

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 6, 2022 AGENDA

Subject:	Type:	Submitted By:
AMEND VARIOUS SECTIONS OF THE LA VISTA MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

Ordinances have been prepared to amend Sections 30.15, 30.41, 30.47, 31.22, 33.15, 33.16, 33.22, 35.46, 35.47, 35.48, 35.49, 35.50, 114.01, 114.02, 114.24, 114.27, 114.30, 114.31, 130.02 and 150.17 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the 2021 legislative session into our Code.

These changes have been reviewed by the City Attorney and City Clerk.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 30.15, 30.41 and 30.47; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 30.15 of the La Vista Municipal Code is amended to read as follows:

§ 30.15 SELECTION AND DUTIES.

The Mayor shall be elected to serve a four-year term of office. The Mayor shall preside at all the meetings of the City Council and shall have the right to vote when his or her vote will provide the additional vote required to create a number of votes equal to a majority of the number of members elected to the Council. He or she shall have the superintending control of all the officers and affairs of the city and shall take care that ordinances of the city and provisions of law relating to cities of the first class are complied with. He or she may administer oaths and shall sign the commissions and appointments of all the officers appointed in the city. The Mayor shall have the power to approve or veto any ordinance passed by the City Council and to approve or veto any order, by-law, resolution, award of or vote to enter into any contract or the allowance of any claim; provided, that any ordinance, order, by-law, resolution, award or vote to enter into any contract, or the allowance of any claim vetoed by the Mayor may be passed over his or her veto by a vote of two-thirds of all the members elected to the City Council. If the Mayor neglects or refuses to sign any ordinance, order, by-law, resolution, award or vote to enter into any contract or the allowance of any claim and returns the same with his or her objection in writing at the next regular meeting of the Council, the same shall become law without his or her signature. The Mayor may veto any item or items of any appropriation bill and approve the remainder thereof. The item or items so vetoed may be passed by the Council over his or her veto as in other cases. The Mayor shall from time to time communicate to the Council such information and recommend such measures as in his or her opinion may tend to improve the finances of the city, the police, health, comfort, and general prosperity of the city, and may have such jurisdiction as may be vested in him or her by ordinance over all places within two miles of the corporate limits of the city for the enforcement of health or quarantine laws and the regulation thereof. The Mayor shall have the power after the conviction of any person to remit fines and forfeitures and to grant reprieves and pardons for all offenses arising under the laws of the city. In the event that there is a vacancy in the office of Mayor, the vacancy shall be filled in accordance with applicable provisions of the Election Act, as amended from time to time, including without limitation Neb. Rev. Stat. §32-568 see § 30.02 of this code. (Neb. RS 16-217, 16-312, 16-313, 16-314, and 16-316) ('79 Code, § 1-204) § 30.16 Emergency Authority

SECTION 2. Section 30.41 of the La Vista Municipal Code is amended to read as follows:

§ 30.41 RULES AND REGULATIONS.

All ordinances shall be passed pursuant to such rules and regulations as the City Council may provide, and all such ordinances may be proved by the certificate of the Clerk under the seal of the city. When printed or published in book, or pamphlet, or electronic form and purporting to be published by authority of the city, such ordinances shall be read and received in evidence in all courts and places without further proof. The passage, approval, and publication or posting of ordinances shall be sufficiently proved by a certificate under seal of the city, from the Clerk, showing that the ordinance was passed and approved, and when and in what paper it was published, and when and by whom and where it was posted. When ordinances are published in book, or pamphlet, or electronic form, purporting to be published by authority of the City Council, it need not be otherwise published and the book, or pamphlet, or electronic form shall be received as evidence of the passage and legal publication of the ordinances, as of the date s mentioned in the book, or pamphlet, or electronic form in all courts, without further proof. (Neb. RS 16-403) ('79 Code, § 1-702)

SECTION 3. Section 30.47 of the La Vista Municipal Code is amended to read

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as follows:

§ 30.47 PUBLICATION.

(A) All ordinances of a general nature shall, within 15 days after they are passed, be published one time:

- (1) In a legal newspaper in or of general circulation within the city; or
- (2) In book, pamphlet, or electronic form. Publication is in the Papillion Times and on the City of La Vista website with the Omaha World Herald being the backup newspaper needed.

(B) Every ordinance fixing a penalty or forfeiture for its violation shall, before the same takes effect, be published for at least one week in some manner prescribed in this section. (Neb. RS 16-405) ('79 Code, § 1-705) (Am. Ord. 406, passed 12-3-85; Am. Ord. 697, passed 10-7-97; Am. Ord. 1346, passed 7-2-19)

SECTION 4. 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 5. 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 6. 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 6TH DAY OF DECEMBER 2022

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTION 31.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Municipal Code Section 31.22 is hereby amended to read as follows:

§ 31.22 CITY CLERK.

(A) (1) The Mayor shall, with the consent of a majority of the Council, appoint the City Clerk. Except when some other person is specifically appointed, the Clerk shall be and assume the duties of the City Treasurer. It shall be the duty of the City Clerk to attend every meeting of the Council and keep a record of the proceedings thereof. Whenever required by the Mayor or requested by four members of the Council, he or she shall deliver a notice to the members of the Council of any special meeting thereof and shall notify any and all committees of the Council of the business entrusted to them.

(2) The Clerk shall keep and carefully preserve all papers and books which may come into his or her possession as Clerk, filing and arranging them in a manner convenient for reference.

(3) The Clerk shall keep the seal of the city and duly attest thereby the Mayor's signature to all ordinances and all deeds and papers required to be attested, when ordered by the City Council.

(4) The Clerk shall keep all orders for money or warrants for the payment of money and shall enter the same in numerical order in a book to be kept for that purpose.

(5) The Clerk shall keep a register of all licenses granted and the purpose for which they were issued and report to the Council at every meeting. At the beginning of each month, he or she shall, if required by the City Council, furnish the Police Department with a true copy of the register of all licenses then in force. He or she shall issue licenses and collect license fees connected therewith as provided by the laws of Nebraska or the city.

(6) Within 30 days the time after any meeting of the Council as required by applicable law, the Clerk shall prepare and publish the proceedings of the Council in a legal newspaper of general circulation in the city or more than one legal newspaper if directed by the Council. The charge for said publication shall not exceed the rates provided by law. The publication charge shall be paid and allowed as other claims against the General Fund.

(7) Wherever the Clerk is required to issue licenses, occupation tax receipts or permits, the City Clerk shall collect the amount required to be paid by the applicant therefor.

(8) The Clerk shall have such additional duties and receive such salary as the City Council may prescribe. ('79 Code, § 1-314)

(B) The City Clerk shall include in the minutes of each meeting, available for public inspection as required in § 33.19, the amount of each claim allowed, the purpose of the claim and the name of the claimant, except that the aggregate amount of all payroll claims may be included as one item. Between July 15 and August 15 of each year, the employee job titles and the current annual, monthly or hourly salaries corresponding to such job titles shall be published and each job title shall be descriptive and indicative of the duties and functions of the position. ('79 Code, § 1-315) (Am. Ord. 396, passed 11-5-85; Am. Ord. 562, passed 5-4-93) Statutory reference: Required duties, bonds, and reports, see Neb. RS 16-317 and 19-1102 through 19-11

SECTION 2. Repeal of Conflicting Ordinances. Section 31.22 as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in

Ordinance No.

conflict with this ordinance or any part hereof, are 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 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 force and take effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 33.15, 33.16 AND 33.22; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 33.15 of the La Vista Municipal Code is amended to read as follows:

§ 33.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning or otherwise provided by the Open Meetings Act, as amended from time to time,

PUBLIC BODY.

- (1) (a) The City Council of the city,
- (b) All independent boards, commissions, bureaus, committees, councils, subunits or any other bodies now or hereafter created by Constitution, statute, ordinance or otherwise pursuant to law, and
- (c) Advisory committees of the bodies listed above.

(2) This subchapter shall not apply to subcommittees of such bodies unless a quorum of the public body attends a subcommittee meeting or unless such subcommittees are holding hearings, making policy or taking formal action on behalf of their parent body. (Neb. RS 84-1409(1)) ('79 Code, § 1-602)

MEETINGS. All regular, special or called meetings, formal or informal, of a public body for the purposes of briefing, discussion of public business, formation of tentative policy or the taking of any action. (Neb. RS 84-1409(2)) ('79 Code, § 1-601) (Am. Ord. 353, passed 12-6-83; Am. Ord. 564, passed 5-4-93)

VIRTUAL CONFERENCING. Conducting or participating in a meeting electronically or telephonically with interaction among the participants subject to subsection 84-1412(2) of the Open Meetings Act.

SECTION 2. Section 33.16 of the La Vista Municipal Code is amended to read as follows:

§ 33.16 MEETINGS TO BE PUBLIC; EMERGENCY DECLARATION; VIRTUAL CONFERENCING.

(A) Except as provided in division (E) below, all public meetings, as defined by law, shall be held in a city public building which shall be open to attendance by the public. All meetings shall be held in the public building in which the City Councilpublic body usually holds such meetings unless the publicized notice required by this section designates some other public building or other specified place.

(B) The advance publicized notice of all public convened meetings shall be simultaneously transmitted to all members of the City Councilpublic body and to the public. Such notice shall be published in a newspaper of general circulation within the public bodyCity Council's jurisdiction and, if available, on such newspaper's website. In addition to the method of the notice required by the preceding sentence, such notice may also be provided by any other appropriate method designated by the public body or City Council. The methods and dates of such notice shall be recorded in public bodyCity Council minutes. The notice shall contain the time and specific place for each meeting and either an enumeration of the agenda subjects known at the time of the notice or a statement that such an agenda that is kept continually current shall be readily available for public inspection at the office of the City Clerk during normal business hours. Agenda items shall be sufficiently descriptive to give the public reasonable notice of the matters to be considered at the meeting. The agenda of any City Council meeting shall be made

available and placed on the City's public website at least 24 hours before the meeting and remain available on such website for at least six months. Except for items of an emergency nature, the agenda shall not be altered later than 24 hours before the scheduled commencement of the meeting or 48 hours before the scheduled commencement of a meeting of the ~~City Council~~public body scheduled outside the corporate limits of the city. The ~~City Council~~public body shall have the right to modify the agenda to include items of an emergency nature only at such public meetings.

(C) The ~~Meeting~~ minutes of the City Clerk shall include a statement of how the availability of an agenda of the then known subjects was communicated, the time and specific place of the meetings, the names of each member of the ~~City Council~~public body present or absent at each convened meeting and the substance of all matters discussed. The minutes of the City Council shall be written or kept as an electronic record and shall be a public record available for open to inspection by the public within ten working days or prior to the next convened meeting, whichever occurs earlier, upon request at any reasonable time at the office of the City Clerk. Minutes of any City Council meeting shall be made available and placed on the City's public website at such time as the minutes are available for public inspection and remain available on such website for at least six months.

(D) Except as otherwise provided in §33.20, aAny official action on any question or motion duly moved and seconded shall be taken only by roll call vote of the ~~City Council~~public body in open session. The record of the City Clerk shall show how each member voted or that the member was absent and did not vote.

(E) Notwithstanding anything in this chapter to the contrary, if an emergency is declared by the Governor under the Emergency Management Act, a public body, the territorial jurisdiction of which is included in whole or in part in the emergency declaration, may hold a meeting by virtual conferencing, provided applicable requirements of subsection 84-1411(7) of the Open Meetings Act are satisfied. In addition any public body may hold a meeting by virtual conferencing solely for purposes of discussion in accordance with subsection 84-1411(8) of the Open Meetings Act.

('79 Code, § 1-603) (Am. Ord. 997, passed 6-20-06; Am. Ord. 1443, passed 2-1-22)
Statutory reference: Meeting requirements, see Neb. RS 84-1408 through 84-1413 2022
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SECTION 3. 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-sessions 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 subsection 33.22(A) 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, including meetings held by virtual conferencing. 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 shall require any member of the public desiring to address the body to identify himself or herself, including an address and the name of any organization represented by such person unless the address requirement is waived to protect the security of the individual.

(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~~ Each 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, either in paper or electronic form. 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, § 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; Am. Ord. 1090, passed 4-7-09)

SECTION 4. 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 5. 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 6. 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 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 35.46, 35.47, 35.48, 35.49 AND 35.50; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 35.46 of the La Vista Municipal Code is amended to read as follows:

§ 35.46 PROPOSED BUDGET STATEMENT; CONTENTS; FILING.

(A) The City Council shall annually or biennially, as the case may be, prepare a proposed budget statement on forms prescribed and furnished by the Auditor of Public Accounts. The proposed budget statement shall be made available to the public by the City prior to publication of the notice of the hearing on the proposed budget statement pursuant to Neb. RS 13-506. A proposed budget statement shall contain the following information, except as provided by state law:

(1) For the immediately preceding fiscal year or biennial period, the revenue from all sources, including motor vehicle taxes, other than revenue received from personal and real property taxation, allocated to the funds and separately stated as to each such source: The unencumbered cash balance at the beginning and end of the year or biennial period; the amount received by taxation of personal and real property allocated to each fund; and the amount of actual expenditures;

(2) For the current fiscal year or biennial period, actual and estimated revenue from all sources, including motor vehicle taxes, allocated to the funds and separately stated as to each such source: The actual unencumbered cash balance available at the beginning of the year or biennial period; the amount received from personal and real property taxation; and the amount of actual and estimated expenditure, whichever is applicable. Such statement shall contain the cash reserve for each fiscal year or biennial period and shall note whether or not such reserve is encumbered. Such cash reserve projections shall be based upon the actual experience of prior years or biennial periods. The cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(3) For the immediately ensuing fiscal year or biennial period, an estimate of revenue from all sources, including motor vehicle taxes, other than revenue to be received from taxation of personal and real property, separately stated as to each such source: The actual or estimated unencumbered cash balances, whichever is applicable, to be available at the beginning of the year or biennial period; the amounts proposed to be expended during the year or biennial period; and the amount of cash reserve, based on actual experience of prior years or biennial periods, which cash reserve shall not exceed 50% of the total budget adopted exclusive of capital outlay items;

(4) A statement setting out separately the amount sought to be raised from the levy of a tax on the taxable value of real property:

(a) For the purpose of paying the principal or interest on bonds issued or authorized to be issued by the City Council or the legal voters of the City; and

(b) For all other purposes;

(5) A uniform summary of the proposed budget statement, including each proprietary function fund included in a separate proprietary budget statement prepared pursuant to the Municipal Proprietary Function Act and a grand total of all funds maintained by the City Council; and

(6) A list of the proprietary functions which are not included in the budget statement. Such proprietary functions shall have a separate budget statement which is approved by the City Council as provided in the Municipal Proprietary Function Act. (Neb. RS 13-504(1))

(B) The actual or estimated unencumbered cash balance of each fund required to be included in the budget statement by this section shall include deposits and investments of the city as well as any funds held by the County Treasurer for the city and shall be

accurately stated on the proposed budget statement.
(Neb. RS 13-504(2))

(C) The city shall correct any material errors in the budget statement detected by the Auditor of Public Accounts or by other sources.
(Neb. RS 13-504(3))

(D) The estimated expenditures plus the required cash reserve for the ensuing fiscal year or biennial period less all estimated and actual unencumbered balances at the beginning of the year or biennial period and less the estimated income from all sources, including motor vehicle taxes, other than taxation of personal and real property shall equal the amount to be received from taxes, and such amount shall be shown on the proposed budget statement in accordance with requirements of Nebraska Statutes. The amount to be raised from taxation of personal and real property, as determined above, plus the estimated revenue from other sources, including motor vehicle taxes, and the unencumbered balances shall equal the estimated expenditures, plus the necessary required cash reserve, for the ensuing year or biennial period.

(Neb. 13-505) ('79 Code, § 1-902) (Am. Ord. 381, passed 2-5-85; Am. Ord. 602, passed 1-3-95; Am. Ord. 701, passed 10-21-97; Am. Ord. 1314, passed 8-15-17)

Statutory reference:

Reimbursement provisions for years 1993 through 2000, see Neb. RS 13-504(2)

SECTION 2. Section 35.47 of the La Vista Municipal Code is amended to read as follows:

§ 35.47 PROPOSED BUDGET STATEMENT; HEARING; ADOPTION; CERTIFICATION OF AMOUNT TO BE RECEIVED FROM TAXATION.

(A) (1) After the filing of the proposed budget statement with the City Clerk, the City Council shall each year or biennial period conduct a public hearing on the proposed budget statement. Such hearing shall be held separately from any regularly scheduled meeting of the governing body and shall not be limited by time. Notice of the place and time of the hearing, together with a summary of the proposed budget statement, shall be published at least four calendar days prior to the date set for the hearing in a newspaper of general circulation within the city and, if available, on the city's website. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing.

(2) When the total operating budget, not including reserves, does not exceed \$10,000 per year or \$20,000 per biennial period, the proposed budget summary may be posted at the City Council's principal headquarters.

(3) At such hearing, the governing body shall make at least three copies of the proposed budget statement available to the public and shall make a presentation outlining key provisions of the proposed budget statement, including but not limited to, a comparison with the prior year's budget. Any member of the public desiring to speak on the proposed budget statement shall be allowed to address the governing body at the hearing and shall be given a reasonable amount of time to do so.

(4) After the hearing, the proposed budget statement shall be adopted or amended and adopted as amended, and a written record shall be kept of such hearing. The amount to be received from personal and real property taxation shall be certified to the levying board after the proposed budget statement is adopted or is amended and adopted as amended. The certification of the amount to be received from personal and real property taxation shall specify separately:

(a) The amount to be applied to the payment of principal or interest on bonds issued or authorized to be issued by the City Council or the legal voters of the City; and

(b) The amount to be received for all other purposes.

(5) If the adopted budget statement reflects a change from that shown in the published proposed budget statement, a summary of such changes shall be published within 20 calendar days after its adoption in the manner provided in this section, but without provision for hearing, setting forth the items changed and the reasons for such changes.

(B) Upon approval by the City Council, the budget shall be filed with the Auditor of

Public Accounts. The Auditor of Public Accounts may review the budget for errors in mathematics, improper accounting, and noncompliance with the provisions of the Nebraska Budget Act or Neb. RS 13-518 to 13-522. If the Auditor of Public Accounts detects such errors, he or she shall immediately notify the City Council of such errors. The City Council shall correct any such error as provided in Neb. RS 13-511.

Warrants for the payment of expenditures provided in the budget adopted under this section shall be valid notwithstanding any errors or non-compliance for which the Auditor of Public Accounts has notified the City Council.

(C) When a levy increase has been authorized by vote of the electors, the adopted budget statement shall indicate the amount of the levy increase.

('79 Code, § 1-903) (Am. Ord. 1314, passed 8-15-17; Am. Ord. 1444, passed 2-1-22)

Statutory reference:

Reimbursement provisions for years 1993 through 2000, see Neb. RS 13-506(1)

Similar state provisions, see Neb. RS 13-506(2), 13-507

SECTION 3. Section 35.48 of the La Vista Municipal Code is amended to read as follows:

§ 35.48 ADOPTED BUDGET STATEMENT; FILING; CERTIFICATION OF AMOUNT TAXED; REVISION.

(A) (1) After publication and hearing on the proposed budget statement and within the time prescribed by law, the City Council shall file with and certify to the Levying Board or Boards on or before September 30 of each year or September 30 of the final year of a biennial period and file with the Auditor of Public Accounts a copy of the adopted budget statement which complies with Neb. RS 13-518 to 13-522, together with amount of the tax required to fund the adopted budget, setting out separately:

(a) The amount to be levied for the payment of principal or interest on bonds issued or authorized to be issued by the City Council or the legal voters of the City; and
(b) The amount to be levied for all other purposes.

(2) Proof of publication shall be attached to the statements.

(B) If the prime rate published by the Federal Reserve Board is 10% or more at the time of the filing and certification required under this division, the City Council, in certifying the amount required, may make allowance for delinquent taxes not exceeding 5% of the amount required plus the actual percentage of delinquent taxes for the preceding tax year or biennial period and for the amount of estimated tax loss from any pending or anticipated litigation which involves taxation and in which tax collections have been or can be withheld or escrowed by court order. For purposes of this section, anticipated litigation shall be limited to the anticipation of an action being filed by a taxpayer who or which filed a similar action for the preceding year or biennial period which is still pending. Except for such allowances, the City Council shall not certify an amount of tax more than 1% greater or lesser than the amount determined under Neb. RS 13-505.

(C) The City Council shall use the certified taxable values as provided by the County Assessor pursuant to Neb. RS 13-509 for the current year in setting or certifying the levy. The City Council may designate one of its members to perform any duty or responsibility required of the Council by this section.

(D) A previously adopted budget statement may be revised in accordance with applicable Nebraska statutes, as enacted, amended, or superseded from time to time.
('79 Code, § 1-904) (Am. Ord. 603, passed 1-3-95; Am. Ord. 670, passed 6-17-97; Am. Ord. 702, passed 10-21-97; Am. Ord. 1030, passed 5-1-07; Am. Ord. 1121, passed 4-20-10; Am. Ord. 1314, passed 8-15-17; Am. Ord. 1444, passed 2-1-22)

Statutory reference:

Additional provisions regarding reimbursement of property taxes pursuant to Neb. RS 13-504(1), see Neb. RS 13-508(1)

Similar state provisions, see Neb. RS 13-508

SECTION 4. Section 35.50 of the La Vista Municipal Code is amended to read as follows:

§ 35.50 PROPERTY TAX REQUEST; PROCEDURE.

(A) *Property tax request procedure, including increases up to allowable growth percentage.*

(1) If the annual assessment of property would result in an increase in the total property taxes levied by the city as determined using the previous year's rate of levy, the city's property tax request for the current year shall be no more than its property tax request in the prior year, and the city's rate of levy for the current year shall be decreased accordingly when such rate is set by the County Board of Equalization pursuant to Neb. RS 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (A)(3). If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (A)(3) and by passing a resolution or ordinance that complies with division (A)(54). If the city seeks to increase its property tax request by more than the allowable growth percentage, it shall comply with the requirements of division (B) below in lieu of the requirements in divisions (A)(3) and through (54).

(2) If the annual assessment of property would result in no change or a decrease in the total property taxes levied by the city as determined using the previous year's rate of levy, the city's property tax request for the current year shall be no more than its property tax request in the prior year, and the city's rate of levy for the current year shall be adjusted accordingly when such rate is set by the County Board of Equalization pursuant to Neb. RS 77-1601. The City Council shall pass a resolution or ordinance to set the amount of its property tax request after holding the public hearing required in division (A)(3). If the City Council seeks to set its property tax request at an amount that exceeds its property tax request in the prior year, it may do so after holding the public hearing required in division (A)(3) and by passing a resolution or ordinance that complies with division (A)(54). If the city seeks to increase its property tax request by more than the allowable growth percentage, the city shall comply with the requirements of division (B) below in lieu of the requirements in divisions (A)(3) and through (54).

(3) The resolution or ordinance required under this division (A) shall only be passed after a special public hearing called for such purpose is held and after notice is published in a newspaper of general circulation in the area of the city at least four calendar days prior to the hearing. For purposes of such notice, the four calendar days shall include the day of publication but not the day of hearing.

(4) The hearing notice shall contain the following information:

(a) The certified taxable valuation under Neb. RS 13-509 for the prior year, the certified taxable valuation under Neb. RS 13-509 for the current year, and the percentage increase or decrease in such valuations from the prior year to the current year;

(b) The dollar amount of the prior years tax request and the property tax rate that was necessary to fund that tax request;

(c) The property tax rate that would be necessary to fund last years tax request if applied to the current years valuation;

(d) The proposed dollar amount of the tax request for the current year and the property tax rate that will be necessary to fund that tax request;

(e) The percentage increase or decrease in the property tax rate from the prior year to the current year; and

(f) The percentage increase or decrease in the total operating budget from the prior year to the current year.

(5) Any resolution or ordinance setting a city's property tax request at an amount that exceeds the city's property tax request in the prior year shall include, but not be limited to, the following information:

(a) The name of the city;

(b) The amount of the property tax request;

(c) The following statements:

1. The total assessed value of property differs from last year's total assessed value of by _____ percent;

2. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$_____ per \$100 of assessed value;

3. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$_____ per \$100 of assessed value; and

4. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will (increase or decrease) last year's budget by _____ percent; and

(d) The record vote of the City Council in passing such resolution or ordinance.

(6) Any resolution or ordinance setting a property tax request under this division (A) shall be certified and forwarded to the County Clerk prior to October 15 of the year for which the tax request is to apply

(B) *Property tax request procedure for increases in excess of allowable growth percentage.*

(1) If the city seeks to increase its property tax request by more than the allowable growth percentage, the city may do so if:

(a) A public hearing is held and notice of such hearing is provided in compliance with division (2) below; and

(b) The City Council passes a resolution or an ordinance that complies with division (3).

(2) (a) If the city seeks to increase its property tax request by more than the allowable growth percentage, it shall participate in a joint public hearing, together with any other political subdivisions in the county seeking to increase its property tax request by more than the allowable growth percentage. The city shall designate a representative to attend the joint public hearing on behalf of the city. At such hearing, there shall be no items on the agenda other than discussion on the intent of the city (and any other political subdivisions in the county) to increase its property tax request by more than the allowable growth percentage.

(b) The joint public hearing shall be held on or after September 17 and prior to September 29 and before the city or any other participating political subdivision files its adopted budget statement pursuant to Neb. RS 13-508.

(c) The joint public hearing shall be held after 6 p.m. local time on the relevant date.

(d) At the joint public hearing, the representative of the city, together with the representatives of each other participating political subdivision, shall give a brief presentation on its intent to increase its property tax request by more than the allowable growth percentage and the effect of such request on the city's budget. The city's presentation shall include:

1. The name of the city;
2. The amount of the property tax request; and
3. The following statements:

A. The total assessed value of property differs from last year's total assessed value by _____ percent;

B. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$ _____ per \$100 of assessed value;

C. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$ _____ per \$100 of assessed value;

D. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will exceed last year's by _____ percent; and

E. To obtain more information regarding the increase in the property tax request, citizens may contact the City of La Vista at (telephone number and email address of City).

(e) Any member of the public shall be allowed to speak at the joint public hearing and shall be given a reasonable amount of time to do so.

(f) Notice of the joint public hearing shall be provided:

1. By sending a postcard to all affected property taxpayers. The postcard shall be sent to the name and address to which the property tax statement is mailed;

2. By posting notice of the hearing on the home page of Sarpy County's website; and

3. By publishing notice of the hearing in a legal newspaper in or of general circulation in Sarpy County.

(g) The city, together with each other political subdivision that participates in the joint public hearing, shall send the information prescribed in division (B)(2)(h) to the Sarpy County Clerk by September 5. The County Clerk shall transmit the information to the County Assessor no later than September 10. The County Clerk shall notify the city and each other participating political subdivision of the date, time, and location of the joint public hearing. The County Assessor shall mail the postcards required in this division. Such postcards shall be mailed at least seven calendar days before the joint public hearing. The cost of creating and mailing the postcards, including staff time, materials, and postage, shall be divided among the political subdivisions participating in the joint public hearing.

(h) The postcard sent under this division and the notice posted on the county's website, if required under division (2)(f)2., and published in the newspaper shall include the date, time, and location for the joint public hearing, a listing of and telephone number for each political subdivision that will be participating in the joint public hearing, and the amount of each participating political subdivision's property tax request. The postcard shall also contain the following information:

1. The following words in capitalized type at the top of the postcard: NOTICE OF PROPOSED TAX INCREASE;

2. The name of Sarpy County as the county that will hold the joint public hearing, which shall appear directly underneath the capitalized words described in division (2)(h)1.

3. The following statement: "The following political subdivisions are proposing a revenue increase as a result of property taxes in [insert current tax year]. This notice contains estimates of the tax on your property and the proposed tax increase on your property as a result of this revenue increase. These estimates are calculated on the basis of the proposed [insert current tax year] data. The actual tax on your property and tax increase on your property may vary from these estimates.";

4. The parcel number for the property;

5. The name of the property owner and the address of the property;

6. The property's assessed value in the previous tax year;

7. The amount of property taxes due in the previous tax year for each participating political subdivision;

8. The property's assessed value for the current tax year;

9. The amount of property taxes due for the current tax year for each participating political subdivision;

10. The change in the amount of property taxes due for each participating political subdivision from the previous tax year to the current tax year; and

11. The following statement: "To obtain more information regarding the tax increase, citizens may contact the political subdivision at the telephone number provided in this notice."

(3) After the joint public hearing required in division (B)(2), the City Council, together with each governing body of each participating political subdivision, shall pass an ordinance or resolution to set such political subdivision's property tax request. If the city is increasing its property tax request over the amount from the prior year, including any increase in excess of the allowable growth percentage, then such ordinance or resolution shall include, but not be limited to, the following information:

(a) The name of the City of La Vista;

(b) The amount of the property tax request;

(c) The following statements:

1. The total assessed value of property differs from last year's total assessed value by __ percent;

2. The tax rate which would levy the same amount of property taxes as last year, when multiplied by the new total assessed value of property, would be \$__ per \$100 of assessed value;

3. The City of La Vista proposes to adopt a property tax request that will cause its tax rate to be \$__ per \$100 of assessed value;

4. Based on the proposed property tax request and changes in other revenue, the total operating budget of the City of La Vista will exceed last year's by percent; and

(d) The record vote of the governing body in passing such resolution or ordinance.

(4) Any resolution or ordinance setting a property tax request under this division (B) shall be certified and forwarded to the County Clerk on or before October 15 of the year for which the tax request is to apply.

(5) (a) The County Clerk, or his or her designee, shall prepare a report which shall include:

1. The names of the representatives of the city and each other political subdivisions participating in the joint public hearing; and

2. The name and address of each individual who spoke at the joint public hearing, unless the address requirement is waived to protect the security of the individual, and the name of any organization represented by each such individual.

(b) Such report shall be delivered to the city and other political subdivisions participating in the joint public hearing within ten days after such hearing.

(C) Definitions; Property Tax Request Act.

(1) **ALLOWABLE GROWTH PERCENTAGE** and other terms used in this section shall have the meaning provided in Neb. RS 77-1631.

(2) Provisions of this section shall be interpreted and carried out in accordance with the Property Tax Request Act, Neb. RS 77-1631 through 77-1634, and other applicable state statutes, as adopted or amended from time to time. Provided, however, inadvertent failure to comply with the Property Tax Request Act shall not invalidate any property tax request of the city or constitute an unauthorized levy. Without limiting the foregoing sentence, the failure of a taxpayer to receive a postcard as required under the Act shall not invalidate a property tax request of the city or constitute an unauthorized levy under Neb. RS 77-1606.

('79 Code, § 1-904.01) (Ord. 703, passed 10-21-97; Am. Ord. 1031, passed 5-1-07; Am. Ord. 1444, passed 2-1-22)

Statutory update:

Similar state provisions, see Neb. RS 77-1601.02

SECTION 5. 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 6. 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

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phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

SECTION 7 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 6TH DAY OF DECEMBER 2022

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 114.01, 114.02, 114.24, 114.27, 114.30, AND 114.31; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 114.01 of the La Vista Municipal Code is amended to read as follows:

§ 114.01 DEFINITIONS

For purposes of this chapter, the definitions found in Neb. RS 53-103.01 through 53-103.492 or otherwise in the Nebraska Liquor Control Act shall be used.

SECTION 2. Section 114.02 of the La Vista Municipal Code is amended to read as follows:

§ 114.02 CITY POWERS AND DUTIES

(A) The City Council is authorized to regulate by ordinance, not inconsistent with the Nebraska Liquor Control Act (sometimes referred to in this chapter 114 as the "Act"), the business of liquor licensees carried on within the corporate limits of the city, including without limitation retail, bottle club, craft brewery, ~~or~~ microdistillery, manufacturer, farm winery, special designated, catering, and promotional farmers market special designated licensees and licensed premises and licensees within or adjacent to designated entertainment districts carried on within the corporate limits of the city.

(B) The City Council, without limiting authority described or provided in subsection "A" or the Nebraska Liquor Control Act, shall further have the following power and duties in respect to licensees within the corporate limits of the city:

(1) To cancel or revoke for cause any license in accordance with the Act ~~retail, craft brewery or microdistillery licenses to sell or dispense alcoholic liquor or bottle club licenses, issued to persons for premises within its jurisdiction~~, subject to the right of appeal to the Nebraska Liquor Control Commission;

(2) To enter or to authorize any law enforcement officer to enter at any time upon any premises licensed under the Nebraska Liquor Control Act to determine whether any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule or regulation adopted by the City Council has been or is being violated, and at that time examine the premises of the licensee in connection with such determination;

(3) To receive a signed complaint from any resident within its jurisdiction that any provision of the Act, any rule or regulation adopted and promulgated pursuant to the Act, or any ordinance, resolution, rule or regulation relative to alcoholic liquor has been or is being violated, and to act upon such complaints in the manner provided in the Act;

(4) To conduct or cause such examinations and other actions authorized by the Act in connection with any notice of cancellation or revocation served on any applicant or licensee;

(5) To cancel or revoke on its own motion any license if, upon the same notice and hearing as provided for resident complaints, it determines that the licensee has violated any of the provisions of the Nebraska Liquor Control Act or any valid and subsisting ordinance, resolution, rule, or regulation duly enacted relating to alcoholic liquor, subject to right of appeal to the Nebraska Liquor Control Commission;

(6) -To fix times and places of hearings, receive evidence, and approve, and take other actions as authorized by the Act in connection with any application for a license, or renewal or expansion of a license or licensed area; and

(7) To collect for the benefit of the State of Nebraska and the city all license fees and occupation taxes as prescribed by law.

SECTION 3. Section 114.24 of the La Vista Municipal Code is amended to read as follows:

§ 114.24 LICENSING CONSIDERATION CRITERIA.

(A) The City Council shall only consider the following licensing standards and criteria at the examination hearing held pursuant to § 114.23 and in evaluation of any applicant for a ~~retail alcoholic~~ liquor license, ~~bottle club license, craft brewery license, or microdistillery license for the upgrading or a license to sell alcoholic liquor~~ renewal of a license, or for the expansion or change in the location of the licensed premises, and for the purpose of formulating a recommendation from the city to the Nebraska Liquor Control Commission in accordance with the Nebraska Liquor Control Act:

- (1) The adequacy of existing law enforcement resources and services in the area;
- (2) The recommendation of the Police Department or any other law enforcement agency;
- (3) Existing motor vehicle and pedestrian traffic flow in the vicinity of the proposed licensed premises; potential traffic and parking problems and the proximity and availability of on street and off street parking;
- (4) Zoning restrictions and the City Council's zoning and land use policies;
- (5) Sanitation or sanitary conditions on or about the proposed licensed premises;
- (6) The existence of a citizen's protest and similar evidence in support of or in opposition to the application;
- (7) The existing population and projected growth within the jurisdiction of the local governing body and within the area to be served;
- (8) The existing liquor licenses, the class of each license and the distance between establishments that issued such licenses;
- (9) Whether the proposed license would be compatible with the neighborhood or community where the proposed premises are located;
- (10) Whether the type of business or activity proposed to be operated or presently operated in conjunction with the proposed license is and will be consistent with the public interest as declared in Neb. RS 53-101.01;
- (11) Whether the applicant can ensure that all alcoholic beverages, including beer and wine, will be handled by persons in accordance with Neb. RS 53-102;
- (12) Whether the applicant has taken every precaution to protect against the possibility of shoplifting of alcoholic liquor, which alcoholic liquor shall be displayed and kept in and sold from an area which is reasonably secured;
- (13) Whether the applicant is fit, willing and able to properly provide the service proposed in conformance with all provisions and requirements of and rules and regulations adopted and promulgated pursuant to the Nebraska Liquor Control Act;
- (14) Whether the applicant has demonstrated that the type of management and control exercised over the licensed premises will be sufficient to ensure that the licensee can conform to all the provisions and requirements of and rules and regulations adopted and promulgated pursuant to the Nebraska Liquor Control Act;
- (15) The background information of the applicant established by information contained in the public records of the Commission and investigations conducted by law enforcement agencies;
- (16) Past evidence of discrimination involving the applicant as evidenced by findings of fact before any administrative board or agency of the local governing body, any other governmental board or agency of the city, any other governmental unit or any court of law;
- (17) Whether the applicant or the applicant's representatives suppressed any fact

or provided any inaccurate information to the Nebraska Liquor Control Commission, the City Council or the employees of the Nebraska Liquor Control Commission in regard to the license application or liquor investigations. The applicant shall be required to cooperate in providing a full disclosure to the investigating agents of the City Council;

(18) Proximity of and impact on schools, hospitals, libraries, parks and public institutions;

(19) Whether activities proposed to be conducted on the licensed premises or in adjacent related outdoor areas will create unreasonable noise or disturbance; and

(20) Compliance with state laws, liquor rules and regulations and city ordinances and regulations and whether or not the applicant has ever forfeited bond to appear in court to answer charges of having committed a felony or charges of having violated any law or ordinance enacted in the interest of good morals and decency or has been convicted of violating or has forfeited bond to appear in court and answer charges for violating any law or ordinance relating to alcoholic liquor.

(B) It shall be the applicant's duty to produce evidence pertaining to the designated criteria prescribed in this division. The burden of proof and persuasion shall be on the party filing the application. When applicable for purposes of this section, **APPLICANT** shall be synonymous with **LICENSEE**.

('79 Code, § 10-106) (Ord. 43, passed - -; Am. Ord. 412, passed 5-20-86; Am. Ord. 494, passed 2-6-90; Am. Ord. 1354, passed 7-2-19)

Statutory reference:

Similar provisions, see Neb. RS 53-132

SECTION 4. Section 114.27 of the La Vista Municipal Code is amended to read as follows:

§ 114.27 GROUNDS FOR REVOCATION OR SUSPENSION OF LICENSE.

A ~~retail liquor~~ license ~~to sell alcoholic liquors~~, which the City Council is legally empowered to revoke, may be either revoked or suspended by the Council whenever it shall find, after notice and hearing as provided by law, that the holder of any such license has violated any of the provisions of the Nebraska Liquor Control Commission or any statutory provision or ordinance of the city now existing or hereafter adopted, enacted in the interest of good morals and decency or for any one or more of the following causes:

(A) The licensee, his or her manager or agent in charge of the premises licensed has been convicted of or has pleaded guilty to a felony under the laws of the state of Nebraska or any other state of the United States.

(B) The licensee, his or her manager or agent in charge of the premises licensed has been convicted of or pleaded guilty to being the proprietor, manager or agent in charge of a gambling house or of pandering or other crime or misdemeanor opposed to decency and morality.

(C) The licensee, his or her manager or agent in charge of the premises licensed has been convicted of or pleaded guilty to violation of any federal or state law concerning the manufacture, possession or sale of alcoholic liquors.

(D) That the licensee either swore falsely to any question in his or her application for said license, has failed to comply with the statements and representations made in answer to any question or questions in said application or has failed to keep any promise, oral or written, made to the licensee's request for said license.

(E) The licensee, his or her manager or agent in charge of the premises licensed shall have forfeited bond to appear in court to answer charges for any one of the violations of laws or ordinances referred to in this section.

(F) The licensee, manager or agent shall allow any live person to appear or have reasonable cause to believe that any live person shall appear in any licensed premises in a state of nudity to provide entertainment, to provide service, to act as hostess, manager or owner or to serve as an employee in any capacity. For the purposes of this subsection, the term nudity shall mean the showing of the human male or female genitals, pubic area or buttocks, or the human female breasts, including the nipple or any portion below the nipple with less than a full opaque covering.

('79 Code, § 10-109) (Ord. 43, passed - -; Am. Ord. 499, passed 3-20-90)

SECTION 5. Section 114.30 of the La Vista Municipal Code is amended to read as follows:

§ 114.30 CATERING LICENSE.

(A) The holder of a ~~Class C, Class D, Class I or Class J retail~~ license issued under Neb. RS 53-124~~(6)~~~~, or~~ a craft brewery license, ~~a microdistillery license, a farm winery license,~~ or a manufacturer's license issued under Neb. RS 53-123.01~~(2)~~ may obtain an annual catering license as prescribed in this section. ~~The catering license shall be issued for the same period and may be renewed in the same manner as the retail license, craft brewery license, microdistillery license, farm winery license, or manufacturer's license.~~ Any such licensee desiring to obtain a catering license shall file an application with the Nebraska Liquor Control Commission. (Neb. RS 53-124.12(1))

(B) Upon receipt from the Commission of the notice and copy of the application as provided in Neb. RS 53-124.12, the City Council shall process the application in the same manner as provided in § 114.23.

(C) The City Council with respect to catering licensees within its corporate limits may cancel a catering license for cause for the remainder of the period for which that license is issued. Any person whose catering license is canceled may appeal to the District Court. (Neb. RS 53-124.12(4)) ('79 Code, § 10-134) (Am. Ord. 545, passed 6-16-92; Am. Ord. 638, passed 12-19-95; Am. Ord. 708, passed 11-18-97; Am. Ord. 1035, passed 5-1-07; Am. Ord. 1354, passed 7-2-19)

SECTION 6. Section 114.31 of the La Vista Municipal Code is amended to read as follows:

§114.31 SPECIAL DESIGNATED LICENSES.

~~Any proposed special designated license within the City pursuant to an application to the Nebraska Liquor Control Commission shall require approval of the City Council.~~

SECTION 7. 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 8. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, unenforceable or invalid, such unconstitutionality, unenforceability or invalidity shall not affect the constitutionality, enforceability or validity of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that they would have passed this Ordinance and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, unenforceable or invalid.

SECTION 9. 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 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 130.02; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN 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. RS 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)

(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 value, taking into consideration the condition of such vehicle, of \$500~~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 \$500~~250~~, the city police shall make a reasonable effort to contact the owner of the said automobile within fifteen calendar days by sending a notice to the registered owner, if known; and if unknown, to make a reasonable effort to determine the owner for purposes of such notice by sending an inquiry to the county it is registered in, if the car has plates, if the owner is unknown; or by contacting the Director Department of Motor Vehicles, if the car is without license plates and the owner is unknown. If notified by the Department 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.

(3) For purposes of this section:

(a) **MOBILE HOME** shall have the meaning specified in Neb. RS 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 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)

(E) (1) The Police Department pursuant to Neb. RS 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. RS 60-1902 and 60-1903.

(2) The Police Department pursuant to Neb. RS 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 division is subject to applicable provisions of Neb. RS 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 Police Department pursuant to Neb. RS 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 division is subject to Neb. RS 52-601.01 through 52-605 and 60-2410 by the private towing service that towed the vehicle.

('79 Code, § 6-333) (Ord. 172, passed - -; Am. Ord. 1122, passed 4-20-10; Am. Ord. 1356, passed 7-2-19) Penalty, see § 10.99

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 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 150.17; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 150.17 of the La Vista Municipal Code is amended to read as follows:

§ 150.17 DUPLICATE TO COUNTY ASSESSOR.

Whenever a building permit is issued for the erection, alteration or repair of any building within the city's corporate limits or extraterritorial zoning jurisdiction and the improvement is \$2,5001,000 or more, a duplicate of such permit shall be issued to the County Assessor. (Neb. RS 18-1743) ('79 Code, § 9-203)

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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PASSED AND APPROVED THIS 6TH DAY OF DECEMBER 2022.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk