

ORDINANCE NO. 695

AN ORDINANCE OF THE VILLAGE OF MURRAY, NEBRASKA, TO AMEND TITLE IX, CHAPTER 93, SECTION 93.07 ENTITLED OVERHANGING BRANCHES; STREETS, GUTTERS OR CROSSWALKS; SIDEWALKS; OBSTRUCTIONS; REMOVAL; SPECIAL ASSESSMENT, BY DELETING THE SAME IN ITS ENTIRETY AND SUBSTITUTING THE FOLLOWING; TO REPEAL ALL ORDINANCES IN CONFLICT; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM; AND TO PROVIDE AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF MURRAY, NEBRASKA:

Section 1. Title IX, Chapter 93, §93.07, entitled Overhanging Branches is amended by deleting the same in its entirety and substituting the following:

§ 93.07 **OVERHANGING BRANCHES; STREETS, GUTTERS OR CROSSWALKS; SIDEWALKS; OBSTRUCTIONS; REMOVAL; SPECIAL ASSESSMENT.**

(A) The owner or occupant of any real property abutting or adjacent to any sidewalk shall at all times keep limbs or branches of any tree or shrubbery trimmed to the height of at least eight feet (8') above the surface of the sidewalk, gutter, alley or crosswalk. The owner or occupant of any real property abutting or adjacent to any street shall at all times keep limbs or branches of any tree or shrubbery trimmed to the height of at least fourteen feet (14') above the surface of the street, gutter or crosswalk. No limbs or branches of any tree or shrubbery shall be allowed to interfere with (1) street lighting; (2) safe passage of public vehicles using the streets by extending into the street from the curb; or (3) pedestrian use of the public sidewalks by encroachment into the sidewalk from either side.

(B) If the owner or occupant of the property (1) fails to keep limbs or branches of any tree or shrubbery trimmed to the required height, (2) allows interference with street lighting or (3) allows interference with safe passage of public vehicles or pedestrians using any streets or sidewalks, the Municipal Clerk shall provide notice to the owner or occupant by publication, or by personal service of such notice, directing the owner or occupant to cut or remove said obstructions within five (5) days. If, after five (5) days the obstruction has not been removed, the village may do so at the expense of the property owner.

(C)(1) If the village removes the obstruction, the cost of removal shall be paid out of the street fund. Thereafter, if the owner or occupant has not reimbursed the village for the cost of removal, the village board of trustees shall assess the cost of the notice and removal of the encroachment against the abutting property as a special assessment as provided by law.

(2) Such assessment shall be made by the city council or village board of trustees at a special meeting, by a resolution, taking into account the benefits derived or injuries sustained in consequence of such improvements, and the amount charged against the same, which, with the vote, shall be recorded in the minutes. Notice of the time of holding such meeting and the purpose

for which it is to be held shall be published in a legal newspaper in or of general circulation in the city or village at least four weeks before the meeting is held or, in lieu of such notice, personal service may be made upon persons owning or occupying property to be assessed.

Statutory references: *Neb. Rev. Stat.* §§17-507, 17-555, 17-557.01 and 17-524.

Section 2. All ordinances in conflict with any of these provisions are repealed.

Section 3. This ordinance is adopted and published in pamphlet form.

Section 4. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

Passed and approved this 12th day of AUGUST 2025.



Jeff Anderson, Chairman
Murray Board of Trustees

ATTEST:



Shelli S. Hayes, Village Clerk

(SEAL)

Publication Date: AUGUST 15, 2025

ORDINANCE RECORD

ORDINANCE # 695

1 READING

Chairman Anderson introduced and read by title Ordinance # 695.

TRUSTEE BARTLETT moved, seconded by TRUSTEE SCHROEDER that the statutory rule requiring reading on three different days be suspended so that Ordinance # 695 be introduced, read by title, and adopted (3/4 vote required).

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , SCHROEDER , BARTLETT ,
ANDERSON ; MOTION CARRIED.

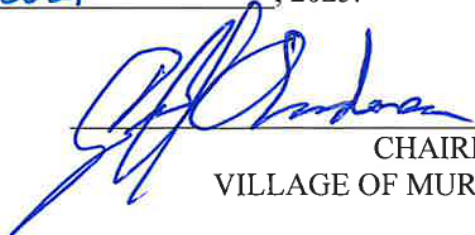
Chairman Anderson raised the question "Shall Ordinance # 695 be adopted as read by title?" TRUSTEE SCHROEDER moved, seconded by TRUSTEE BARTLETT that said Ordinance #695 be adopted, published, or posted as required by law.

The following BOARD OF TRUSTEES voted: AYES:

BLESSING , FLAK , SCHROEDER , BARTLETT ,
ANDERSON ; MOTION CARRIED.

Upon passage and adoption having been concurred in by majority vote of the Board of Trustees, the Chairperson declared the Ordinance adopted. A true and correct copy of the Ordinance is attached.

DATED THIS 12TH DAY OF AUGUST, 2025.


CHAIRMAN
VILLAGE OF MURRAY

ATTEST:


VILLAGE CLERK

(SEAL)

CERTIFICATION OF PASSAGE

ORDINANCE #695

STATE OF NEBRASKA
COUNTY OF CASS
VILLAGE OF MURRAY

I, Shelli S. Hayes, Village Clerk of the Village Of Murray, Cass County Nebraska, hereby certify that a true and exact copy Ordinance #695 as attached herewith, was passed and approved on the 12th day of AUGUST, 2025, and has been published in a legal newspaper, the Omaha World Herald as per the attached **affidavit of publication**, OR posting as required by law. Posting sites: Cornerstone Bank, Murray Post Office, Murray Municipal Building.

Posted this 15th day of AUGUST, 2025.


Shelli S. Hayes, Village Clerk

(SEAL)

VILLAGE OF MURRAY
NOTICE OF PUBLICATION OF
ORDINANCE IN PAMPHLET FORM

On the 12th day of August, 2025, the Village of Murray Board of Trustees adopted an ordinance entitled:

ORDINANCE NO. 695

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Said Ordinance was published in pamphlet form and copies thereof are available at the office of the Village Clerk, 106 W Main Street, Murray, Nebraska.

Shelli S. Hayes, Village Clerk