

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1356

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 130.02; 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 130.02 of the La Vista Municipal Code is amended to read as follows:

§ 130.02 ABANDONED AUTOMOBILES.

(A) (1) It shall be unlawful to abandon any automobile on the city streets, highways, alleys, parks or other property.

(a) A motor vehicle is an **ABANDONED VEHICLE**:

1. If left unattended, with no license plates or valid In Transit stickers issued pursuant to the Motor Vehicle Registration Act affixed thereto, for more than six hours on any public property;

2. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

3. If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

4. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

5. If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under Neb. RS 60-1903.01; or

6. If removed from private property by the city pursuant to a city ordinance or this code.

(b) An all-terrain vehicle or minibike is an **ABANDONED VEHICLE**:

1. If left unattended for more than 24 hours on any public property, except a portion thereof on which parking is legally permitted;

2. If left unattended for more than 48 hours, after the parking of such vehicle has become illegal, if left on a portion of any public property on which parking is legally permitted;

3. If left unattended for more than seven days on private property if left initially without permission of the owner, or after permission of the owner is terminated;

4. If left for more than 30 days in the custody of a city law enforcement agency after the agency has sent a letter to the last-registered owner under Neb. RS 60-1903.01; or

5. If removed from private property by the city pursuant to a city ordinance or this code.

(c) A mobile home is an **ABANDONED VEHICLE**: if applicable provisions of Neb. Rev. Stat. §60-1901 are satisfied.

(d) No motor vehicle subject to forfeiture under Neb. RS 28-431 shall be an **ABANDONED VEHICLE** under this division (A). (Neb. RS 60-1901) (Am. Ord. 1122, passed 4-20-10)

(2) The title to any automobile so abandoned which at the time of such abandonment has no number plates of the current year affixed and is of a wholesale

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value, taking into consideration the condition of such vehicle, of \$250 or less, shall immediately vest in the city. In the event the automobile is licensed for the current year or is of a wholesale value of over \$250, the city police shall make a reasonable effort to contact the owner of the said automobile by sending a notice to the registered owner, if known; by sending an inquiry to the county it is registered in, if the owner is unknown; or by contacting the Director of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Director of Motor Vehicles that a lien or mortgage exists on said vehicle, notice shall also be sent to the lienholder or mortgagee. Any person claiming such vehicle shall be required to pay the cost of removal and storage of such vehicle. If the owner, lienholder or mortgagee is known and does not claim the automobile within five days after the date when the notice was mailed or upon receiving word from the Director of Motor Vehicles that the owner is unknown, title will immediately vest in the city and the automobile may be sold. Any proceeds from the sale of the automobile less any expenses incurred by the city in such sale shall be held without interest for the benefit of the owner of such vehicle for a period of two years. If not claimed within such period of time, the proceeds shall then be paid into the General Fund. (Neb. RS 60-1902 and 60-1903)

(3) For purposes of this section:

(a) **MOBILE HOME** shall have the meaning specified in Neb. Rev. Stat. §60-1901;

(b) **PUBLIC PROPERTY** shall mean any public right-of-way, street, highway, alley, park or other state, county or city-owned property; and

(c) **PRIVATE PROPERTY** shall mean any privately-owned property which is not included within the definition of public property.

(Neb. RS 60-1901)

(d) **TRESPASSING VEHICLE** shall mean a vehicle that is parked without permission on private property that is not typically made available for public parking.

(4) Any person who causes an abandoned vehicle as hereinbefore defined shall be deemed to be guilty of an offense. ('79 Code, § 6-330)

(B) The City Police Department shall be charged with the responsibility of enforcing the provisions of this section and Neb. RS Chapter 60 Article 19 pertaining to abandoned motor vehicles, within the corporate limits of the city. ('79 Code, § 6-331)

(C) The Police Department shall retain for a period of at least five years a record of all pertinent data for each abandoned vehicle disposed of and shall make such reports to the Director of Motor Vehicles as shall be required by law. ('79 Code, § 6-332)

(D) For the purposes of this section and Neb. RS 60-1902, should the Police Department determine that an abandoned motor vehicle has a wholesale value of \$250 or less, such determination shall be supported by such of the following as shall be appropriate:

(1) If the "Blue Book" wholesale value of automobiles of the same make, model, year, equipment and general condition as said automobile is less than \$250, a statement as to said "Blue Book" value at date of pickup of the abandoned automobile shall be entered in the file pertaining to same.

(2) If the "Blue Book" wholesale value is more than \$250 and the Police Department shall determine that the wholesale value is less than \$250, such determination shall be further supported by:

(a) A statement as to the "Blue Book" wholesale value at date of pickup;

(b) Photograph or photographs showing the condition of the vehicle at date of pickup;

(c) Appraisal by a licensed automobile dealer stating the value of said automobile to be \$250 or less. ('79 Code, § 6-333) (Ord. 172, passed - -) Penalty, see § 10.99

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(E) (1) The City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 is authorized to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. After removal, the law enforcement agency with custody of the vehicle shall follow the applicable procedures of Neb. Rev. Stat. §§ 60-1902 and 60-1903.

(2) The City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 is authorized to contact a private towing service in order to remove an abandoned or trespassing vehicle from private property upon the request of the private property owner on whose property the vehicle is located and upon information indicating that the vehicle is an abandoned or trespassing vehicle. A vehicle towed away under this subsection is subject to applicable provisions of Neb. Rev. Stat. §§ 52-601.01 through 52-605 and 60-2410 by the private towing service which towed the vehicle.

(3) A private property owner in the City is authorized to remove or cause the removal of an abandoned or trespassing vehicle from such property and may contact a private towing service for such removal. A private towing service that tows the vehicle shall notify, within twenty-four hours, the City Police Department pursuant to Neb. Rev. Stat. §60-1903.02 and provide the registration plate number, the vehicle identification number, if available, the make, model, and color of the vehicle, and the name of the private towing service and the location, if applicable, where the private towing service is storing the vehicle. A vehicle towed away under this subsection is subject to Neb. Rev. Stat. §§ 52-601.01 through 52-605 and 60-2410 by the private towing service that towed the vehicle.

Statutory reference:

Additional regulations, see Neb. RS 60-1901 through 60-1911

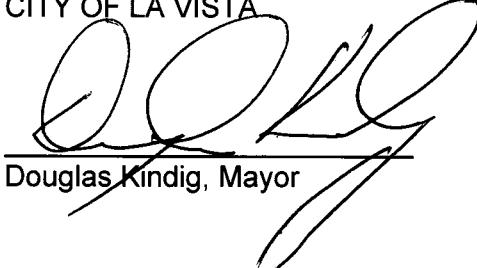
SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

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.

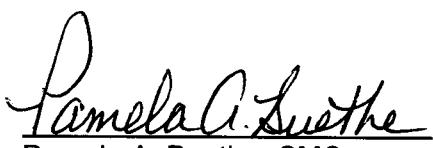
SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 2ND DAY OF JULY 2019

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk