

TITLE I: GENERAL PROVISIONS

Chapter

10. GENERAL PROVISIONS

11. CITY STANDARDS

CHAPTER 10: GENERAL PROVISIONS

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§ 10.01 TITLE OF CODE.

This codification of ordinances by and for the City of La Vista, Nebraska, shall be designated as the *La Vista Municipal Code* and may be so cited.

§ 10.02 INTERPRETATION.

Unless otherwise provided herein, or by law or implication required, the same rules of construction, definition, and application shall govern the interpretation of this code as those governing the interpretation of state law.

§ 10.03 APPLICATION TO FUTURE ORDINANCES.

All provisions of Title I compatible with future legislation shall apply to ordinances hereafter adopted amending or supplementing this code unless otherwise specifically provided.

§ 10.04 CAPTIONS.

Headings and captions used in this code other than the title, chapter, and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

§ 10.05 DEFINITIONS.

(A) *General rule.* Words and phrases shall be taken in their plain, or ordinary and usual sense. However, technical words and phrases having a peculiar and appropriate meaning in law shall be understood according to their technical import.

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

AGENT. A person acting on behalf of another.

CITY, MUNICIPAL CORPORATION, or MUNICIPALITY. The City of La Vista, Nebraska.

CITY COUNCIL or **COUNCIL.** The City Council of the city.

CITY POLICE. Any police officer of the city.
(‘79 Code, § 7 (part))

CLERK. The Clerk of the city.

CODE, THIS CODE, or THIS CODE OF ORDINANCES. This city code as modified by amendment, revision, and adoption of new titles, chapters, or sections.

COUNTY. Sarpy County, Nebraska.

GOVERNING BODY. The Mayor and City Council of the city.

MAY. The act referred to is permissive.

MAYOR. The Mayor of the city.
(‘79 Code, § 7 (part))

MONTH. A calendar month.

OATH. An affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words ***SWEAR*** and ***SWORN*** shall be equivalent to the words ***AFFIRM*** and ***AFFIRMED***.

OCCUPANT. Any person who occupies the whole or any part of a building or land whether alone or with others.

OFFICER, OFFICE, EMPLOYEE, COMMISSION, or DEPARTMENT. An officer, office, employee, commission, or department of this city, unless the context clearly requires otherwise.

PERSON. Includes bodies politic and corporate, societies, communities, the public generally, individuals, partnerships, limited liability companies, joint-stock companies, and associations. (Neb. RS 49-801(16))

PRECEDING or **FOLLOWING**. Next before or next after, respectively.

SHALL. The act referred to is mandatory.

SIGNATURE or **SUBSCRIPTION**. Includes a mark when the person cannot write.

STATE. The state of Nebraska.

SUBCHAPTER. A division of a chapter, designated in this code by a heading in the chapter analysis and a capitalized heading in the body of the chapter, setting apart a group of sections related by the subject matter of the heading. Not all chapters have subchapters.

WRITTEN. Any representation of words, letters, or figures, whether by printing or otherwise.

YEAR. A calendar year, unless otherwise expressed.
(Ord. 243, passed 6-19-79)

§ 10.06 RULES OF INTERPRETATION.

The construction of all ordinances of this city shall be by the following rules, unless such construction is plainly repugnant to the intent of the Mayor and City Council or of the context of the same ordinance:

(A) **AND** or **OR**. Either conjunction shall include the other as if written “and/or,” if the sense requires it.

(B) *Acts by assistants.* When a statute or ordinance requires an act to be done which, by law, an agent or deputy as well may do as the principal, such requisition shall be satisfied by the performance of such act by an authorized agent or deputy.

(C) *Gender; singular and plural; tenses.* Words denoting the masculine gender shall be deemed to include the feminine and neuter genders; words in the singular shall include the plural, and words in the plural shall include the singular; the use of a verb in the present tense shall include the future, if applicable.

(D) *General term.* A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

§ 10.07 SEVERABILITY.

If any provision of this code as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

§ 10.08 REFERENCE TO OTHER SECTIONS.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified, or renumbered unless the subject matter is materially altered by the amendment or revision.

§ 10.09 REFERENCE TO OFFICES.

Reference to a public office or officer shall be deemed to apply to any office, officer, or employee of this city exercising the powers, duties, or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

§ 10.10 ERRORS AND OMISSIONS.

If a manifest error is discovered, consisting of the misspelling of any words; the omission of any word or words necessary to express the intention of the provisions affected; the use of a word or words to which no meaning can be attached; or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted, or substituted as will conform with the manifest intention, and the provisions shall have the same effect as though the correct words were contained in the text as originally published. No alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

§ 10.11 OFFICIAL TIME.

Whenever the words fixing or importing time or the hour of the day are used in this code, they shall be construed to mean Central Standard Time or Central Daylight Savings Time whichever is applicable.

(‘79 Code, § 8) (Ord. 243, passed 6-19-79)

§ 10.12 REASONABLE TIME.

(A) In all cases where an ordinance requires an act to be done in a reasonable time or requires reasonable notice to be given, reasonable time or notice shall be deemed to mean the time which is necessary for a prompt performance of such act or the giving of such notice.

(B) The time within which an act is to be done, as herein provided, shall be computed by excluding the first day and including the last. If the last day is Sunday, it shall be excluded.

§ 10.13 ORDINANCES REPEALED.

This code contains all of the provisions of a general nature pertaining to the subjects enumerated and embraced in this code. All prior ordinances pertaining to the subjects treated by this code are repealed, except that nothing shall affect any rights acquired under, actions involving, or fines, penalties, forfeitures, or liabilities incurred pursuant to such ordinances prior to repeal.

§ 10.14 ORDINANCES UNAFFECTED.

All ordinances of a temporary or special nature and all other ordinances pertaining to subjects not embraced in this code, including ordinances specified in this section, shall remain in full force and effect unless repealed expressly or by necessary implication:

- (1) Vacating or setting the boundaries of streets, alleys, or other public places.
- (2) Annexing or detaching territory.
- (3) Granting or accepting easements, plats, or dedication of land to public use.
- (4) Providing for the acquisition or conveyance of real or personal property.
- (5) Authorizing or directing public improvements to be made.
- (6) Levying taxes or special assessments.

- (7) Appropriating money.
- (8) Granting franchises or special licenses.
- (9) Providing for the issuance of bonds or other instruments of indebtedness.

§ 10.15 REPEAL OR MODIFICATION OF ORDINANCE.

(A) Whenever any ordinance or part of an ordinance shall be repealed or modified by a subsequent ordinance, the ordinance or part of an ordinance thus repealed or modified shall continue in force until the publication of the ordinance repealing or modifying it to give effect thereto.

(B) No suit, proceedings, right, liability, fine, forfeiture, or penalty instituted, created, given, secured, or accrued under any ordinance previous to its repeal shall in any way be affected, released, or discharged, but may be prosecuted, enjoyed, and recovered as fully as if the ordinance had continued in force unless it is otherwise expressly provided.

(C) When any ordinance repealing a former ordinance, clause, or provision is itself repealed, the repeal shall not be construed to revive the former ordinance, clause, or provision, unless it is expressly provided.

Statutory reference:

Requirements for amendments and revisions, see Neb. RS 16-404

Cross-reference:

Amendment and revisions, see § 30.49

§ 10.16 SECTION HISTORIES; STATUTORY REFERENCES.

(A) As histories for the code sections, the specific number and passage date of the original ordinance, and the most recent three amending ordinances, if any, are listed following the text of the code section. *Example:* (Ord. 10, passed 5-13-60; Am. Ord. 15, passed 1-1-70; Am. Ord. 20, passed 1-1-80; Am. Ord. 25, passed 1-1-85)

(B) (1) A statutory cite included in the history indicates that the text of the section reads substantially the same as the statute. *Example:* (Neb. RS 17-100)

(2) A statutory cite set forth as a “statutory reference” following the text of the section indicates that the reader should refer to that statute for further information. *Example:*

§ 39.01 PUBLIC RECORDS AVAILABLE.

This city shall make available to any person for inspection or copying all public records, unless otherwise exempted by state law.

Statutory reference:

For provisions concerning the inspection of public records, see Neb. RS 84-712 et seq.

(C) If a section of this code was derived from the previous code of ordinances of the city published in 1979, as subsequently amended, the 1979 code section number shall be indicated in the history by ('79 Code, § ____)."

§ 10.17 SUPPLEMENTATION OF CODE OF ORDINANCES.

(A) *Discretion.* When preparing a supplement to this municipal code, the codifier (that is, the person, agency, or organization authorized to prepare the supplement) may make formal nonsubstantive changes in ordinances and parts of ordinances included in the supplement as necessary to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate sections and subdivisions;
- (2) Provide appropriate catchlines, headings, and titles for sections and other subdivisions of the ordinance printed in the supplement and make changes in such catchlines, headings, and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this section," and the like, as may be appropriate, or to "sections __ to __" (inserting section numbers to indicate the sections of the code which embody the substantive sections of the ordinance incorporated into the code);
- (5) Insert appropriate section numbers in references to code sections such as "section __" or "sections __ to __" which are not filled in prior to adoption of an ordinance;
- (6) Correct the spelling of words, correct obvious typographical errors, correct erroneous division and hyphenation of words, capitalize or decapitalize words, and make other similar changes in accordance with accepted usage or for consistency with other provisions of the code;
- (7) Change terminology for consistency with terminology used in other provisions of the code; and
- (8) Make other nonsubstantive changes necessary to incorporate ordinance material into the code while preserving the original meaning of the ordinance sections.

(B) *Prohibition.* In no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the code and not repealed by any ordinance.

§ 10.99 GENERAL PENALTY.

(A) Unless otherwise specified in applicable state statute or in another chapter or section of this code, any person, firm, or entity that violates any of the provisions of this code of ordinances shall be guilty of a misdemeanor and shall, upon conviction thereof, be subject to a fine in any amount not in excess of \$1,000 and/or imprisonment for any length of time not to exceed three months, or both, in the discretion of the court.

(B) (1) Whenever a nuisance exists as defined in § 92.15, the municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

(2) Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

Statutory reference:

General ordinances; authorization; jurisdiction, see Neb. RS 16-246

Authority to abate nuisances, see Neb. RS 18-1720 and 18-1722

CHAPTER 11: CITY STANDARDS

Section

- 11.01 Corporate existence
- 11.02 Service of process
- 11.03 Powers of the city
- 11.04 Corporate seal
- 11.05 Wards

§ 11.01 CORPORATE EXISTENCE.

The city of La Vista, Nebraska is hereby found and declared to be a city of more than 5,000 persons. The city shall be governed by the laws of Nebraska regulating cities of the first class. (Neb. RS 16-101) ('79 Code, § 1-101)

§ 11.02 SERVICE OF PROCESS.

The city may be served process by personal, residence or certified mail service upon the chief executive officer or the Clerk.

(Neb. RS 16-115, 25-510.02(2)) ('79 Code, § 1-102) (Am. Ord. 371, passed 1-5-85)

§ 11.03 POWERS OF THE CITY.

The city is a body corporate and politic. It shall have the power to sue and be sued; to purchase, lease, and lease with option to buy; to acquire property by gift or devise; to hold real and personal property within or without the limits of the city, and real estate sold to satisfy unpaid tax obligations for the use of the city in such manner and upon such terms and conditions as may be deemed in the best interests of the city; to sell, convey, exchange, or lease any personal or real property owned by the city, including park land, in such manner and upon such terms and conditions as may be deemed in the best interests of the city; provided, that real estate owned by the city may be conveyed without consideration to the state of Nebraska for state armory sites, or if acquired for state armory sites, shall be conveyed in the manner strictly as provided in Neb. RS 18-1001 through 18-1006; to make all contracts and do all other acts in relation to the property and concerns of the city as may be necessary in the exercise of its corporate powers; and to exercise such other and further powers as may be conferred by law.

(Neb. RS 16-201) ('79 Code, § 1-103)

§ 11.04 CORPORATE SEAL.

The official corporate seal of the city shall be kept in the office of the City Clerk, and shall bear the following inscription, "Corporate Seal, Incorporated Feb. 25, 1960, City of La Vista, Sarpy County, Nebraska." The City Clerk shall affix an impression of the said official seal to all warrants, licenses, permits, ordinances and all other official papers issued by order of the City Council and countersigned by the City Clerk.

(‘79 Code, § 1-501)

Statutory reference:

Seal requirements; related provisions, see Neb. RS 16-115

Seal to be either engraved or ink, Neb. RS 64-118

§ 11.05 WARDS.

(A) *Ward One* shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North boundary.* North corporate limits from Gertrude Street to the northeast corner of block 1003 of census tract 010615.

(2) *East boundary.* East corporate limits from the northeast corner of block 1003 of census tract 010615 to south corporate limits at 66th Street and Giles Road.

(3) *South boundary.* South corporate limits from 66th Street to 72nd Street, 72nd Street to Valley Road, Valley Road to Edgewood Boulevard.

(4) *West boundary.* Edgewood Boulevard from Valley Road to Park View Boulevard, Park View Boulevard to Lillian Avenue, Lillian Avenue to 77th Avenue, 77th Avenue to Terry Drive, Terry Drive to Joseph Avenue, Joseph Avenue to 75th Avenue, 75th Avenue to Josephine Street, Josephine Street to 76th Street, 76th Street to Gertrude Street, Gertrude Street northwesterly to corporate limits.

(B) *Ward Two* shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North boundary.* North corporate limits from 96th Street to Gertrude Street.

(2) *East boundary.* Beginning at north corporate limits and Gertrude Street, Gertrude Street to 76th Street, 76th Street to Josephine Street, Josephine Street to 75th Avenue, 75th Avenue to Joseph Avenue, Joseph Avenue to Terry Drive, Terry Drive to 77th Avenue, 77th Avenue to Lillian Avenue.

(3) *South boundary.* Lillian Avenue to Park View Boulevard, Park View Boulevard to 78th Street, from 78th Street and Park View Boulevard along the southerly boundary of block 3004 of census tract 010614 to 84th Street, from the southwest corner of Block 3004 of Census Tract 010614 at 84th Street continuing westerly along the south boundary of the Park View Heights, Park View Heights 2nd Addition, S and S's Harvest Hill, and Southwind Two subdivisions to 96th Street.

(4) *West boundary.* 96th Street from Granville Parkway north to corporate limits at Harrison Street.

(C) *Ward Three* shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North boundary.* Brentwood Drive from 96th Street to 92nd Street, 92nd Street to Granville Parkway, Granville Parkway to Elm Drive, Elm Drive to the south boundary of Park View Heights 2nd Addition, from Elm Drive continuing easterly along the south boundary of the Park View Heights 2nd Addition and Park View Heights subdivisions to 84th Street, from the southwest corner of Block 3004 of Census Tract 010614 at 84th Street continuing easterly along the southerly boundary of Block 3004 of Census Tract 010614 to 78th and Park View Boulevard, Park View Boulevard to Edgewood Boulevard, Edgewood Boulevard to Valley Road, Valley Road to 72nd Street.

(2) *East boundary.* 72nd Street from Valley Road to the south corporate limits at Giles Road.

(3) *South boundary.* South corporate limits from 72nd Street to 96th Street.

(4) *West boundary.* 96th Street from south corporate limits at Giles Road to Brentwood Drive.

(D) *Ward Four* shall be comprised of the specific area lying between the boundaries described as follows:

(1) *North boundary.* North corporate limits from Giles Road to 104th Street, continuing along the west and south boundaries of the Cimarron Woods subdivision to 96th Street, easterly along the south boundary of the Southwind Two, S and S's Harvest Hill, and Park View Heights 2nd Addition to Elm Drive.

(2) *East boundary.* Elm Drive from the south boundary of the Park View Heights 2nd Addition subdivision to Granville Parkway, Granville Parkway to 92nd Street, 92nd Street to Brentwood Drive, Brentwood Drive to 96th Street, 96th Street to south corporate limits.

(3) *South boundary.* South corporate limits from 96th Street to I-80 and approximately West Giles Road, excluding land area bounded by corporate limits but not within the city.

(4) *West boundary.* West corporate limits from approximately West Giles Road and Interstate 80 north to Giles Road and Harrison Street.

(Ord. 796, passed 12-7-99; Am. Ord. 996, passed 6-20-06; Am. Ord. 1049, passed 11-6-07; Am. Ord. 1205, passed 11-17-13; Am. Ord. 1435, passed 12-7-21)