

**CITY OF LA VISTA  
MAYOR AND CITY COUNCIL REPORT  
APRIL 7, 2009 AGENDA**

<b>Subject:</b>	<b>Type:</b>	<b>Submitted By:</b>
AMEND SECTIONS 33.22 AND 70.001 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

**SYNOPSIS**

Ordinances have been prepared to amend Sections 33.22 and 70.001 of the La Vista Municipal Code.

**FISCAL IMPACT**

N/A.

**RECOMMENDATION**

Approval.

**BACKGROUND**

These changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the previous legislative session into our Code including some minor language changes.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 33.22; 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 33.22 of the La Vista Municipal Code is amended to read as follows:

**§ 33.22 PUBLIC PARTICIPATION.**

(A) Subject to the Open Meetings Act, the public shall have the right to attend and the right to speak at meetings of public bodies, and all or any part of a meeting of a public body, except for closed meetings called pursuant to § 33.17, may be videotaped, televised, photographed, broadcast or recorded by any person in attendance by means of a tape recorder, camera, video equipment or any other means of pictorial or sonic reproduction or in writing.

(B) It shall not be a violation of this section for any public body to make and enforce reasonable rules and regulations regarding the conduct of persons attending, speaking at, videotaping, televising, photographing, broadcasting or recording its meetings. A body may not be required to allow citizens to speak at each meeting, but it may not forbid public participation at all meetings. No public body shall require members of the public to identify themselves as a condition for admission to the meeting nor shall such body require that the name of any member of the public be placed on the agenda prior to such meeting in order to speak about items on the agenda. The body may require any member of the public desiring to address the body to identify himself or herself.

(C) No public body shall, for the purpose of circumventing the provisions of the Open Meetings Act, hold a meeting in a place known by the body to be too small to accommodate the anticipated audience. No public body shall be deemed in violation of this section if it holds its meeting in its traditional meeting place which is located in this state.

(D) An agency which contracts with municipalities outside the state of Nebraska may hold meetings of any committee outside the state of Nebraska if such meetings are held only in such contracting municipalities. Final action on any agenda item shall only be taken by the agency at a meeting in the state of Nebraska, which meeting shall comply with Neb. RS 84-1408 to 84-1414.

(E) The public body shall, upon request, make a reasonable effort to accommodate the public's right to hear the discussion and testimony presented at the meeting. Public bodies shall make available at the meeting, for examination and copying by members of the public, at least one copy of all reproducible written material to be discussed at an open meeting. Public bodies shall make available at least one current copy of the Open Meetings Act posted in the meeting room at a location accessible to members of the public. At the beginning of the meeting, the public body shall be informed about the location of the posted information.

(Neb. RS 84-1412) ('79 Code, 5 1-609) (Am. Ord. 353, passed 12-6-83; Am. Ord. 398, passed 11-19-85; Am. Ord. 457, passed 1-19-88; Am. Ord. 997, passed 6-20-06)

SECTION 2. 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 3. 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 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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 70.001; 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 70.001 of the La Vista Municipal Code is amended to read as follows:

**§ 70.001 DEFINITIONS.**

Except as otherwise herein defined, the words and phrases used in this title, pertaining to motor vehicles and traffic regulations, shall be construed as defined in Neb. RS Chapter 60, article 6, as now existing or hereafter amended. If not defined in the designated statutes, the word or phrase shall have its common meaning.

**AUTHORIZED EMERGENCY VEHICLES.** Vehicles of the Volunteer Fire Department, vehicles of firefighters responding to an emergency when properly identified, police vehicles and such ambulances or other emergency vehicles as are designated or authorized by the City Council and such publicly owned military vehicles of the National Guard as are designated by the Adjutant General pursuant to Neb. RS 55-133.

**DRIVER** Every person who drives or is in the actual physical control of a vehicle.

**INTERSECTION or STREET INTERSECTION.** The space occupied by two streets at the point where they cross each other, bounded by the lot lines extended and shall include the sidewalk space as well as the roadway.

**LOADING ZONE.** A place designated by the City Council as a place for the loading and unloading of freight, materials or merchandise and suitably marked so as to indicate its use for such purpose.

**MUFFLER.** A device consisting of a series of chamber or baffle plates, or other mechanical design for the purpose of receiving exhaust gas from an internal combustion engine, and effective in reducing noise.

**OFFICIAL TRAFFIC SIGNS OR DEVICES.** All signs, markings and devices, other than mechanical or electrical signals, not inconsistent with this chapter, placed or erected by authority of the City Council for the purpose of directing, warning or regulating traffic.

**PASSENGER ZONE.** A place designated by the City Council as a place for the loading and unloading of passengers and suitably marked so as to indicate its use for such purpose.

**POLICE OFFICER or TRAFFIC OFFICER.** Every officer of the Police Department of the city or any officer authorized to direct or regulate traffic or make arrests for the violation of traffic regulation.

**SIDEWALK.** That portion of a street between the curb lines and the adjacent property lines intended for pedestrian use.

**STREET.** The entire width between the boundary limits of any street, avenue or way which is publicly maintained and open for public vehicular traffic.

**TRAFFIC.** Pedestrians, ridden animals and vehicles or other conveyances, either singly or together, while using any street, alley or public way for purposes of travel.

**VEHICLE.** Every device in, upon or by which any person or property is or may be transported or drawn upon a street, except devices moved by human power or used exclusively on stationary rails or tracks.  
(Neb. RS 60-606 through 60-676) ('79 Code, § 5-101) (Am. Ord. 608, passed 1-17-95)

SECTION 2. 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 3. 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.

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Douglas Kindig, Mayor

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Pamela A. Bueth, CMC  
City Clerk