

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 15, 2024 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, 30.43, 30.46, 31.01, 31.04, 31.23, 31.30, 35.02, 35.50, 73.01, 73.02, 73.38, 73.42 and 150.70 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

There are changes as a result of American Legal Publishing Corporation incorporating the legislative changes from the 2023 legislative session into the Municipal Code along with changes to update sections of the 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. 30.43 AND 30.46; 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 30.15 is hereby 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. ~~The Mayor and shall have the right to may vote on any matter that requires either 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 vote of the Council members or a majority vote of all the elected members of the Council if (a) the Mayor's vote is required due to the Council members being equally divided or (b) a majority of the Council members or majority vote of all the elected members cannot be reached due to absence, vacancy, or abstention of one or more Council members. For purposes of such vote, the Mayor is deemed to be a member of the Council. He or she~~ The Mayor 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, bylaw, resolution, award of or vote to enter into any contract or the allowance of any claim; provided, that any ordinance, order, bylaw, 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, bylaw, 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. RS 32-568.

(Neb. RS 16-312, 16-313, 16-314, and 16-316) ('79 Code, § 1-204) (Am. Ord. 1465, passed 12-6-22)

SECTION 2. Municipal Code Section 30.43 is hereby amended to read as follows:

§ 30.43 APPROPRIATION OR PAYMENT OF MONEY.

All ordinances and resolutions or orders for the appropriation or payment of money shall require for their passage or adoption the concurrence of a majority of all ~~all elected members elected to the Council. The Mayor may vote on any such matter if (a) the Mayor's vote is required due to the Council members being equally divided or (b) a majority vote of all the elected members cannot be reached due to absence, vacancy, or abstention of one or more Council members. For purposes of such 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, and the Mayor shall, for the purpose of such vote, be~~ deemed to be a member of the Council.

(Neb. RS 16-404) ('79 Code, § 1-703) (Am. Ord. 496, passed 2-6-90)

SECTION 3. Municipal Code Section 30.46 is hereby amended to read as

follows:

§ 30.46 READING AND PASSAGE.

(A) Ordinances of a general or permanent nature shall be read by title on three different days unless three-fourths of the members of the City Council vote to suspend this requirement.

(B) Such requirement shall not be suspended (i) for any ordinance for the annexation of territory or redrawing of wards, or (ii) except as otherwise provided ~~in division (E) of this section or as otherwise provided by applicable law.~~

(C) In the case such requirement is suspended, the ordinance shall be read by title or number and then moved for final passage.

(D) Three-fourths of the members of the City Council may require a reading of any ordinance in full before enactment under either procedure set out in this section.

~~(E) (1) Following the release of the 2020 Census of Population data by the United States Department of Commerce, Bureau of the Census, as required by Public Law 94-171, the City Council requesting the adjustment of the boundaries of election districts shall provide to the Election Commissioner or County Clerk:~~

~~(a) Written notice of the need and necessity of his or her office to perform such adjustments; and~~

~~(b) A revised election district boundary map that has been approved by the requesting City Council and subjected to all public review and challenge ordinances of the city by December 30, 2021.~~

~~(2) The revised election district boundary map shall be adopted by ordinance. Such ordinance shall be read by title on three different days unless three-fourths of the City Council members vote to suspend this requirement.~~

(Neb. RS 16-404) ('79 Code, § 1-704) (Am. Ord. 627, passed 9-5-95; Am. Ord. 1346, passed 7-2-19; Am. Ord. 1440, passed 2-1-22)

SECTION 4. Repeal of Conflicting Ordinances. Sections 30.15, 30.43, 30.46 as originally enacted, and 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 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 15TH DAY OF OCTOBER 2024

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 31.01, 31.04, 31.23 AND 31.30; 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 31.01 is hereby amended to read as follows:

§ 31.01 APPOINTED OFFICIALS ENUMERATED.

The Mayor shall, by and with the approval of a majority of the City Council, appoint an Administrator, Finance Director, Clerk, Attorney, City Engineer, Public Works Superintendent, City Physician, and Chief of Police ~~and Fire Chief~~. Whenever the title City Treasurer, Treasurer, or a comparable title is used in the Nebraska Revised Statutes or this code of ordinances, or the ordinances, regulations, contracts, personnel documents, and other documents of the city, in reference to the treasurer of the city, the title shall be deemed to mean the Finance Director of the city, who shall perform all of the duties of the Treasurer prescribed by statute or ordinance as well as such other and additional duties as may be directed or prescribed by the city. The City Administrator shall also appoint a Librarian, a Building and Zoning Inspector, and a Recreation Director. All appointed officers may be removed at any time by the Mayor with the approval of the majority of the Council and the advice of the City Administrator. All confirmations of appointments to such offices by the Council shall be made by roll call or viva voce vote, and the concurrence of a majority shall be required. The vote by "yeas" and "nays" shall be recorded. The requirements of a roll call or viva voce vote may be satisfied by the use of an electronic voting device, which allows the yeas and nays of each Council member to be readily seen by the public.

('79 Code, § 1-301) (Am. Ord. 822, passed 10-2-00; Am. Ord. 869, passed 10-1-02)

Statutory reference:

Municipal authority, see Neb. RS 16-308

SECTION 2. Municipal Code Section 31.04 is hereby amended to read as follows:

§ 31.04 TERM OF OFFICE.

All officers appointed by the Mayor and confirmed by the Council shall hold the office to which they may be appointed until the end of the Mayor's term of office and until their successors are appointed and qualified, unless sooner removed or the ordinance creating the office is repealed, except as otherwise specifically provided. ~~The Fire Chief shall serve a two-year term.~~

(Neb. RS 16-309) ('79 Code, § 1-303) (Am. Ord. 869, passed 10-1-02)

SECTION 3. Municipal Code Section 31.23 is hereby amended to read as follows:

§ 31.23 CITY ADMINISTRATOR.

(A) There is hereby established in the city the office of City Administrator. The City Administrator shall be the chief administrative officer of the city and shall serve as administrative agent for the Mayor and City Council in the supervision of the offices and good government of the city. All the departments of the city shall be under the administrative supervision and direction of the City Administrator, and the Mayor and Council shall deal with all departments of the city and employees through the City Administrator.

(B) The office of City Administrator shall be filled by appointment of the Mayor by and with the consent of the majority of the City Council and shall serve at their pleasure. He or she need not be a resident of the city at the time of his or her appointment, but shall become a resident within such reasonable time as the Council and Mayor may allow. The City Administrator shall receive such compensation and allowances as the Mayor and Council may prescribe by ordinance.

(C) In the performance of his or her role as chief administrative officer of the city, the

City Administrator shall have the following duties and powers:

(1) He or she shall take charge of and direct the operations of all city departments.

(2) He or she shall have the power, subject to the provisions of the civil service law, to employ, discipline and remove all nonelected employees of the city ~~and members of the volunteer Fire Department~~; provided, however, that in respect to appointments to and removals from offices of City Treasurer, City Clerk, City Engineer, City Attorney, Public Works Superintendent, City Physician, Fire Chief and the Chief of Police same shall be made by the Mayor and Council in the manner provided in Neb. RS 16-308, with the advice of the City Administrator.

(3) He or she shall insure the enforcement of all laws and ordinances within the city and within its extraterritorial jurisdiction insofar as their enforcement is within the power of the city and consistent with the policy of the Mayor and City Council. He or she shall have supervision of the Police Department. Except for purposes of inquiry, the City Administrator shall deal with the members of the Police Department through the Chief of Police, except at such times as the Chief is unavailable. The Mayor and City Council shall constitute the "appointing authority" under the civil service law as to members of the Police Department, except that the City Administrator shall exercise those powers delegated to him or her under the Civil Service Law pursuant to Chapter 37 of this code.

(4) He or she shall serve as the City Planning Director and shall advise both the City Planning Commission and the City Council in matters pertaining to the planning of the city.

(5) He or she shall prepare and submit to the Mayor and Council the annual budget, together with his or her recommendations and comments. He or she shall be responsible for the execution and administration of the adopted budget. He or she shall supervise the maintenance and custody of all accounts and records of the city and shall provide the Mayor and Council with a report of the financial condition of the city at such times as the Mayor and City Council may require.

(6) He or she shall be responsible for the care and maintenance of all city property.

(7) He or she shall attend all meetings of the Mayor and Council and advise the Council in all matters pertaining to the city and its affairs.

(8) He or she shall supervise the performance of all contracts and agreements to which the city is a part.

(9) He or she shall serve as purchasing agent of the city, and no purchase will be made without his or her approval. In no case will he or she make or approve any such purchase unless the funds for same have been duly appropriated by the Mayor and Council, and as to those purchases where the amount involved exceeds \$5,000, he or she shall first obtain the approval of the Mayor and Council.

(10) He or she shall recommend to the Mayor and Council such measures as he or she may deem necessary or expedient for the good government and welfare of the city.

(11) He or she shall perform such other duties as the Mayor and Council may from time to time assign.

(D) The City Administrator may designate such city employees from time to time as necessary or appropriate to assist in carrying out the duties set forth in division (C) above, subject to his or her supervision and direction.

(E) The City Administrator shall take no part in any election held for the purpose of electing the Mayor, members of the City Council or other elective city office of the city, except for the casting of his or her individual ballot. The City Administrator shall be an officer of the city within the meaning of Neb. RS 16-502 and shall be subject to and bound by the prohibitions therein contained. Before taking office, the City Administrator shall file with the City Clerk a bond in favor of the city for the faithful performance of his or her duties in the amount of \$5,000, or such blanket bond or other bond or insurance in lieu of individual bond as permitted by § 33.40(B). The premium of said bond shall be paid by the city.

('79 Code, § 1-316) (Ord. 127, passed - -; Am. Ord. 298, passed 3-16-82; Am. Ord. 397, passed 11-19-85; Am. Ord. 440, passed 5-19-87; Am. Ord. 869, passed 10-1-02; Am.

Ord. 1077, passed 10-21-08)

Statutory reference:

Appointment and removal authorized, see Neb. RS 16-308
Compensation restricted, see Neb. RS 16-502

SECTION 4. Municipal Code Section 31.30 is hereby amended to read as follows:

§ 31.30 FIRE CHIEF.

The Fire Chief shall be fire chief who is determined and appointed from time to time pursuant to the Interlocal Cooperation Agreement among the City, City of Papillion and Papillion Rural Fire Protection District dated October 1, 2013, as amended or superseded from time to time, ("Fire Interlocal"), and such Fire Chief shall have such duties and responsibilities from time to time specified or determined by or in accordance with the such Fire Interlocal and applicable law, including without limitation, the immediate superintendence, operation and administration of the fire department, its facilities, equipment and other property, firefighters, emergency medical services ("EMS") and other personnel, abatement, suppression, mitigation, and prevention of fire and other hazards, and carrying out fire, safety and other inspections within the City. Provided, however, prior approval of the City Council shall be required with respect to any of the following matters if the City will be expected to pay a share of applicable costs or expenses:

- (A) Acquisition of any direct or indirect interest in real property;
- (B) Any budgeted or nonbudgeted expenditure, or series of related expenditures, by purchase, lease or any other method totaling \$50,000 or more;
- (C) Increase of 5% or more of annual budgeted or actual expenditures;
- (D) Property tax levy on property within the City;
- (E) Issuance or commitment to bonded debt, lease purchase or any similar indebtedness, financing or obligation; or
- (F) Conveyance of any real property, or interest therein, pursuant to the Fire Interlocal.

The Fire Chief shall be the primary point of contact for the City and attend meetings of the City Council or other meetings of the City to provide updates and address any issues from time to time. The Fire Chief also shall be a member of the Board of Health. Except for such service on the Board of Health, the Fire Chief shall be authorized to appoint one or more designees to carry out any responsibilities under the Fire Interlocal or applicable law. For all purposes of the Code or applicable law, the term "Fire Chief," means the Fire Chief who is designated or acting pursuant to the Fire Interlocal, and the fire department that is acting pursuant to the Fire Interlocal shall constitute and perform all functions and duties of a fire department of the City.

(A) The Fire Chief shall have the immediate superintendence of the volunteer firefighters. The Fire Chief shall maintain the Fire Department in a state of readiness to promptly respond to any emergency, manmade or natural disaster, traffic or other accident, or other call for service or assistance.

(B) In accordance with the authority provided hereunder, the Fire Chief shall have the following duties and responsibilities, including but not limited to, in some cases, seeing that particular requirements or conditions are maintained:

- (1) Volunteer firefighters shall at all times while on duty be properly uniformed and/or equipped; when appropriate, city-provided uniforms, badges, and insignia shall be worn.
- (2) Equipment of the Department shall be properly used and well-maintained.
- (3) Volunteer firefighters shall be well informed and trained in the modern methods of fire prevention, fire suppression, fire safety education and emergency medical service.
- (4) Community relations programs shall be implemented from time to time as are necessary or appropriate to develop or maintain positive relationships between the fire department and the community.
- (5) Rules and regulations of the Fire Department shall be developed, promulgated, and enforced and a high level of discipline will be maintained within the Department.

~~(6) Execution of orders of the Mayor.~~

~~(7) The Fire Chief shall be a member of the Board of Health.~~

~~(8) The Fire Chief shall have such other duties as are assigned to or required of him or her by the Mayor and Council or otherwise provided by applicable law, rule or regulation.~~

(Ord. 1017, passed 1-16-07)

SECTION 5. Repeal of Conflicting Ordinances. Sections 31.01, 31.04, 31.23 and 31.30 as originally enacted, and 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 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 7. 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 15TH DAY OF OCTOBER 2024

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 35.02 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. Municipal Code Section 35.02 is hereby amended to read as follows:

§ 35.02 CONTRACT VOTE.

On the passage or adoption of every resolution or order to enter into a contract or accepting of work done under contract by the Mayor or Council, the "yeas" and "nays" shall be called and entered upon the record. To pass or adopt any bylaw or, ordinance or any such resolution or order, a concurrence of a majority of the whole number of the all elected members elected to of the Council shall be required. The Mayor may vote on any such matter if (1) the Mayor's vote is required due to the Council members being equally divided or (2) a majority vote of all the elected members of the Council cannot be reached due to absence, vacancy, or abstention of one or more Council members. For purposes of such vote, the Mayor is deemed to be when his or her vote shall be decisive, and the Mayor shall, for the purpose of such vote, be deemed to be a member of the Council. (Neb. RS 16-503) ('79 Code, § 1-921)

SECTION 2. Municipal Code Section 35.50 is hereby amended to read as follows:

§ 35.50 PROPERTY TAX REQUEST; PROCEDURE.

The city annually in connection with its consideration and approval of a property tax request for the upcoming fiscal year shall comply with applicable requirements of State Statutes, including without limitation all applicable notice, public hearing, approval, certification, filing and other requirements of the Property Tax Request Act set forth in Neb. Rev. Stat. Sections 77-1630 through 77-1634, as amended or superseded from time to time.

(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)(5). 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) through (5).

(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)(5). 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) through (5).~~

~~(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 year's 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 year's tax request if applied to the current year's 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 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 (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 6:00 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 the 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; Am. Ord. 1468, passed 12-6-22)

Statutory update:

Similar state provisions, see Neb. RS 77-1601-021630 through 77-1634)

SECTION 3. Repeal of Conflicting Ordinances. Sections 35.02 and 35.50 as originally enacted, and all ordinances and parts of ordinances as previously enacted that are in conflict with this ordinance or any part hereof, are hereby repealed.

SECTION 4. 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 5. 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 15TH DAY OF OCTOBER 2024

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Ordinance No. _____

Pamela A. Buethe, MMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA TO AMEND MUNICIPAL CODE SECTIONS 73.01, 73.02, 73.38, AND 73.42; 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 73.01 is hereby amended to read as follows:

§ 73.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BICYCLE.

(1) Every device propelled by human power upon which any person may ride, having two, three or four wheels, any one or more tandem wheels, either of which is of more than 14 inches in diameter; or

(2) An electric bicycle as defined in chapter 60 of Nebraska Statutes. A device with two or three wheels, fully operative pedals for propulsion by human power, and an electric motor with a capacity not exceeding 750 watts which produces no more than one brake horsepower and is capable of propelling the bicycle at a maximum design speed of no more than 20 miles per hour on level ground. (Neb. RS 60-611 & 60-618.03)

VEHICLE. Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices moved by human power, devices used exclusively upon stationary rails or tracks, electric personal assistive mobility devices, and bicycles.

('79 Code, § 5-621) (Am. Ord. 1279, passed 4-19-16)

SECTION 2. Municipal Code Section 73.02 is hereby amended to read as follows:

§ 73.02 APPLICATION OF ARTICLE; PARENTAL RESPONSIBILITY.

(A) These regulations, applicable to bicycles, shall apply whenever a bicycle is operated upon any roadway or upon any path set aside for the exclusive use of bicycles, subject to those exceptions stated herein.

(B) The parent of any child and the guardian of any ward shall not authorize or knowingly permit any child or ward to violate any of the provisions of this chapter.

(C) Any electric bicycle, while being partly or entirely propelled by electric motor, only shall be operated on roadways.

(Neb. RS 60-6,117) ('79 Code, § 5-601) Penalty, see § 70.999

Statutory reference:

Rules of the road applicable to bicycles, see Neb. RS 60-6,314

SECTION 3. Municipal Code Section 73.38 is hereby amended to read as follows:

§ 73.38 RIDING ON SIDEWALKS.

(A) The City Administrator, Chief of Police or any designee of the City Administrator or Chief of Police is authorized to erect signs on any sidewalk or roadway

prohibiting, or in an emergency or interest of public health, safety or welfare prohibit in person, the riding of any or all bicycles thereon by any person, and when such signs are posted or in-person direction is given, no person shall disobey the same. Provided, however, electric bicycles, while being partly or entirely propelled by electric motor, will be operated only on roadways.

(B) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right-of-way to any pedestrian and shall give an audible signal before overtaking and passing such pedestrian.

('79 Code, § 5-613) Penalty, see § 70.999

Statutory reference:

Municipal authority to regulate, see Neb. RS 60-6,317

SECTION 4. Municipal Code Section 73.42 is hereby amended to read as follows:

§ 73.42 RIDING ON ROADWAYS AND BICYCLE PATHS.

(A) Every person operating a bicycle upon the roadway shall ride as near to the right side of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

(B) Persons riding bicycles upon a roadway shall ride only in single file, except on paths or parts of roadways set aside for the exclusive use of bicycles.

(C) Whenever a usable path for bicycles has been provided adjacent to a roadway, bicycle riders shall use such path and shall not use the roadway, except (i) as specified by signage or otherwise pursuant to Section 73.38(A) above, and (ii) electric bicycles, when being partly or entirely propelled by electric motor, only shall be operated on roadways.

('79 Code, § 5-617) Penalty, see § 70.999

Statutory reference:

General rules and municipal authority to regulate, see Neb. RS 60-6,317

SECTION 5. Repeal of Conflicting Ordinances. Sections Sections 73.01, 73.02, 73.38 and 73.4235.02 and 35.50 as originally enacted, and 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 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 7. 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 15TH DAY OF OCTOBER 2024

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 150.70; 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 150.70 is hereby amended to read as follows:

§ 150.70 POWER AND AUTHORITY.

The Building Inspector of the City of La Vista shall be the Chief Building Official of the City, and the building inspector or the building inspector's agents, assistants or other designees, except as otherwise expressly provided in any applicable laws, codes or regulations, shall be the city official who shall have the duty of enforcing all building, housing, zoning, fire, life safety, plumbing, electrical and other codes and regulations as herein prescribed, and as used in the Code or other applicable law shall include without limitation a designated the Fire Chief, Fire Marshal or his or her designee with respect to enforcement of fire or life safety codes or related rules or regulations. The Building Inspector shall inspect all buildings existing, repaired, altered, built or moved in the city as often as necessary to insure compliance with all city ordinances. Not in limitation of the foregoing or other authority, the Building Inspector shall have the power and authority to order all work stopped on any construction, repair, alteration, relocation or other work when there is a violation of any provisions prescribed by ordinances, laws, rules or regulations. The Building Inspector shall issue permission to continue any construction, repair, alteration, relocation or other work where he or she is satisfied that no provisions will be violated. If a stop order is an oral one, it shall be followed by a written stop order served on any person or entity engaged in the doing or causing such work to be done. The notice shall briefly set forth the violations and shall specify the time in which compliance must be made. The Building Inspector in accordance with applicable law shall have the power and authority to issue citations and court summons for violations of building, housing, zoning, life safety, plumbing, electrical and other laws or regulations relating to buildings in the same manner as if said citations are issued by the city police. Such written stop orders, citations and court summons may be served by the Building Inspector or by a city police officer, , in the event that absence or vacancy in the office of the building inspector, or the City Council fails to appoint a building inspector and there shall be no acting building inspector of the City of La Vista, the Chief of Police or his or her designee shall be carry out the duties of the building inspector ex officio.

('79 Code, § 9-101) (Am. Ord. 299, passed 3-16-82; Am. Ord. 326, passed 11-3-82; Am. Ord. 751, passed 11-17-98; Am. Ord. 1226, passed 9-16-14)

SECTION 2. Repeal of Conflicting Ordinances. Section 150.70 as originally enacted, and 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 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 5. 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 15TH DAY OF OCTOBER 2024

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, MMC
City Clerk