

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 7, 2008 AGENDA**

Subject:	Type:	Submitted By:
AMENDMENT TO MUNICIPAL CODE — REQUIREMENT TO KEEP SIDEWALKS CLEAN; NOTIFICATION REQUIREMENTS	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

An ordinance has been prepared to amend Section 93.016 of the La Vista Municipal Code regarding the notification requirements for keeping sidewalks clean from snow, sleet, mud, ice or other substances.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Attached is a proposed amendment to the Municipal Code to change the procedure for notifying property owners to remove prohibited substances, such as snow, sleet, mud or ice. The proposed amendment has been patterned after a similar amendment which was adopted in 2004 regarding the abatement procedure for weeds and trash (Section 133.01 of the City Code). This ordinance is proposed in order to resolve similar problems with residents who are perpetually in violation of the snow removal requirements.

The proposed revision requires that the City publicize the requirements of the snow removal ordinance in the newspaper in October of each year. During the course of the winter season if a resident is found to be in violation of the snow removal ordinance, they will be given one notification by certified letter and personal notice (door hanger). This notice will also outline the procedure for any subsequent violations which, based on the proposed change to the City Code, do not require further notice prior to abatement.

The proposed amendment is intended to streamline the process for notifying residents who are perpetually in violation of the snow removal ordinance. The intent is to convince those individuals that it is not a good idea to wait to clean their sidewalks until formally notified (after the first violation).

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTION 93.016 OF THE LA VISTA MUNICIPAL CODE REGARDING THE NOTICE TO COMPLY WITH THE REQUIREMENT TO KEEP SIDEWALKS CLEAN; TO REPEAL SECTION 93.016 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 93.016. Section 93.016 of the La Vista Municipal Code is hereby amended to read as follows:

“§ 93.016 NOTICE TO COMPLY

(A) The City shall, during the month of October of each year, publish or cause to be published in one (1) or more newspapers of general circulation within the city a general notice setting forth the requirements of this article.

(B) In addition to the above general notice, notice to abate and remove such snow, sleet, mud, ice or other substances shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified mail. Within five (5) days after receipt of such notice, if the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate or remove the snow, sleet, mud, ice or other substances the city may have such work done. The costs and expenses of any such work shall be paid by the owner. If unpaid for two (2) months after such work is done, the city may either;

(1) Levy and assess the costs and expenses of the work upon the lot or piece of ground so benefited in the same manner as other special taxes for improvements are levied and assessed, or

(2) Recover in a civil action the costs and expenses of the work upon the lot or piece of ground and the adjoining streets and alleys.

(C) At all times thereafter until new snow, sleet, mud, ice or other substances accumulate the following year, the city shall have the right, without providing further notice to such owner, agent, occupant, tenant, or person in possession, charge or control of such lot or ground, to continue removing all snow, sleet, mud, ice or other substances.

SECTION 2. 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 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 3. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 7TH DAY OF OCTOBER, 2008.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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