer to Chart 1)  
Such signs shall be set back at least five (5) feet from any street Right-of-Way line. Political campaign signs may be placed on private property no earlier than sixty (60) days prior to the election for which the sign is applicable and must be removed not later than the fifteenth (15<sup>th</sup>) day following the election. City personnel may remove and dispose of any sign placed on public property or within the Rights-of-Way.
7. Window signs, including pictures, symbols, writing or a combination thereof designed to promote an on-site activity that is placed inside a window and is visible from the exterior.

521.05 *Incidental signs:* The following incidental signs shall be permitted, subject to the listed requirements and limitations:

1. Signs directing and guiding traffic, identifying a parking or loading area, or designating building entrances on private property. Such signs shall not exceed four (4) square feet in area for each sign, shall not exceed a height of four (4) feet if free-standing, and shall be set back a minimum of five (5) feet from any Right-of-Way line.
2. Temporary signs, such as sail signs, in connection with a special event, provided such signs are limited in use to thirty (30) total days per calendar year, per

premises, and are set back a minimum of five (5) feet from any Right-of-Way line. Prior to erecting said special event temporary sign, a Sign Permit shall be obtained from the City Clerk-Treasurer, completed, and approved by the Building Inspector.

3. Temporary signs in connection with buildings under construction, model homes and similar longer-term temporary signs which shall be removed when the work or sale is completed. Any sign reflecting a “coming soon” message must be removed when the work is completed. Work of this nature must have a Building Permit approving the work and run under the same time-line as Building Permits (6 months to begin the work and 2 years to complete the work from the day that the permit is issued). Such signs shall be set back a minimum of five (5) feet from any Right-of-Way line.
4. A temporary or permanent subdivision identification sign for each street entrance into a subdivision. Such signs shall be installed by a certified sign installer. Street signs and subdivision signs shall not exceed two hundred fifty (250) square feet and shall be set back a minimum of ten (10) feet from any Right-of-Way line unless a greater setback is required to maintain street intersection visibility in accordance with Section 510 of the Zoning Regulations of Nebraska City.
5. Off-site signs identifying a church, school, hospital, public park, historic site, local service, benevolent organizations, and other public facilities are subject to the following limitations:
  - a. Such signs shall be placed on private property and shall not be placed on any public property or public Right-of-Way unless so authorized by the City Council.
  - b. Such signs shall be located no closer than five (5) feet to the Right-of-Way line of any adjacent street.
  - c. Such signs shall not have a sign surface exceeding sixteen (16) square feet and such signs shall not exceed ten (10) feet in height.
  - d. Not more than one (1) such sign may be placed on the same sign structure.
  - e. Such signs shall be located no closer than two hundred (200) feet to any other sign, excluding those signs listed as exempted signs in Section 521.04 of this Ordinance.
  - f. Such signs may be lighted or may be an electronic information sign as defined in Section 521.03 and shall be subject to the electronic information sign standards and parameters referenced in Section 521.09 of this Ordinance.

#### *521.06 Maintenance and removal:*

1. All signs shall be kept in good repair, including, but not limited to electrical wiring and fixtures, supports, faces, lighting, braces, guys and anchors, and must be structurally sound as determined by the Building Inspector.
2. Signs and sign structures which are obsolete, no longer functional, or abandoned shall be removed within sixty (60) days after written notification from the Zoning Administrator that such sign is deemed to be obsolete, non-functional, abandoned, or the sign face and/or structure is dilapidated.
3. If the sign is not taken down or removed within the sixty (60) day period, there may be a fine assessed to the property owner as defined in Section 1102 - Penalties.

#### *521.07 General provisions:*

1. No sign or sign structure shall be placed on private property or public property without the consent of the owner of such property.
2. No sign or sign structure, other than official street or highway signs, shall be placed upon, over or in any street or highway Right-of-Way, except in the C-2 Central Business District or as otherwise authorized by the City Council.
3. No sign or sign structure shall be erected at any location where it will interfere with, obstruct the view of pedestrians or on-coming vehicular or railroad traffic, or be confused with any authorized traffic control sign, signal or device. No rotating beam, beacon or flashing illumination resembling any emergency vehicle lights shall be used in connection with any sign.
4. It shall be unlawful to erect and maintain:
  - a. Any sign without previously submitting a Sign Permit to the office of the City Clerk-Treasurer. Said Sign Permit must be approved by the Building Inspector and the Zoning Administrator before the sign is erected or changed. For any new sign that is not a wall sign, a Building Permit may be required in conjunction with the Sign Permit.
  - b. Any sign which is not included under the types of signs permitted in this Ordinance.
  - c. Any portable or movable sign, except as a temporary sign in accordance with the regulations set forth in this Section.

- d. A billboard and an on-site business sign on the same lot.
  - e. Any trailer, vehicle, semi-truck trailer or other movable vehicle shall not be used as a structure for any sign, except as a temporary sign in accordance with the regulations in this Section.
5. Business signs and billboards may be illuminated except as otherwise restricted in this Section. When such signs are directly lighted such light fixtures and reflectors shall not extend more than eight (8) feet from the sign face and shall not extend into any public Right-of-Way, except as authorized in the C-2 Central Business District.
  6. No sign or sign structure, except a projecting sign, shall extend more than fifteen (15) inches from the building wall or structure on which it is mounted.
  7. Not more than one (1) projecting sign shall be allowed for each lot or occupant thereof and the maximum sign surface area shall be fifty (50) square feet per side. In no case shall a projecting sign extend more than eight (8) feet beyond its supporting structure or be less than eighty (80) inches above ground level. See Pictorial Exhibit D for local examples. Projecting signs may be illuminated except as otherwise restricted in this Section.
  8. Signs or sign structures shall be set back from any Right-of-Way line in accordance with the yard requirements of the applicable zoning district (Refer to Chart 1), except as otherwise specified in this Section. In the case of an awning sign, a canopy sign, or a projecting sign, in the C-2 Central Business District, where the building wall or structure on which the sign is mounted is located closer than eight (8) feet to the setback line, such sign may extend up to six (6) feet into the required yard. See Pictorial Exhibit A for local examples.
  9. No sign shall be located in a site distance triangle, as set forth in Section 510 of the Zoning Regulations.

521.08 *Historic sign design requirements and review procedures*: REPEALED — RESERVED FOR FUTURE USE.

521.09 *Business signs*: The number and size of business signs for business uses permitted in the Residential/Office, any Commercial, or Industrial Zoning District shall be limited as follows:

1. No more than one (1) business sign shall be permitted on any lot used for business purposes in the R/O Residential/Office Zoning District and no more than three (3) business signs shall be permitted on any lot in a Commercial, or Industrial Zoning District, except that when the principal business building is located on a corner lot and has vehicular entrances to both streets or when the principal business building has public entrances to both a front and rear of the building, one (1) additional sign shall be permitted. For businesses located in a Commercial Complex, there will be three signs allowed on the property for each business tenant.
2. Business signs on any premises with frontage on Highway 2, Highway 75, including the business routes of these highways, with frontage on the J. Sterling Morton Beltway or located on any premises zoned C-2 Central Business District, may be wall-mounted, projecting, monument, or free-standing pole signs.
3. The maximum sign face area for wall mounted business signs in the R/O Residential/Office Zoning District shall be fifty (50) square feet for each street frontage. The maximum sign face area for wall mounted business signs in a Commercial, or Industrial Zoning District shall be two hundred (200) square feet for each street frontage, provided that on lots having street frontage greater than fifty (50) feet, the maximum wall-mounted business sign face area may be increased one (1) square foot for each lineal foot of street frontage over fifty (50) feet up to a maximum of four hundred (400) square feet. See Pictorial Exhibit E or refer to Chart 1 for local examples. The construction of an electronic wall-mounted information sign shall be subject to the usage provisions below.
4. Any existing sign which may be legally modified to include electronic information capability as defined in Section 521.03 above shall complete a Sign Permit application and shall conform to the usage provisions set forth below.
5. In any Commercial District, Residential/Office, or any Industrial Zoning District a monument business sign (See Pictorial Exhibit B for local examples.) or free-standing pole sign (See Pictorial Exhibit C for local examples.) may be located no closer than five (5) feet to a lot line, except in the C-2 Business District, where said sign may be placed on the lot line/Right-of-Way line. The placement of a monument or pole sign in any of the aforementioned Zoning Districts at a distance greater than five feet from the lot line/Right-of-Way line shall follow the distance requirements set forth below:
  - a. At a distance of five (5) feet to nine (9) feet from the Right-of-Way, a monument or pole sign may have a maximum height of eight (8) feet and a maximum size of forty (40) square feet.

- b. At a distance of ten (10) feet to fourteen (14) feet from the Right-of-Way, a monument or pole sign may have a maximum height of twelve (12) feet and a maximum size of eighty (80) square feet.
- c. At a distance of fifteen (15) feet to twenty-four (24) feet from the Right-of-Way, a monument or pole sign may have a maximum height of twenty-four (24) feet and a maximum size of one hundred (100) square feet.
- d. At a distance of twenty-five (25) feet or more the Right-of-Way, a monument or pole sign may have a maximum height of thirty (30) feet and a maximum size of two hundred (200) square feet.

<b>Distance from ROW</b>	<b>Maximum Height</b>	<b>Size of Face</b>
<b>5 to 9 feet</b>	<b>8 feet</b>	<b>40 square feet</b>
<b>10 to 14 feet</b>	<b>12 feet</b>	<b>80 square feet</b>
<b>15 to 24 feet</b>	<b>24 feet</b>	<b>100 square feet</b>
<b>25 feet and up</b>	<b>30 feet</b>	<b>200 square feet</b>

- 6. In any Commercial District, Residential/Office, or any Industrial Zoning Districts such sign may be an electronic information sign as defined in Section 521.03 subject to the following conditions:
  - a. Such signs shall display static images for a period of at least five (5) seconds before transition to another static image. Frame effect signs are permitted; however, animated signs and flashing signs are prohibited.
  - b. Such signs in all zoning districts shall come equipped with automatic dimming technology which adjust the brightness of the sign based on ambient light levels.
  - c. Such signs may not exceed an illumination level of 0.3 foot candles above ambient light levels, as measured using a foot candle (lux) meter, at a distance of one hundred feet from the sign.
  - d. Such signs may not emit an audible sound.
  - e. Such sign may be illuminated or lighted, but shall not be flashing or animated.
  - f. Electronic information signs shall not exceed fifty (50%) percent of the maximum permitted sign area.
- 7. For commercial complexes, including shopping centers, technology and industrial parks, one central identification sign shall be permitted to identify each main tenant at the main entrance to such commercial complex, subject to the following requirements:
  - a. Such sign shall be a monument or pole sign and shall indicate only the name and location of such commercial complex and the name and type of business of the occupants of such complex.
  - b. The setback, sign face surface area and height shall be as regulated in Section 521.09 above.
  - c. Such sign may be illuminated or lighted, but shall not be flashing or animated.
  - d. Such sign may be an electronic information sign as defined in Section 521.03 above subject to the provisions in Section 521.09 above.

**521.10 Billboards:**

- 1. It is the intent of this Section to establish reasonable and uniform limitations, safeguards and controls for the location of billboards. Such regulations are deemed necessary in the public interest to protect the use and value of adjoining properties, as well as the best interest of the City.
- 2. The construction of a billboard in any zoning district shall be subject to the provisions of Section 521.07 of this Ordinance and will require a Conditional Use Permit and a Sign Permit before construction.
- 3. Billboards shall be permitted on a lot with one hundred (100) feet or more of frontage on a street classified in the City's major street plan as an arterial street and only in areas included in the C-3 General Commercial District, any Industrial Zoning District, or the AG Agriculture District. (Refer to Chart 1)
- 4. A billboard shall not be less than fifty (50) feet from any other building or on-site sign or two hundred (200) feet from another billboard on the same side of the street.
- 5. Billboards shall not be permitted on the same lot as any commercial complex or shopping center.
- 6. The minimum front yard from any street or highway Right-of-Way shall be in accordance with the front yard requirements of the applicable zoning district.
- 7. The minimum side or rear yard shall be five (5) feet.

8. No billboard shall be permitted within one hundred (100) feet of a Residential Zoning District.
9. The sign face of a billboard shall not be greater than ten (10) feet in vertical dimension or greater than thirty (30) feet in horizontal dimension and the maximum sign face area shall not exceed three hundred (300) square feet.
10. The sign face of a billboard shall not be less than eight (8) feet in vertical dimension or less than twelve and one-half (12 ½) feet in horizontal dimension and the minimum sign face area shall not be less than one hundred (100) square feet.
11. A billboard shall not contain more than two (2) advertising signs per sign face.
12. A maximum of two (2) signs back-to-back shall be permitted per sign structure.
13. Double-decker sign faces are prohibited.
14. A moving sign as defined in Section 521.03 may be permitted.
15. The maximum height of a billboard shall be twenty (20) feet above ground level at the base of the sign.
16. The construction of an electronic billboard information sign or a digital billboard sign is subject to the following usage restrictions:
  - a. Such billboards shall display static images for period of at least ten (10) seconds before instantaneously transitioning to another static image.
  - b. Animation, flashing and frame effects are specifically prohibited.
  - c. Such billboards shall come equipped with automatic dimming technology which automatically adjusts the sign's brightness based on ambient light conditions.
  - d. Such billboards shall not exceed an illumination level of 0.3 foot candles above ambient light as measured using a foot candle (lux) meter from a pre-set distance measuring as follows:
    - 0—100 square foot sign to be measured from one hundred (100) feet to the source,
    - 101—300 square foot sign to be measured one hundred fifty (150) feet from the source.

521.11 *Public Service, Public Equipment and Public Furnishing Sponsorship Signs:*

1. It is the intent of this Section to provide public services, public equipment and public furnishings to each and every citizen through the use of sponsorships. By utilizing sponsors, the City of Nebraska City may gain wanted public services, public equipment and public furnishings without expending tax dollars.
2. Public Sponsorship Signs shall be affixed to the sponsored public service, public equipment and/or public furnishing.
3. All Public Sponsorship Signs shall be approved by the City Council regarding subject matter and location prior to being located on public property.
4. Public services, public equipment and public furnishings that are permitted under this Section shall be solely used for the good of the public.
5. No Public Sponsorship Sign under this Section shall contain subject matters referring to alcohol, tobacco, illegal or legal drugs, nudity, sexual contents, political messages, products for sale and/or other subject matters that are found by the City Council not to be in the best interest of the community.
6. All Public Sponsorship Signs shall have a lifespan of 1095 days, or three (3) years."

Section 2. That the original Section 521, of the Zoning Ordinances of the City of Nebraska City, and all other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Section 3. That this Ordinance shall take effect and be in full force from and after its passage, approval, and publication, as provided by law.

PASSED and APPROVED, this 7<sup>th</sup> day of January, 2013.

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Jack Hobbie, Mayor

Attest:

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Arnold M. Ehlers, City Clerk-Treasurer



Mayor Hobbie introduced Ordinance No. 2893-13 entitled AN ORDINANCE TO AMEND SECTION 24-91 OF THE CODE OF THE CITY OF NEBRASKA CITY, REGULATING THE SALE AND DISCHARGE OF PERMISSIBLE FIREWORKS; PROVIDING FOR A LICENSE FEE; REGULATING DATES OF SALE; PROVIDING RULES AND REGULATIONS; PROVIDING FOR PUBLIC EXHIBITIONS; TO REPEAL THE ORIGINAL SECTION 24-91; AND TO DECLARE AN EFFECTIVE DATE; and moved that the statutory rule requiring reading on three different days be suspended. Commissioner Handy seconded the motion to suspend the rules and upon roll call the following voted YES: Mercer, Stark, Crunk, Handy and Mayor Hobbie. Voting NO: None. The motion to suspend was adopted by three-fifths of the Council and the statutory rule was declared suspended for consideration of said ordinance.

Said ordinance was then read by title and thereafter Mayor Hobbie moved for final passage of the ordinance, which motion was seconded by Commissioner Handy. The Mayor then stated the question: "Shall Ordinance No. 2893-13 be passed and adopted?" Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. The passage and adoption of said ordinance having been concurred in by a majority of all members of the Council, the Mayor declared the ordinance adopted and the Mayor, in the presence of the Council, signed and approved the ordinance and the Clerk attested the passage and approval of the same and affixed his signature thereto. A true and correct copy of said ordinance is as follows:

ORDINANCE NO. 2893-13

AN ORDINANCE TO AMEND SECTION 24-91 OF THE CODE OF THE CITY OF NEBRASKA CITY, REGULATING THE SALE AND DISCHARGE OF PERMISSIBLE FIREWORKS; PROVIDING FOR A LICENSE FEE; REGULATING DATES OF SALE; PROVIDING RULES AND REGULATIONS; PROVIDING FOR PUBLIC EXHIBITIONS; TO REPEAL THE ORIGINAL SECTION 24-91; AND TO DECLARE AN EFFECTIVE DATE.

Be It Ordained by the Mayor and Council of the City of Nebraska City, Nebraska:

Section 1. That Section 24-91 of the Code of the City of Nebraska City be and is hereby amended to read as follows:

**"Sec. 24-91. Fireworks: Sale; permissible; license; time of sale; rules and regulations; public exhibitions.**

- (a) It shall be unlawful for any person, association, partnership or corporation to have possession of, for sale, or for any other purpose, to offer for sale, or to use, within the corporate limits of the City of Nebraska City, Nebraska, any fireworks of any kind, except as defined as consumer fireworks by R.R.S. 1943, §28-1241(6).
- (b) Consumer fireworks shall be used, or sold at retail, only between June 24 and July 5 of each year. During such dates, it shall also be unlawful to use consumer fireworks within the corporate limits of the city between the hours of midnight and 6 a.m. of any day.
- (c) It shall be unlawful for any person, association, partnership or corporation to sell, hold for sale or offer for sale any consumer fireworks in the city, unless such person shall first make application to the City Clerk for a license to sell consumer fireworks at retail. Each application shall be accompanied by a license fee of Two Hundred Fifty dollars (\$250.00), for a local (within the city's corporate limits) non-profit organization and One Thousand dollars (\$1,000.00) for a retail vendor or organization. Seventy-five (75%) of all fees collected shall be allocated annually to the Nebraska City Fourth of July fireworks show.
- (d) The license shall be good for only the calendar year in which issued.
- (e) Each application for a consumer fireworks license must be approved by the chief of the fire department, and each fireworks stand must meet the following requirements:
- (1) All retail sales of permitted fireworks shall be permitted only from within a temporary consumer fireworks stand, and the sale of fireworks from any other building or structure is hereby prohibited.
  - (2) No consumer fireworks stand shall be placed or located on a public right-of-way.
  - (3) Each consumer fireworks stand shall be provided with a least one (1) of the following five pound (5#) fire extinguishers: CO<sub>2</sub>, or ABC type, in good working order and shall be easily accessible for use in the event of a fire.

- (4) "No smoking" signs shall be prominently displayed in four inch (4") letters, both inside and outside the consumer fireworks stand. No person shall smoke or burn any cigarettes, cigars, pipes, or any combustible material, within such consumer fireworks stand or within a distance of twenty (20) feet surrounding such stand.
  - (5) Local emergency telephone numbers, 911 or 873-3900, shall be posted in letters at least four inches (4") high and shall be in plain view.
  - (6) All unsold stock and accompanying litter, shall be removed from the location by 5 o'clock p.m. on the 5<sup>th</sup> day of July, and shall be returned to the wholesaler or disposed of in an appropriate manner.
- (f) Any public exhibition or display of fireworks under the provisions of Section 28-1239.01, R.R.S., Reissue of 1995, must have submitted on forms supplied by the City Clerk, a written application by the sponsoring organization to the mayor and council for their approval at least four (4) weeks prior to the date of the proposed public exhibition or display; and further, the application shall first be approved by the chief of the fire department in writing before being granted, and if granted, said permit shall provide, among other things, that said display shall be under the direct supervision and control of said chief with regard to all details affecting fire and safety hazards. No permit will be granted until evidence has been submitted to the City Clerk showing that the state fire marshal has issued a state permit to conduct a public exhibition or display of fireworks as provided in Section 28-1239.01 R.R.S., Reissue of 1995. Said application shall be accompanied by an assurance that if the license is issued, the applicant shall, at the time of receipt of said license, deliver to the City Clerk's office, five hundred thousand dollars (\$500,000.00)/one million dollars (\$1,000,000.00) public liability and one hundred thousand dollars (\$1,000,000.00) property damage insurance certificates designating said city, the owner of record, and any lessee or tenant as additional assured thereunder."

Section 2. That the original Section 24-91 of the Code of the City of Nebraska City, and all ordinances and parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. That this ordinance shall take effect and be in full force from and after its passage, approval, and publication as provided by law.

Passed and Approved this 7<sup>th</sup> day of January, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

Mayor Hobbie introduced Resolution 2587-13 adopting standardized liability insurance coverage's required from contractor's and event sponsors for work or activities in and for the City of Nebraska City. Moved by Commissioner Handy and seconded by Commissioner Stark to approve Resolution 2587-13. Upon roll call the following voted YES: Mercer, Crunk, Stark, Handy and Mayor Hobbie. Voting NO: None. Motion passed and adopted. A true, correct and complete copy of said resolution is as follows:

**RESOLUTION NO. 2587-13**

**WHEREAS**, Contractors who perform various types of work in and for the City of Nebraska City from time to time are required to provide the City with evidence of Insurance Coverage, and

**WHEREAS**, the attached Schedule of Insurance Requirements includes the type of Insurance coverage required, and the amount of such insurance, as well as additional information which may be required,

**NOW THEREFORE**, Be It Resolved by the Mayor and City Commissioners of the City of Nebraska City, Nebraska, that attached to and made a part of this resolution is a Schedule of Insurance Coverage's which outlines the types and amounts of coverage's that must be provided to the City by Contractors, Subcontractors and coordinators doing work or holding events within the City of Nebraska City, Nebraska.

This resolution passed and approved this 7<sup>th</sup> day of January, 2013.

\_\_\_\_\_  
Jack Hobbie, Mayor

Attest:

\_\_\_\_\_  
Arnold M. Ehlers, City Clerk-Treasurer

**INSURANCE REQUIREMENTS**

Any contractor performing work for the **City of Nebraska City** or on City property or public right-of-way (including event sponsors) shall provide the City a certificate of insurance evidencing the coverage's and coverage provisions identified herein. Contractors shall provide the City evidence that all subcontractors performing work on a project have the same types and amounts of coverage's as required herein or that the subcontractors are included under the contractor's policy. The City, at its own discretion, may require a certified copy of the policy. All insurance companies and coverage's must be authorized to do business in the Nebraska by the Nebraska Department of Insurance. City reserves the right to amend or require additions on all types depending on the nature of the work.

**Minimum Coverage's**

<b>Type of Insurance</b>	<b>Amount of Insurance</b>	<b>Provisions</b>
1. Commercial General Liability to include coverage for: a. Premises/Operations b. Products/Completed Operations c. Independent Contractors d. Personal Liability e. Contractual Liability	\$ 500,000 each occurrence, \$1,000,000 general aggregate;  Or  \$1,000,000 combined single limits	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage
2. Business Auto Liability	\$ 500,000 Combined single limit	Owned, non-owned, and hired vehicles
3. Workers' Comp & Employers' Liability	Statutory Limits \$ 100,000 each accident	City to be provided a waiver of subrogation
4. a. Professional Liability b. E & O Coverage	\$1,000,000 per occurrence	If Applicable

**Contracts over \$100,000**

<b>Type of Insurance</b>	<b>Amount of Insurance</b>	<b>Provisions</b>
1. Commercial General Liability to include coverage for: a. Premises/Operations b. Products/Completed Operations c. Independent Contractors d. Personal Liability e. Contractual Liability	\$ 1,000,000 each occurrence  \$ 2,000,000 general aggregate  \$ 2,000,000 Umbrella / Excess Liability	City to be listed as additional insured and provided 30 day notice of cancellation or material change in coverage.  A or higher by A.M. Best Or equivalent
2. Business Auto Liability	\$ 1,000,000 per occurrence \$ 1,000,000 Aggregate or \$ 1,000,000 CSL	City to be named as additional insured
3. Workers' Comp & Employers' Liability	Statutory Limits \$ 100,000 each accident	City to be provided a waiver of subrogation
4. Builders Risk Policy	100% Construction Total	If Applicable
5. a. Professional Liability b. E & O Coverage	1,000,000 per occurrence	If Applicable

**Events Coverage**

<b>General Liability</b>		
Commercial General Liability	Each Occurrence	\$1,000,000.00
	Damage to Rented Premises	\$ 300,000.00
	Med Exp. (Any one person)	\$ 5,000.00
	Personal & Adv. Injury	\$1,000,000.00
	General Aggregate	\$2,000,000.00
	Products-Comp/Op Agg.	\$2,000,000.00

Action Tech Services	Contr	400.00	League of NE Municip	Dues	678.00
Alamar Uniforms	Unif	627.28	Matheson Tri-Gas	Supp	198.85
Allied Recycling	Garbage	5.11	Mead Lumber	Supp	23.87
Arbor Mart, Inc	Fuel	3566.29	Michael Todd and Co	Supp	393.35
AVAC	Misc	26.77	Microfilm Imaging	Contr	80.00

Asphalt & Concrete	Supp	300.12	Mullenax Auto Supply	Supp	460.98
Bennett, R	Contr	1495.86	Nationwide	Inv	10101.11
Bishop Plumbing	Rep	136.90	NC Clerk - Treasurer	Misc	17.90
Bob's Welding Shop	Supp	136.87	NC Museum Assoc.	Contr	2406.25
Bohl Plumbing	Rep	288.00	NC Public School Dist.	Contr	240.00
Bound Tree Medical	Supp	657.68	NCTC	Contr	5416.67
Brown's Shoe Fit Co	Unif	112.00	NE Environmental	Rep	645.67
Century Lumber	Supp	83.43	NE Supreme Court	Supp	70.00
Cimline	Equip	33297.54	NE Economic Develop	Dues	100.00
Cintas Corporation	Supp	55.07	NNLA	Dues	180.00
Data Technologies	Contr	274.81	North Star Const	Contr	6018.00
Diesel Power Equip	Rep	217.47	O'Reilly Auto Parts	Supp	50.92
Douglas Tire Co.	Rep	371.00	Orscheln	Supp	57.57
EMC National Life Co	Ins	624.75	Otoe County Clerk	Contr	3195.00
Fire Protection Svcs	Contr	246.00	Otoe Co Treasurer	Contr	4237.56
Fireguard	Rep	609.87	Payroll	Payroll	156055.07
Fitch & Associates	Dues	2695.00	Quality Remodeling	Contr	18602.00
Food Pride	Supp	17.06	Rapid Access	Supp	87.00
Gatehouse Media NE	Advert	438.42	River View Pest	Pst Cntrl	176.00
Giittinger, D	Mileage	33.30	SEND	Contr	5324.00
GIS Workshop	Contr	25000.00	Stutheit Implement	Supp	63.10
Holmes, M	Rfnd	25.00	The Q Hotel	Training	1473.00
Hopkins Automotive	Supp	40.97	Titan Machinery	Rep	1107.82
Hotsy Equipment	Supp	169.50	Tree City Tees	Unif	1319.11
Int'l Inst. of Municipal	Dues	145.00	Tri-State Office	Supp	345.94
JEO Consulting Group	Contr	9627.50	Two Sisters Cleaning	Contr	50.00
Johnson, J	Mileage	225.66	Van Wall Turf	Supp	48.48
Konica Minolta	Supp	441.83	Verizon	Tele	389.04
Larson Motors	Rep	840.92	Watkins True Value	Supp	313.83
LaRue Coffee	Supp	56.23	Wick's Sterling Trucks	Supp	77.14

Meeting adjourned at 6:22 p.m.

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Arnold M. Ehlers, City Clerk – Treasurer

### AFFIDAVIT

I, the undersigned City Clerk for the City of Nebraska City, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Board of Commissioners, that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

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Arnold M. Ehlers, City Clerk-Treasurer