

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1226

AN ORDINANCE TO AMEND SECTIONS 150.70 AND 150.73 OF THE LA VISTA MUNICIPAL CODE REGARDING BUILDING INSPECTIONS AND APPEALS; AND TO PROVIDE FOR REPEAL OF CONFLICTING ORDINANCES PREVIOUSLY ENACTED, SEVERABILITY AND THE EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, AS FOLLOWS:

Section 1. Amendment of Section 150.70. Section 150.70 of the La Vista Municipal Code is hereby amended to read as follows:

Section 150.70. POWER AND AUTHORITY. The building inspector of the City of La Vista or the building inspector's agents, assistants or other designees, except as otherwise expressly provided in any applicable laws, codes or regulations, shall be the city official who shall have the duty of enforcing all building, housing, zoning, fire, life safety, plumbing, electrical and other codes and regulations as herein prescribed, and shall include without limitation a designated fire marshal with respect to enforcement of fire or life safety codes or related rules or regulations, ("Building Inspector"). The Building Inspector shall inspect all buildings existing, repaired, altered, built or moved in the city as often as necessary to insure compliance with all city ordinances. Not in limitation of the foregoing or other authority, the Building Inspector shall have the power and authority to order all work stopped on any construction, repair, alteration, relocation or other work when there is a violation of any provisions prescribed by ordinances, laws, rules or regulations. The Building Inspector shall issue permission to continue any construction, repair, alteration, relocation or other work where he or she is satisfied that no provisions will be violated. If a stop order is an oral one, it shall be followed by a written stop order served on any person or entity engaged in the doing or causing such work to be done. The notice shall briefly set forth the violations and shall specify the time in which compliance must be made. The Building Inspector in accordance with applicable law shall have the power and authority to issue citations and court summons for violations of building, housing, zoning, life safety, plumbing, electrical and other laws or regulations relating to buildings in the same manner as if said citations are issued by the city police. Such written stop orders, citations and court summons may be served by the Building Inspector or by a city police officer. In the event that the City Council fails to appoint a building inspector and there shall be no acting building inspector of the City of La Vista, the Chief of Police shall be the building inspector ex officio."

Section 2. Amendment of Section 150.73. Section 150.73 of the La Vista Municipal Code is hereby amended to read as follows

Section 150.73. APPEAL FROM DECISION. Except as otherwise expressly provided by any applicable codes, laws, rules or regulations: In the event it is claimed that the true intent and meaning of this chapter has been wrongly interpreted by the Building Inspector; that the time allowed for compliance with any order of the Building Inspector is too short; or that conditions peculiar to a particular building make it unreasonably difficult to meet the literal requirements prescribed by this chapter and the Building Inspector, the owner, his or her agent or the occupant may file a notice of appeal within ten days after the decision or order of the Building Inspector has been made. The Board of Adjustment shall hear all appeals and shall have the power and authority, when appealed to, to modify the decision or order of the Building Inspector. Such a decision shall be final, subject only to any remedy which the aggrieved person may have at law or equity. Applications for review shall be in writing and shall state the reasons why the requested remedy should be granted. Any variances only shall be granted as permitted under Neb. Rev. Stat. Section 19-910 or other applicable law, and where it is evident that reasonable safety and sanitation is assured, and may include conditions not generally specified by this code to achieve that end. A copy of any variance so granted or any other decision of the Board of Adjustment shall be sent to both the Building Inspector and the applicant."

Section 3. Repeal. Sections 150.70 and 150.73 and all other ordinances and any parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof are hereby repealed.

Section 4. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one

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or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in book or pamphlet form or as otherwise provided by law.

PASSED AND APPROVED THIS 16TH DAY OF SEPTEMBER, 2014.

CITY OF LA VISTA,



Douglas Kindig, Mayor

Attest:



Pamela A. Bueche, CMC
City Clerk