

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1075

AN ORDINANCE TO AMEND SECTION 93.016 OF THE LA VISTA MUNICIPAL CODE REGARDING THE NOTICE TO COMPLY WITH THE REQUIREMENT TO KEEP SIDEWALKS CLEAN; TO REPEAL SECTION 93.016 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 93.016. Section 93.016 of the La Vista Municipal Code is hereby amended to read as follows:

"§ 93.016 NOTICE TO COMPLY

(A) The City shall, during the month of October of each year, publish or cause to be published in one (1) or more newspapers of general circulation within the city a general notice setting forth the requirements of this article.

(B) In addition to the above general notice, notice to abate and remove such snow, sleet, mud, ice or other substances shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five (5) days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate or remove the snow, sleet, mud, ice or other substances the city may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the city may either;

(1) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or

(2) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(C) At all times thereafter until new snow, sleet, mud, ice or other substances accumulate the following year, the city shall have the right, without providing further notice to such owner, agent, occupant, tenant, or person in possession, charge or control of such lot or ground, to continue removing all snow, sleet, mud, ice or other substances."

SECTION 2. 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 or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 3. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 7TH DAY OF OCTOBER, 2008.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:



Pamela A. Bueth, CMC
City Clerk