

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1426

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, RELATING TO PARKING OF VEHICLES AND TRAILERS, IN OR ADJACENT TO RESIDENTIAL ZONING DISTRICTS; TO AMEND SECTIONS 70.040 AND 72.19 OF THE LA VISTA MUNICIPAL CODE; 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 72.19 of the La Vista Municipal Code is amended to read as follows:

\$72.19 PARKING OF TRUCKS, TRAILERS, AND LARGE VEHICLES IN RESIDENTIAL DISTRICTS.

(a) No person shall park any truck, tractor, semitrailer, delivery truck, delivery van, or other vehicle, which individually or in combination with a trailer exceeds a length of 22.5 feet or a height of ten feet, or which individually or in combination with a trailer has a total weight or is licensed for a total weight, including load and cargo therein, in excess of six tons, on any residential zoned lot or on any street or other public property within a residential zoning district or adjacent to residential zoned property, provided, however, that parking of any such vehicle for the following purposes shall not be a violation of this section:

(A) A vehicle and any attached trailer being used only for the purpose of delivery or pickup of goods or materials at a point of delivery or pickup within a residential zoning district may be parked in such a district on or adjacent to a residential zoned lot during loading and unloading of the vehicle at or upon such lot;

(B) A vehicle and any attached trailer being used in connection with repair, service, or moving operations may be parked in such a district on or adjacent to a residential zoned lot while the repair, service, or moving operations are actually in progress at or upon such lot;

(C) A vehicle for which, prior to July 1, 1993, a valid special permit for recurring parking had been issued pursuant to § 70.040 or its predecessor may continue to park such vehicle, or an authorized replacement vehicle, for the remaining period of such permit, or any renewal thereof, in accordance with the terms and conditions of such permit and § 70.040; or

(D) A vehicle (other than a truck-tractor) and any attached trailer, may be parked in a private drive of a residential zoned lot without restriction of length or height if the vehicle and any attached trailer is owned by a resident or the employer of a resident of the lot, is not so long as to violate § 72.17 and is not parked in violation of § 72.17 or of any other applicable law or section of this code, and if the total weight of the vehicle and any attached trailer, including any load and cargo therein, does not exceed six tons in weight and is not licensed for a weight in excess of six tons.

(b). The following definitions shall govern terms as used in this section:

SEMITRAILER

Any vehicle, with or without motive power, designed to carry persons or property and to be drawn by a motor vehicle and so constructed that some part of its weight rests upon or is carried by another vehicle.

TRAILER

Any vehicle, with or without motive power, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

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TRUCK-TRACTOR

Any motor vehicle designed and primarily used for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

VEHICLE

Every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved solely by human power or used exclusively upon stationary rails or tracks.

('79 Code, § 5-701) (Am. Ord. 435, passed 6-16-87; Am. Ord. 570, passed 7-20-93; Am. Ord. 1156, passed 9-6-11; Penalty, see § 70.999 Statutory reference: Parking regulations authorized, see Neb. RS 60-680

SECTION 2. Section 70.040 of the La Vista Municipal Code is amended to read as follows:

§ 70.040 WEIGHT AND SIZE LIMITS; PERMITS.

(A) **Definitions.** For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

COMMERCIAL STREET. The following streets within the city: 66th Street, 72nd Street, 84th Street, 96th Street, 108th Street, Harrison Street, Giles Road and Portal Road and all streets located within any type of commercial or industrial zoning district in the city.

EXEMPT VEHICLE. A vehicle exempted from the provisions of this section by division (B) of this section.

PARKED ON A RECURRING BASIS or RECURRING PARKING. Parking at the same premises more than four times in the same calendar year.

RESIDENTIAL STREET. Any street within the city that is not a commercial street.

TOTAL VEHICLE WEIGHT. The weight of the vehicle, including any load or cargo thereon.

(B) **General weight and size limitations for vehicles.** No vehicle of a total vehicle weight in excess of six tons, that is longer than 22.5 feet or is in excess of ten feet in height shall be operated on any of the streets of the city without a permit to do so as hereinafter provided in this section; provided the provisions of this section shall not apply to the following:

- (1) Vehicles while being operated on a commercial street of the city.
- (2) Public service vehicles, including fire, rescue and other emergency vehicles, public transportation vehicles and city repair vehicles.
- (3) Any vehicle carrying a load destined for a point of delivery within the city limits, vehicles parked while unloading at such point of delivery within the city and vehicles making return trips after having immediately made or attempted such a delivery at a point within the city.
- (4) Motor homes and other personal use vehicles used solely for noncommercial purposes while being driven to or from the home premises of the owner or lessee of the vehicle for purposes of storage on such premises.

(C) **Special permits for residential areas.**

- (1) Vehicles with a total vehicle weight in excess of six tons but not more than ten tons, in excess of 22.5 feet in length or in excess of ten feet in height and not falling within one of the exceptions of division (B) of this section may be allowed to travel on residential streets of La Vista for a limited purpose and duration; provided that the operator or owner thereof must upon written application first obtain from the Chief of Police of the city a permit to operate said vehicle for said limited purpose and duration on a specified street or streets of La Vista. The Chief of Police is authorized to issue a special permit on either a recurring or nonrecurring basis for the purposes and in the manner hereinafter provided.

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(2) The Chief shall approve the route over city residential streets that any nonexempt vehicle shall use, which route shall generally be the most direct route between the nearest commercial street and the permitted address within a residential area. The operation of any nonexempt vehicle which exceeds weight or size limitations herein prescribed on any residential street not approved by the Chief of Police shall be a violation hereof.

(D) Special permit for recurring parking (essential vehicle). If the vehicle is proposed to be parked in a residential zoning district on a recurring basis, a permit may be issued, subject to division (J) of this section, if all of the following conditions are met:

(1) The premises upon which the vehicle is to be parked must be the principal residence of the owner or lessee of the vehicle and the vehicle must be used in the principal trade or business of a person residing at the premises.

(2) The annual fee for vehicles weighing more than six tons but not more than ten tons shall be \$200 per year. Said fee shall be payable at the time of issuance of the permit and on each renewal thereof. No recurring parking permit shall be issued for any vehicle that while being driven on a residential street of the city will have a total vehicle weight exceeding ten tons.

(3) A vehicle for which a special permit for recurring parking is issued and which is licensed for a gross weight of ten tons or more shall have an empty vehicle weight of less than ten tons and shall be without any load or cargo while being operated on a residential street or parked in a residential area of the city.

(4) The Chief shall require that the owner file with the Police Department approval in writing from a minimum of 75% of neighboring landowners that they have no objections to the regular and recurring parking of said vehicle at the permitted address. As used herein, the term "neighboring landowners" shall mean owners of property within 200 feet of the residential property on which the vehicle is to be parked. The operator or owner of said vehicle shall be responsible for obtaining and filing the necessary written approvals from neighboring landowners.

(5) The permit to be issued and exercise of any rights thereunder shall not be in conflict with the provisions of or be prohibited by any statute, ordinance or zoning regulation applicable to the premises or any restrictive or protective covenants or other property restrictions of record applicable to the premises.

(6) The permit shall be issued for a period of 12 months and any renewal thereof shall be for a like period.

(7) Any permit for recurring parking that is issued but which does not meet all of the foregoing conditions shall be revoked.

(E) Special permit for nonrecurring parking. Parking of a vehicle described in division (B) above not more often than four times per calendar year for a period of time not exceeding eight hours each shall not be considered to be parking on a recurring basis, and the Police Chief may issue up to four single trip permits per year per vehicle for specified dates, not to exceed 72 hours each, within each calendar year without imposing the annual fee prescribed in the preceding subsection.

(F) Display of permit. All permits shall be conspicuously displayed on the vehicle during such time as it shall be in the city in the manner and in the location on the vehicle as may be designated by the Chief of Police.

(G) Replacement vehicle. The holder of a permit for recurring parking may substitute a vehicle purchased in replacement of the originally permitted vehicle, provided such replacement vehicle does not exceed the weight or size of the originally permitted vehicle and within ten days after purchase of the replacement vehicle, the permit holder presents proof of replacement purchase to the Chief of Police who shall thereupon cause notation of replacement to be made upon the permit.

(H) Limited to one vehicle. No more than one vehicle may be covered by a permit. No more than one permit may be issued for the same premises.

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- (I) **Parking on streets.** The provisions of this section shall not be construed to authorize the parking of any vehicle on public streets in violation of § 72.19.
- (J) **No permits for recurring parking to be issued after June 30, 1993.** NOTE: NO NEW SPECIAL PERMITS MAY BE ISSUED AFTER JUNE 30, 1993. THE PROVISIONS OF THIS SECTION REGARDING SPECIAL PERMITS ONLY SHALL APPLY TO THE RENEWAL OF ANY SPECIAL PERMIT (IN THE DISCRETION OF THE POLICE CHIEF) THAT WAS ORIGINALLY ISSUED ON OR BEFORE JUNE 30, 1993. The period of eligibility for special permits for recurring parking shall expire on June 30, 1993, and no new permit for such purposes shall be issued thereafter. Nothing in this subsection shall be construed as prohibiting or limiting the Chief of Police's authority to renew permits issued on or before June 30, 1993, consistent with ordinances of the city in effect at time of renewal.
- (K) **Prior permits revoked.** All permits issued under this section prior to the effective date of this chapter are hereby revoked.
- (L) **No property right created.** No permit issued pursuant hereto shall create or vest any right to renewal thereof or to a continuation of the permitted activity beyond the term of the permit.
- (M) **Penalty.** Any person who after June 30, 1993 operates a vehicle on a residential street in the city in violation of the provisions of this section shall be guilty of a misdemeanor and shall be subject to fine and imprisonment as provided in § 70.999. (N) **Suspension/revocation of permit.** A person holding a recurring special parking permit who violates the provisions of such permit or of this section shall be subject to suspension of his/her permit for a period not to exceed 30 days for the second violation occurring any time after the effective date hereof and shall be subject to revocation for a third violation occurring any time after the effective date hereof. ('79 Code, § 5-506) (Ord. 112, passed - -; Am. Ord. 434, passed 4-7-87; Am. Ord. 559, passed 4-6-93; Am. Ord. 573, passed 9-7-93 Penalty, see § 70.999.

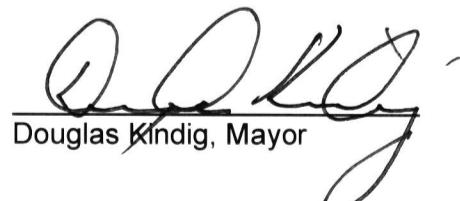
SECTION 3. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any parts hereof are hereby repealed.

SECTION 4. 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 5. 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 SEPTEMBER 2021.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk