

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
OCTOBER 20, 2020 AGENDA**

Subject:	Type:	Submitted By:
ADOPT MUNICIPAL CODE SECTION 30.16 EMERGENCY AUTHORITY	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	CHRISTOPHER SOLBERG DEPUTY DIRECTOR OF COMMUNITY DEVELOPMENT

SYNOPSIS

Proposed La Vista Municipal Code Section 30.16 would authorize temporary suspension or modification of regulatory requirements in an emergency.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval

BACKGROUND

Flexibility to suspend or modify regulatory requirements sometimes may be necessary in an emergency. The proposed ordinance would allow the Mayor to temporarily suspend or modify regulatory requirements such as transportation, traffic, or zoning regulations in response to an emergency. Any such action would be subject to notification and further review or action of the City Council.

At their October 6, 2020 meeting, City Council approved this ordinance on its first reading and passed it on to second reading.

ORDINANCE NO. 1399

AN ORDINANCE TO ADOPT SECTION 30.16 OF THE MUNICIPAL CODE REGARDING REGULATORY REQUIREMENTS, AND TO REPEAL CONFLICTING PROVISIONS, AND PROVIDE FOR SEVERABILITY, PUBLICATION AND EFFECTIVE DATE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, as follows:

I. Section 30.16 of the La Vista Municipal Code is hereby adopted and approved as follows:

“§30.16 EMERGENCY AUTHORITY

A. Findings. The Mayor and City Council hereby find and determine as follows:

1. The City is authorized to adopt such Ordinances and take such actions as necessary or appropriate for public health, comfort, safety, welfare, and interests, including without limitation such authorization as set forth in Neb. Rev. Stat. Sections 16-238, 16-240, 16-246, 16-314, 16-405, the Emergency Management Act, and the City’s emergency operations plan, as any from time to time may be adopted or amended; and
2. Pursuant to such authority, the City Council adopts this Section 30.16 of the La Vista Municipal Code authorizing the Mayor in the event of an emergency to temporarily suspend or modify certain regulatory requirements within the City or its extraterritorial jurisdiction.

B. Authority. If a state of emergency is declared by the Governor or Mayor with respect to areas within the City or its extraterritorial jurisdiction pursuant to the Emergency Management Act or other applicable laws, rules, or regulations, the Mayor shall be authorized to temporarily suspend or modify any regulatory laws, rules, regulations, policies, or procedures of the City, including without limitation any transportation, traffic, or zoning laws, rules, regulations, policies, or procedures, or enforcement thereof, for a period of up to sixty days, subject to renewal for one or more additional periods, as the Mayor determines necessary or appropriate to address or respond to the emergency or to reduce, eliminate, or limit the impact or effects of, or factors or circumstances causing, comprising, or contributing to, the emergency or its spread, severity, or duration. The Mayor promptly after taking action pursuant to this Section, and no later than the next City Council meeting, shall advise the City Council of the action taken. The City Council at any time at any regular, special, or emergency meeting shall be authorized to terminate, add to, subtract from, or modify any action of the Mayor pursuant to this Section.”

II. Repeal of Conflicting Provisions. Any and all Ordinances or portions thereof, which are in conflict herewith are hereby repealed.

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

IV. Publication and Effective Date. This Ordinance shall be published and in force and effect in accordance with applicable law.

PASSED AND APPROVED THIS 20TH DAY OF OCTOBER, 2020

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST

Pamela A. Buethe, CMC
City Clerk