

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1089

AN ORDINANCE TO AMEND SECTION 150.01(D) OF THE LA VISTA MUNICIPAL CODE RELATING TO STANDARD CODES AND REGULATION OF BUILDINGS; TO REPEAL SECTION 150.01(D) 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.** Amendment of Section 150.01(D). Section 150.01(D) of the La Vista Municipal Code is hereby amended by deleting Section 150.01(D) and replacing it in its entirety with the following:

**“§ 150.01(D)(1)** *Uniform Code for the Abatement of Dangerous Buildings adopted by reference.* Two copies of certain documents in book form, being marked and designated as the *Uniform Code for the Abatement of Dangerous Buildings*, 1985 Edition, (“UCADB”) are on file in the Office of the City Clerk of the City of La Vista. With the exception of Section 205 of said UCADB, the UCADB is hereby adopted; and each and all of the regulations, provisions, conditions and terms of such adopted UCADB, and all amendments, revisions or editions thereto in Section 150.01(D)(2) below or on file or hereafter placed on file in the Office of the City Clerk of the City of La Vista, are hereby referred to, adopted and made a part hereof as if fully set out herein.

**§ 150.01(D)(2)** *Additional requirements, rules and regulations adopted.*

(a) *Board of Appeals (adopted in lieu of Section 205 of the UCADB).* In order to provide for reasonable interpretation of the provisions of the UCADB and to hear appeals provided for hereunder, there is hereby created a Board of Appeals consisting of five members and one alternate who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the City.

Members appointed to the Board of Adjustment pursuant to Code Section 32.03 also shall be the members of the Board of Appeals. Adoption of this Section 150.01(D)(2) shall constitute appointment of the initial Board of Appeals comprised of the existing members of the Board of Adjustment. Terms of office of members of the Board of Appeals shall correspond to and be the same as the respective terms of office of said members on the Board of Adjustment; provided, however, that the initial term of office of each member of the first Board of Appeals of the City after this Section 150.01(D)(2) is adopted shall be equal to said member's remaining term on the Board of Adjustment.

All actions taken with respect to any individual's membership on the Board of Adjustment also shall be deemed to be a corresponding action and have the same effect with respect to said individual's membership on the Board of Appeals. The Chairperson and Secretary of the Board of Adjustment from time to time shall serve in the same capacities with respect to the Board of Appeals. Procedural rules applicable to proceedings of the Board of Adjustment also shall constitute procedural rules of the Board of Appeals, unless otherwise expressly provided by the Board of Appeals, UCADB or other applicable laws, rules or regulations.

Appeals to the Board of Appeals shall be processed in accordance with the provisions contained in Section 501 of the UCADB. The building official shall be responsible for assisting the Board of Appeals and providing it with necessary information.”

**SECTION 2.** Repeal of Section 150.01(D) as Previously Enacted. Section 150.01(D), of the La Vista Municipal Code as previously enacted is hereby repealed.

**SECTION 3.** 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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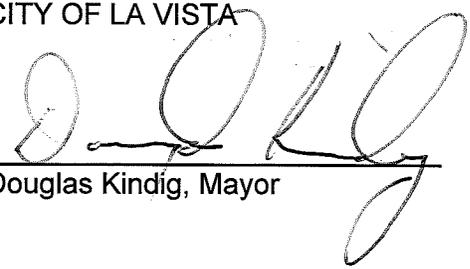
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or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION 4. 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 APRIL 2009.

CITY OF LA VISTA

  
Douglas Kindig, Mayor

ATTEST:

  
Pamela A. Buethe, CMC  
City Clerk

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