

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1276

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 93.016; 93.019 AND 93.020 RELATING TO SIDEWALKS; TO REPEAL CONFLICTING ORDINANCES 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 of the La Vista Municipal Code is 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 or more newspapers of general circulation within the city a general notice setting forth the requirements of this subchapter.

(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 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 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 as special assessments; 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. Section 93.019 of the La Vista Municipal Code is amended to read as follows:

§ 93.019 CITY CONSTRUCTION, RESOLUTION, PROCEDURE.

(A) Whenever the City Council may deem it necessary and expedient so to do, it may, by resolution, require a sidewalk to be constructed in front of or adjacent to any premises, along any street, avenue, or boulevard in the city. The resolution may but need not be in the following form:

"CITY OF LA VISTA
SIDEWALK RESOLUTION
BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL
OF THE CITY OF LA VISTA:

"That it is hereby declared necessary and expedient that sidewalks be constructed and laid to the established grade, along and upon the place provided for sidewalks, upon the side of the streets, avenues, or boulevards in the City of La Vista, of such materials and width as is herein designated and adjoining the following described premises, to-wit:

(Here street address and legal descriptions)

"Such sidewalks to be constructed under the supervision of the Public Works Department of the City of La Vista (or other appropriate agency) and in accordance with Ordinance No. of the City of La Vista and the plans and specifications and requirements as prepared by the City Engineer and adopted and approved by the Mayor and City Council; provided that the owner or owners of the premises herein described shall have thirty (30) days from and after the publication of notice hereof in which to lay or construct said sidewalks or to commence the laying or construction of said sidewalks as provided herein;

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

and provided, further, that if the said owner or owners fail, neglect, or refuse to lay or construct said sidewalks or to enter upon the laying or constructing of said sidewalks as herein ordered within thirty (30) days after the last publication of such notice, and then and thereafter the City of La Vista will cause the same to be laid or constructed as herein ordered and the cost thereof will be thereafter levied and assessed by the Mayor and City Council as a special assessment against the afore-described premises.

"Said sidewalks shall be constructed of the following materials and to the following width, to-wit:

"The City Engineer's estimate of the construction cost of said work and improvement is \$_____ per lineal foot of sidewalk and \$_____ in the aggregate."

(B) The City Council may, in its discretion, before considering such resolution, request the City Clerk to notify or cause to be notified the owners or occupants of premises in front of or adjacent to which a sidewalk is to be laid, constructed, or widened of the date, time, and place such resolution will be considered so they may appear and be heard if they so desire, but the failure to give such notice shall not invalidate such proceedings or any special assessments thereafter levied for such sidewalk or improvement; provided, further, that it shall be proper for the City Council, in its discretion, by one concurrent resolution to require the construction or widening of sidewalks along and adjoining to any number of pieces of property; and that in such concurrent resolution the City Council shall name and designate but one kind of material as the material to be used in the construction of the sidewalks ordered therein.

SECTION 3. Section 93.020 of the La Vista Municipal Code is amended to read as follows:

§ 93.020 NOTICE TO PROPERTY OWNERS.

(A) Upon the passage of any resolution directing the construction of any sidewalk, it shall be the duty of the City Clerk to cause to be published once in a legal newspaper of general circulation in the city of a notice directed to the owners of the property described in said resolution, notifying such owners of the passage of said resolution and that they will have 30 days from and after the date of publication of such notice within which to construct the sidewalks so ordered or cause the same to be done, and further notifying said owners that if they fail to lay and construct said sidewalks or cause the same to be done within 30 days after publication of such notice, then and in that case the city will cause said sidewalks to be laid and constructed, the cost of which will be levied and assessed thereafter by the Mayor and City Council of the city as a special assessment against their said premises. Said notice shall also contain the City Engineer's estimate of costs of said work or improvement, and no special assessment in excess of the amount of said estimate shall be assessed against said property.

(B) In addition to the publication of notice as herein above provided, a copy of the notice so published shall be either served upon the occupant in possession of the property to be improved or shall be posted upon said premises at least 20 days prior to the commencement of construction.

(C) The notice may be substantially in the following form:

"NOTICE

To the owners of the several pieces of real estate hereinafter described:
You, and each of you, are hereby notified that on the ____ day of _____, 20__, the City Council of the City of La Vista, passed, and on the ____ day of _____, 20__, the Mayor of said City approved La Vista Sidewalk Resolution number _____, by which it has been declared and ordered necessary and expedient that sidewalks be constructed and laid to the established grade, along and upon the place provided for sidewalks adjoining the foregoing described premises, said sidewalks to be constructed under the supervision of the Public Works Department of the City of La Vista and in accordance with plans and specifications approved by the Mayor and City Council and on file with the City Clerk and to be constructed of _____ and to be _____ feet in width.
You, and each of you, are further notified that you will have 30 days from and

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

after the date of publication of this notice in which to lay and construct said sidewalks as ordered in said resolution; and you are further notified and warned that if you fail, neglect and refuse to lay and construct said sidewalks, as in said resolution ordered, within 30 days after the date of publication of this notice, then, and in that case, the City of La Vista will cause the same to be laid, constructed or widened, as ordered in said resolution, the cost of which will be levied and assessed by the City Council of the City of La Vista, as a special assessment against your said premises.

The City Engineer's estimate for the cost of said work or improvement is \$_____ per lineal foot of sidewalk and \$_____ in the aggregate."

(D) Return shall be in the following form:

"RETURN
STATE OF NEBRASKA)
COUNTY OF SARPY) SS
CITY OF LA VISTA)

I, _____ of the City of La Vista, Sarpy County, Nebraska, hereby certify that I served a copy of the within sidewalk resolution on _____ by delivering to _____, the occupant in possession of the property involved, personally, a true and correct copy of the within resolution with all the endorsements thereon (or by posting a copy of said resolution on said property) on the _____ day of _____, 20____, said day being at least 20 days prior to the date of commencement of the construction of said sidewalk improvement.

(E) The publisher of such legal newspaper or his or her agent shall file with the City Clerk an affidavit of the publication of the resolution as soon as the publication herein required is completed. Such publication, together with the appropriate return showing that either a copy of said resolution was served on the occupant in possession of the property involved or that there was posted a copy thereof on said premises as required by law shall be deemed good and sufficient notice to the owners of the property, resident or nonresident, in front of, abutting or adjacent to which the sidewalk is to be constructed. The affidavit of the printer or his or her agent shall be prima facie evidence of the publication herein required and shall be preserved and made a part of the records of the city.

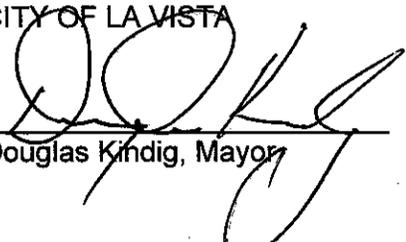
SECTION 4. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. Severability. 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 or constitutionality 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 6. 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 5TH DAY OF APRIL, 2016.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:



Pamela A. Bueche, CMC
City Clerk