

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 19, 2021 AGENDA**

Subject:	Type:	Submitted By:
VACANT PROPERTY REGISTRATION PROGRAM	RESOLUTION ◆ ORDINANCE (2) RECEIVE/FILE DISCUSSION	BRUCE FOUNTAIN COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

Ordinances have been prepared for adoption of a Vacant Property Registration Program in order to be consistent with State Statutes and for changes the Master Fee Ordinance related to vacant properties.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

Over the years, there have been several properties damaged by fire or collision which became neglected and therefore a concern to neighbors and the Mayor and Council. After researching issues associated with vacant structures, staff drafted a building registration code intended to address this problem, which was approved by the City Council via Ordinance No. 1317 (Neglected Building Registration Program) on November 21, 2017.

Shortly thereafter, the Nebraska State Legislature passed LB 256 to address Vacant Property Registration Programs throughout the State. The City's adopted Ordinance No. 1317, however, conflicts with various requirements of the State legislation. As a result, staff is recommending the adoption of a new Ordinance that will resolve those areas of conflict which deal primarily with timing requirements related to resolution of violations and the maximum fees and fines that can be assessed through the program.

Attached is the new ordinance for your consideration and a copy of the existing ordinance for your reference.

Related updates to the Master Fee Schedule are also being recommended to assure compliance with State Statute.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL AND REPLACE MUNICIPAL CODE SECTION 150.80 ENACTED BY ORDINANCE NO. 1317; TO ADOPT AND CODIFY A VACANT PROPERTY REGISTRATION PROGRAM; TO REPEAL ORDINANCE NO. 1317; 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

I. Section 150.80 of the La Vista Municipal Code, including all subsections, is hereby repealed and replaced in its entirety by the following.

SECTION 150.80: VACANT PROPERTY REGISTRATION PROGRAM

Section

150.80.1	Establishment of Vacant Property Registration Program.
150.80.2	Findings.
150.80.3	Purpose and Intent of the Vacant Property Registration Program.
150.80.4	Definitions.
150.80.5	Scope.
150.80.6	Administration and Enforcement.
150.80.7	Registration Database; Registration and Supplemental Registration of Vacant Residential Buildings; Duties of Owners and Subsequent Owners; Information Required; Fees; Civil Actions; Liens; Owner's Agent.
150.80.8	Exemptions.
150.80.9	Rights to Prior Notice and Appeal.
150.80.10	Inspections; Citations; Inspection Warrants.
150.80.11	Criminal Violations; Penalties.
150.80.12	Supplemental Provisions; Subchapter Not Exclusive.

Section 150.80.1 ESTABLISHMENT OF VACANT PROPERTY REGISTRATION PROGRAM.

A Vacant Property Registration Program is hereby established for the City of La Vista, Nebraska pursuant to authority granted by Nebraska law, as adopted or amended from time to time, including but not limited to sections 19-5401 through 19-5408 (the Vacant Property Registration Act) and 16-246 of the Nebraska Revised Statutes. The Vacant Property Registration Program shall be applicable to vacant residential properties exhibiting evidence of vacancy, generally meaning for purposes of the Program conditions or circumstances that would lead a reasonable person to believe that a residential building is vacant and neglected, as described below in this subchapter.

Section 150.80.2 FINDINGS.

The Mayor and Council make the following findings:

(1) In the Vacant Property Registration Act, the Nebraska Legislature has recognized, and the Mayor and Council recognize:

(A) Vacant properties have the potential to create a host of problems for Nebraska communities, including a propensity to foster criminal activity, create public health problems, and otherwise diminish quality of life;

- (B) Vacant properties have the potential to reduce the value of area properties, increase the risk of property damage through arson and vandalism, and discourage neighborhood stability;
- (C) Vacant properties represent unrealized economic growth in Nebraska communities;
- (D) A vacant property registration ordinance allows a municipality to discourage property vacancy and neglect, maintain unoccupied buildings, provide a data base of vacant properties and their owners, and assess fees for the increased public costs associated with vacant properties;
- (E) Fees imposed under a vacant property registration ordinance have the potential to benefit the owners of vacant properties by helping to finance additional government services to protect the value and security of such properties; and
- (F) Enactment of a vacant property registration ordinance is a proper exercise of governmental authority to protect the public health, safety, and welfare of community residents and a valid regulatory scheme. Such an ordinance will allow the City to identify and register vacant properties, collect fees to compensate for the public costs of vacant properties, plan for the rehabilitation of vacant properties, and encourage the occupancy of vacant properties.

(2) The Mayor and Council further recognize and find:

- (A) A program that establishes and enforces a registration system to monitor vacant residential buildings is in the public interest, good for the neighborhoods in which such properties are located, and in the interests of all residents of the City.
- (B) Livable housing and neighborhoods sustain the City's property tax base.

Based on the foregoing and to correct or prevent negative consequences of vacant residential buildings, the Mayor and City Council have determined that it is necessary, desirable, appropriate, and in the public interest to implement a vacant property registration program for vacant residential properties.

Section 150.80.3 PURPOSE AND INTENT OF THE VACANT PROPERTY REGISTRATION PROGRAM

The purpose of this program is to provide for registration and inspection of vacant residential buildings and to promote compliance with the municipal code and other applicable laws. The intent of this program includes:

- (1) Reducing risks of conditions that are catalysts for unlawful activities, declining neighborhoods, and dangers to persons or property;
- (2) Promoting the health, safety, and welfare of the City and its residents, including without limitation the persons living near vacant residential properties;
- (3) Promoting the repair and rehabilitation of vacant residential properties;

- (4) Promoting the occupancy of vacant residential properties;
- (5) Preserving the existing housing supply and neighborhoods;
- (6) Helping to maintain property values and the City's tax base;
- (7) Working toward preventing or eliminating substandard and deteriorating housing; and
- (8) Maintaining a living environment that contributes to healthful individual and family living.

Section 150.80.4 DEFINITIONS.

Except as otherwise indicated, expressly or by the context, the following definitions apply for purposes of this subchapter:

- (1) **Building Official** means the Chief Building Official of the City and, in the event of the absence, disability, or other unavailability of the Chief Building Official, any individual designated by the City Administrator to perform the duties of the Chief Building Official of the City.
- (2) **City** means the City of La Vista, in Sarpy County, Nebraska.
- (3) **City Code** means the Municipal Code of the City.
- (4) **County** means the County of Sarpy in Nebraska, as defined in the Nebraska Revised Statutes.
- (5) **Director** means the Community Development Director of the City.
- (6) **Dwelling** means any building that contains one or more dwelling units constructed or used for residential purposes, or intended or designed to be built, used, rented, leased, let, or hired out to be occupied for residential purposes, excluding hotels and motels. This includes but is not limited to single family houses and residences, townhomes, duplexes and other multiplexes, apartment buildings, and other similar buildings and structures.
- (7) **Dwelling unit** means a single unit, with one or more rooms, providing independent living facilities for residential purposes of one or more persons.
- (8) **Effective date** of this subchapter means February 1, 2021.
- (9) **Evidence of vacancy** means any condition or circumstance that on its own or in combination with other conditions or circumstances would lead a reasonable person to believe that a residential building is vacant and neglected. Such conditions or circumstances may include, but are not limited to:
 - (A) Overgrown or dead vegetation, including grass, shrubbery, and other plantings;
 - (B) An accumulation of abandoned personal property, trash, or other waste;

- (C) Visible deterioration or lack of maintenance of any building or structure on the property;
- (D) Graffiti or other defacement of any building or structure on the property;
- (E) Within the preceding six months, due to some condition of or upon the property, the property has been the subject of two or more notices of violation of the provisions of applicable federal, state or local laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the City Code;
- (F) The dwelling is unsecured for thirty or more days, meaning that persons, animals or the elements of weather, using little or no effort, may access or enter the dwelling, which is not being actively used as a dwelling, including without limitation, by way of any open, unlocked, damaged, broken, weakened, compromised, or missing doors, windows, or other building components;
- (G) The dwelling has sustained significant fire, wind, water, or other damage, is uninhabitable, and diligent, consistent efforts to repair, rehabilitate, renovate, demolish, or remove the building are not evident within 60 days after the occurrence resulting in such damage;
- (H) The dwelling has been declared a nuisance pursuant to applicable Nebraska law or regulation, or ordinances or regulations of the City, including without limitation, Nebraska Revised Statutes section 18-1722 and Chapter 92 of the City Code;
- (I) The dwelling has been boarded up for a period of more than sixty days, meaning that one or more of the building's doors or windows, or door or window openings, have been covered with plywood, wood, or metal sheeting, paneling, or other materials, other than permanently installed doors or windows, for the purpose of preventing persons, animals, or the elements of weather from entering into the building;
- (J) The dwelling has been declared and placarded by the Building Official as a dangerous building or an unsafe structure pursuant to applicable Nebraska law or regulation or ordinances or regulations of the City, including without limitation section 92.15 or Chapter 150 of the City Code;
- (K) The dwelling has sustained substantial deterioration due to lack of maintenance, replacement, or repair and the owner has failed to comply with a previous notice to correct a violation of applicable Nebraska law or regulation or ordinances or regulations of the City;
- (L) The owner has failed to appear and a warrant or citation has been issued by a court of law for a violation of federal, state or local law or regulation, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the City Code, regarding an unoccupied building or structure exhibiting any violation of any such law or regulation;

(M) The owner has refused to accept service of notices of violation of applicable laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the City Code, when service has been attempted; or

(N) Any other condition or circumstance reasonably indicating that the property is not occupied for residential purposes and is not being maintained or is being allowed to deteriorate, as determined by the Building Official.

(10) **Owner** means any person who, alone or with another or others, holds legal title to a vacant residential building, as shown by the records of the register of deeds of the county, or who holds an equitable interest in such property, or who otherwise has care, custody, or control of the property as guardian, conservator, receiver, trustee, executor, administrator, beneficiary, or in any other representative capacity, to the extent proof of such control to the satisfaction of the Building Official is presented to or obtained by the Building Official. All holders of any legal or equitable title or interest in a vacant residential building shall be jointly and severally liable under this subchapter as owners of such vacant residential building.

(11) **Owner's agent** means a person designated by the owner as an agent to act on behalf of and to bind the owner in matters arising under this subchapter, except to the extent the owner otherwise advises the Building Official in writing.

(12) **Program** means the Vacant Property Registration Program established by this subchapter.

(13) **Property manager** means any person responsible for the management of a property other than the owner. A property manager shall be deemed to be the owner's agent for purposes of this subchapter unless the owner otherwise advises the Building Official in writing.

(14) **Residential building** means a house, a condominium, a townhouse, an apartment unit or building, a trailer house, and any other dwelling.

(15) **Residential purposes** means occupancy, use, or intended use for residential or living quarters, including without limitation shelter, cooking, eating, sanitation, or sleeping by one or more persons.

(16) **Subchapter** means sections 150.80.0 through 150.80.12 of the City Code.

(17) **Vacant** means that a residential building exhibits evidence of vacancy. If a vacant residential building becomes occupied for a period of thirty days or less, and immediately following such period of occupancy the building again becomes unoccupied, the building shall be deemed for purposes of this subchapter to have remained vacant during such period of occupancy.

(18) **Vacant property registration form** means the form described in subsection 150.80.7(1) of this subchapter.

Section 150.80.5 SCOPE.

(1) This subchapter shall apply to and respecting any residential building located within the corporate limits of the City. If more than one residential

building is located upon a single lot, piece or parcel of land, such as an apartment complex comprised of more than one residential building, this subchapter shall apply separately to each such building. If a residential building is comprised of more than one dwelling unit and not all of such dwelling units are owned by the same owner, such as a condominium comprised of more than one dwelling unit, this subchapter shall apply separately to each dwelling unit.

- (2) This subchapter shall apply to any residential building that becomes vacant after the effective date of this subchapter.
- (3) This subchapter shall not apply to any property owned by the federal government, the State of Nebraska, or any political subdivision thereof.
- (4) This subchapter shall not apply to any lot, piece or parcel of land that has not been or is not being improved with a residential building, but this subchapter shall apply to any lot, piece or parcel of land on which construction of a residential building commenced, even if such construction is subsequently halted.

Section 150.80.6 ADMINISTRATION AND ENFORCEMENT.

(1) The Building Official shall serve as the administrator of the program, and shall be primarily responsible for administration and enforcement of this subchapter, including without limitation, interpretation of this subchapter. The name and telephone number of the Building Official of the City, and his or her email address (or a hyperlink to his or her email address) shall be displayed on the City's website. The Building Official shall be authorized to designate any other individual to assist in carrying out any task or function pursuant to this subchapter.

(2) The Director, in consultation with the Building Official, is authorized to promulgate policies, procedures and regulations for the administration and enforcement of this subchapter.

(3) If visual observation from the street, a public sidewalk, any other public area, or any other place at which the observer is lawfully present, causes the Building Official reasonably to suspect that a building may be a vacant residential building, or if any employee or official of the City or member of the public makes a verbal, written, or electronic report to the City that causes the Building Official reasonably to suspect that a building may be a vacant residential building, the Building Official may investigate the matter to determine whether the building is a vacant residential building. In conducting such investigation, the Building Official may interview persons having knowledge of the circumstances (such as individuals who reside in the vicinity or neighborhood of the building, law enforcement officers and other public officials), examine public records, and contact and interview other persons including without limitation the owner, property manager, or owner's agent.

- (A) If the Building Official determines that the building is a vacant residential building, but that it has been vacant for less than one hundred eighty days, the Building Official shall provide a copy of the vacant property registration form to the owner, property manager, or owner's agent, and shall notify the owner, property manager, or owner's agent that unless the property is exempt from the registration requirements of this subchapter, the vacant property must be registered when it has been vacant for one hundred eighty days. The notification may be given verbally, in writing, or electronically. Failure of the Building Official to provide a copy of the vacant

property registration form or to give such notification shall not be jurisdictional and shall not bar enforcement of this subchapter respecting the property.

- (B) If the Building Official determines that a building is a vacant residential building that has been vacant for one hundred eighty days or longer, the Building Official shall provide a copy of the vacant property registration form to the owner, property manager, or owner's agent, and shall notify the owner, property manager, or owner's agent by certified United States mail that the vacant property must be registered as a vacant property within fifteen days after the mailing of the notice, unless within such fifteen days period the owner, property manager, or owner's agent provides to the Building Official information showing to the satisfaction of the Building Official either that the building is not a residential building that has been vacant for one hundred eighty days or longer or that the building is exempt from the registration requirements of this subchapter.
- (C) For purposes of determining the number of days of any vacancy under this subchapter, the period of any vacancy occurring before, on or after the effective date of this subchapter shall be included and counted.

Section 150.80.7 REGISTRATION DATABASE; REGISTRATION AND SUPPLEMENTAL REGISTRATION OF VACANT RESIDENTIAL BUILDINGS; DUTIES OF OWNERS AND SUBSEQUENT OWNERS; INFORMATION REQUIRED; FEES; CIVIL ACTIONS; LIENS; OWNER'S AGENT.

(1) The Building Official shall maintain or cause to be maintained a City-wide vacant property registration database. The Building Official shall also develop or cause to be developed a vacant property registration form, in paper format (or electronic format). The registration form and registration process shall require such information as the Building Official may specify, which at a minimum shall include:

- (A) The name, street address, mailing address, telephone number, and, if applicable, the facsimile number and email address, of the property owner and, if applicable, of the property manager and owner's agent;
- (B) The parcel identification number of the vacant property as shown in the records of the county assessor, and the street address of the vacant property;
- (C) The transfer date of the instrument conveying the property to the owner;
- (D) The date on which the property became vacant; and
- (E) The plan of the owner to eliminate evidence of vacancy and bring about the occupancy of the property.

(2) An owner of a property on which there is a vacant residential building shall register the property with the Building Official as a vacant residential property, or cause the property to be so registered, if the building has been vacant for one hundred eighty days or longer. If the property owner fails to register the property, the Building Official may register it, which shall have the same effect as registration by the property owner. One hundred eighty days after the initial registration of the vacant residential building pursuant to this subsection, or three hundred sixty days after the building became vacant, whichever is earlier, the owner shall pay an initial registration fee of two hundred fifty dollars. Every

six months thereafter, for as long as the property remains on the City's vacant property registration data base, the owner shall pay a supplemental registration fee. Each supplemental registration fee shall be double the dollar amount of the immediately preceding registration fee or supplemental registration fee, as the case may be, *provided*, that no single supplemental registration fee shall exceed two thousand five hundred dollars. If any fees are not paid when due, interest shall accrue and be payable on such unpaid amounts at the rate specified in Neb. Rev. Stat. section 45-104.02, as adjusted from time to time.

(3) For purposes of calculating the registration fees and supplemental registration fees imposed under the preceding subsection, an initial registration fee shall be due from the owner on the three hundred sixtieth day after the residential building became vacant and, for that purpose, the building shall be deemed to have been vacant for three hundred sixty days and listed continuously on the City's vacant property registration database from the one hundred eightieth day of vacancy through the three hundred sixtieth day of vacancy. Every six months after such three hundred sixtieth day, and continuing for as long as the building remains vacant, the building shall be deemed to have been listed continuously on the City's vacant property registration database, and a supplemental registration fee shall become due from the owner. The registration fees and supplemental registration fees shall be imposed upon and be payable by the owner regardless of whether or not the owner formally registers or causes the property to be registered with the Building Official, and regardless whether or not the City elects to register the property, as a vacant residential building. The Building Official is authorized to place on the vacant property registration database any residential building that Building Official deems to be a vacant residential building under the provisions of this subchapter.

(4) The City may collect any vacant property registration fee imposed under this subchapter, or which ought to have been paid under this subchapter or which became due under this subchapter, by civil action in any court of competent jurisdiction.

(5) Any vacant property registration fee imposed under this subchapter, or which ought to have been paid under this subchapter or which became due under this subchapter, and any unpaid fine for any violation of this subchapter, and any interest on any unpaid fees or fines, shall become a lien on the applicable property upon the recording of a notice of such lien by the Building Official in the office of the register of deeds of the county. The lien created under this subchapter shall be subordinate to all liens on the applicable property that were recorded prior to the time the notice of such lien under this subchapter is recorded.

(6) The owner of any vacant residential building shall be available to respond to emergencies twenty-four hours per day, seven days per week. This requirement will be deemed satisfied if:

- (A) the owner or the owner's property manager maintains a residence or operating business office within the county or an adjacent county, at which residence or business office the owner or the property manager is regularly present; or
- (B) the owner appoints an owner's agent who resides within the county or an adjacent county,

any of whom may be contacted twenty-four hours per day, seven days per week.

(7) If a residential building becomes vacant and remains vacant for sixty days, the owner shall provide the Building Official written or electronic notice of the name,

address, and telephone number of the owner, the address of the vacant residential building, the date on which the building became vacant and, if and to the extent applicable, the name, address, and telephone number of the owner's property manager and the owner's agent. A post office box, mailing address, or toll-free number shall not satisfy this subsection. Upon receipt of such a notice, the Building Official will provide the owner the information specified in subsection 150.80.6(3)(A) or (B), whichever applies.

(8) The owner's designation of a property manager or owner's agent shall not relieve the owner of the obligation to comply with this subchapter, or with any other provision of federal, state, or local law or regulation.

(9) A subsequent owner or owners of property subject to this subchapter assumes the obligations of the previous owner or owners.

(10) If a property is listed on the City's vacant property registration database, an owner of the property, or the property manager or the owner's agent, shall notify the Building Official when the property is no longer vacant. The Building Official shall thereupon conduct an inspection and, if the Building Official determines that the building no longer exhibits evidence of vacancy and that all registration, supplemental registration and inspection fees and all fines and interest imposed under or pursuant to this subchapter have been paid, the Building Official shall remove the property from the vacant property registration database.

Section 150.80.8 EXEMPTIONS.

(1) A property on which there is a vacant residential building shall be exempt from both registration and payment of registration fees under this subchapter if the property is advertised in good faith for sale or lease. The burden of establishing that a property is advertised in good faith for sale or lease shall be upon the property owner. For purposes of this exemption:

(A) A property on which a vacant residential building is located will be presumed to be advertised in good faith for sale or lease if, for at least the ninety consecutive days immediately preceding the date upon which the relevant registration fee or supplemental registration fee would otherwise have been required respecting the vacant property:

(1) (a) the property has been continuously listed for sale in an active listing with a licensed real estate broker engaged in the real estate business in Sarpy or Douglas County, Nebraska, for a listed sale price of not more than one hundred twenty percent (120%) of the property's assessed value as shown by the records of the county assessor, and (b) a bona fide offer at or above such sale price has not been received by owner; or

(2) (a) the property has been continuously listed for lease in an active listing with a licensed real estate broker engaged in the real estate business in Sarpy or Douglas County, Nebraska, for a listed monthly rental of not more than one percent (1.0%) of one hundred twenty percent (120%) of the property's assessed value as shown by the records of the county assessor, and (b) a bona fide offer at or above such monthly rental has not been received by owner.

(B) If the owner is unable to establish that the property is presumptively advertised in good faith for sale or lease under subsection (1)(A) above,

the owner may establish that the property is advertised in good faith for sale or lease by producing other evidence, provided, a showing that the property is and has been advertised or available "for sale by owner" or "for lease by owner," or that a "for sale" or "for lease" sign has been displayed on the property, shall not be sufficient, alone or in combination, to establish that the property is advertised in good faith for sale or lease, absent substantial additional evidence that the property is and actually has been advertised for sale or lease over a reasonably broad geographic or market area for a reasonable sale price or a reasonable rental amount, as the case may be. The Building Official shall decide in the first instance whether the owner has provided sufficient evidence to establish that the property is advertised in good faith for sale or lease.

(2) A property on which there is a vacant residential building shall be exempt from payment of registration fees (but not registration) under this subchapter if the Building Official determines:

- (A) (1) the building has been damaged by fire, weather, an act of God, vandalism, or other casualty causing it to be uninhabitable and repair or renovation activities designed to restore the building to a habitable condition are or were commenced within sixty (60) days after the damage occurred, or
- (2) the building is a new building under construction or a building undergoing renovation, and
- (B) the repair, construction or renovation activities are being actively implemented or pursued with reasonable diligence and timeliness, and any evidence of vacancy is being minimized to the greatest extent practicable as determined by the Building Official, and
- (C) the building remains vacant for no more than three hundred sixty days (or such longer period as may be approved in writing by the Building Official due to extenuating circumstances that do not result from any fault or neglect of the owner, as determined by the Building Official).

If a property on which there is a vacant residential building, otherwise exempt from payment of registration fees under this subsection 150.80.8(2), is vacant for more than three hundred sixty days (or such longer period as may be approved in writing by the Building Official due to extenuating circumstances that do not result from any fault or neglect of the owner, as determined by the Building Official), this exemption shall not apply and the owner shall pay the registration fee or fees specified in section 150.80.7. Any loss of exemption under this subsection (2) shall relate back to the commencement of such construction or renovation, or to the date the property became vacant due to the damage by fire, weather, an act of God, vandalism, or other casualty, as the case may be.

(3) An unoccupied residential building shall be exempt from both registration and payment of registration fees under this subchapter if it does not exhibit evidence of vacancy, as determined by the Building Official.

Section 150.80.9 RIGHTS TO PRIOR NOTICE AND APPEAL.

(1) The owner of a residential building shall have the right to reasonable prior notice of an adverse decision of the City or Building Official under this subchapter and an

opportunity to appeal such decision at a time and place designated by the Building Official. For such purposes, the Building Official, as program administrator, shall make decisions on behalf of the City under this subchapter. The notice shall be sent by certified mail to the registered owner at the address maintained in the register of deeds office of the county, at least ten days prior to any adverse decision. If the register of deeds does not maintain an address for the owner, then the notice may be addressed to the owner at the address maintained by the county assessor. If the owner requests the Building Official in writing or by electronic mail to mail notices to the owner at a specified address, notices to the owner shall be sufficient if mailed to the owner at the specified address.

(2) The owner of a vacant property may appeal any such adverse decision by the City or Building Official to the Director. The appeal shall be in writing and shall be mailed by certified mail or hand delivered to the Director within fourteen calendar days after the adverse decision by the Building Official. The Director will review the matter on the record made by the Building Official and, after providing the owner and the Building Official an informal opportunity to be heard, the Director will make the final decision.

Section 150.80.10 INSPECTIONS; CITATIONS; INSPECTION WARRANTS.

(1) The Building Official or his or her designee is authorized to inspect the interior and exterior of a residential building that is displaying evidence of vacancy, as determined by the Building Official. The Building Official or his or her designee is also authorized to inspect the interior and exterior of a vacant residential building upon registration under this subchapter, or when the property is originally required to be registered under this subchapter, and at one-year intervals thereafter for so long as the property remains on the vacant property registration data base. At least ten days in advance of a proposed inspection under this subchapter, the Building Official shall mail the owner, by certified United States mail, a notice of proposed inspection, advising the owner of the building address, and the date and time of the proposed inspection. In the case of multiple owners of a building, a notice mailed to any owner shall be sufficient. If the owner has provided the Building Official the name and address of a property manager or the owner's agent, the notice of proposed inspection may be mailed to the owner, the property manager, or the owner's agent, at the Building Official's discretion.

(2) It shall be the responsibility of the owner, the property manager, or the owner's agent to be present at the property at the date and time specified by the Building Official for the proposed inspection, to provide access for the inspection. If none of such individuals is present at the time and place of the proposed inspection, the owner, owners, property manager, or owner's agent who were mailed notice of the proposed inspection shall be guilty of a misdemeanor and shall be fined in any sum not to exceed \$500.00.

(3) If, upon any such inspection, the Building Official observes any condition that constitutes a violation of, or that causes the building to be out of compliance with, this subchapter, or with any other any law or regulation, or any other provision of the City Code, the Building Official may take such action as may be directed by law or as the Building Official may deem to be appropriate to notify or cite the owner for such condition or violation.

(4) If any owner or individual lawfully in control of a residential building or vacant residential building fails or refuses to consent to access and entry to the property or building under such individual's ownership or control for any inspection pursuant to this subchapter, or if the owner, the property manager, or the owner's agent fails to provide such access and entry at the date and time specified by the Building Official for the inspection, the Building Official may apply for and obtain a warrant or other appropriate court order authorizing such inspection in accordance with applicable law, including but not limited to, Nebraska Revised Statutes sections 29-830 et seq.

(5) Unless otherwise provided in the City's master fee ordinance or other ordinance of the City:

- (A) An initial inspection of a residential building or vacant residential building shall be conducted at no charge; and
- (B) Inspection of a residential building or vacant residential building after the initial inspection also shall be conducted at no charge if all violations noted in the preceding inspection have been corrected. If any such violation has not been corrected, a fee shall be charged for inspections after the initial inspection as provided in the master fee ordinance, which fee shall be paid by the owner before a property is removed from the vacant property registration list.

(6) If any claim is made or action brought against an officer, official, or employee of the City charged or assisting with administration or enforcement of this subchapter, because of an act performed by him or her in the reasonable and good faith administration or enforcement of any provision of this subchapter, the claim or action shall be defended by the City or by the City's insurer at its cost until the final termination of the proceedings therein.

Section 150.80.11 CRIMINAL VIOLATIONS; PENALTIES.

(1) Any owner or agent of an owner upon whom a duty is placed by the provisions of this subchapter who fails, neglects, or refuses to perform such duty, or who violates a provision of this subchapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed five hundred dollars or be imprisoned in the county jail for a period not to exceed six months, or both, *provided*, each person so convicted shall be fined in a sum not less than two hundred dollars for the first offense, not less than three hundred dollars for a second offense, and not less than four hundred dollars for the third offense and each offense thereafter. The penalties provided herein shall be cumulative. Each day that a violation of this subchapter continues shall constitute a separate and distinct offense and shall be punishable as such.

Section 150.80.12 SUPPLEMENTAL PROVISIONS; SUBCHAPTER NOT EXCLUSIVE.

(1) The provisions of this subchapter shall be supplemental and in addition to any other laws of the State of Nebraska or City. This subchapter does not repeal, modify, or limit the remedies, penalties, actions, or abatement measures that may be taken or imposed at law or in equity by the Building Official or the City for any act or omission that violates any federal, state or local law or regulation, regardless of whether the act or omission is also a violation of this subchapter.

II. REPEAL. Ordinance No. 1317, and conflicting provisions of any other previously enacted ordinance, 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 the City would have enacted and adopted this ordinance and each section, subsection, sentence, 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. EFFECTIVE DATE.

This ordinance shall be in full force and effect on and after the effective date, subject to its passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF JANUARY 2021.

CITY OF LA VISTA, NEBRASKA,

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. 1397

AN ORDINANCE TO AMEND ORDINANCE NO.1375, AN ORDINANCE TO ESTABLISH THE AMOUNT OF CERTAIN FEES AND TAXES CHARGED BY THE CITY OF LA VISTA FOR VARIOUS SERVICES INCLUDING BUT NOT LIMITED TO BUILDING AND USE, ZONING, OCCUPATION, PUBLIC RECORDS, ALARMS, EMERGENCY SERVICES, RECREATION, LIBRARY, AND PET LICENSING; SEWER AND DRAINAGE SYSTEMS AND FACILITIES OF THE CITY FOR RESIDENTIAL USERS AND COMMERCIAL USERS (INCLUDING INDUSTRIAL USERS) OF THE CITY OF LA VISTA AND TO GRANDFATHER EXISTING STRUCTURES AND TO PROVIDE FOR TRACT PRECONNECTION PAYMENTS AND CREDITS; REGULATING THE MUNICIPAL SEWER DEPARTMENT AND RATES OF SEWER SERVICE CHARGES; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE THE EFFECTIVE DATE HEREOF.

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

Section 1. General Fee Schedule. The fees and taxes charged by the City of La Vista for various services, facilities, and occupations shall be, and the same hereby are, fixed in accordance with the following schedule, no modifier shall be used, and such fees and taxes charged shall be in accordance with such rules as the City Council may establish:

BUILDING & USE FEES

(Apply inside City limits and within the Extra-territorial zoning jurisdiction)

Building Permit

(Building valuation is determined by the most current issue of the ICC Building Valuation Data)

General	\$30 Base fee + see building fee schedule
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Commercial/Industrial	\$30 Base fee + see building fee schedule
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Plan Review Fee

Commercial (non-refundable)	\$100 or 10% of building permit fee (whichever is greater)
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Design Review (non-refundable)

Tenant Bay Façade Renovation	\$500 (min. fee or actual fee incurred)
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Bldgs. 24,999 sq. ft. or less	\$1,500 (min. fee) (or actual fee Incurred)
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Bldgs. 25,000 – 49,999 sq. ft.	\$2,000 (min. fee) (or actual fee Incurred)
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Bldgs. 50,000 -99,999 sq. ft.	\$3,000 (min. fee) (or actual fee Incurred)
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Bldgs. 100,000 + sq. ft.	\$4,000 (min. fee) (or actual fee Incurred)
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Replacement Plan Review Fee

	\$100 + Request for records fees
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Engineer's Review

	\$500
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Rental Inspection Program

License Fees:

Multi-family Dwellings	\$6.00 per unit
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Single-family Dwellings	\$50.00 per property
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Duplex Dwellings	\$50.00 per unit
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Additional Administrative Processing Fee (late fee)	\$100.00
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Inspection Fees:

Primary Inspection	No charge
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Class B Property Inspection (after primary inspection):	
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Violation corrected	No charge
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Violation not corrected	See Re-inspection Fee below
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Re-inspection Fee (no show or follow up inspection)	See Re-inspection Fee below
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With curb requiring cut plus the 4' apron on each side)	
Contractor (Contractor performs curb cut or grind)	\$ 30.00 plus \$1.00/ft.
City Charge (if City performs curb cuts)	\$50 + \$5/ft. (\$40 set up fee; \$10 permit fee)
City charge (if City performs curb grinds)	\$50 + \$6/ft. (\$40 set up fee; \$10 permit fee)
Utility Cut Permit	\$30.00

Appeal Fee Regarding Issuance or Denial of Curb Cut/Driveway	
Approach Construction Permit	\$250
Street Paving, Surfacing, Resurfacing, Repairing, Sealing or Resealing Permit	\$ 30.00/Yearly
Appeal Fee Regarding Issuance or Denial of Street Paving, Resurfacing, etc. Permit	\$250

RIGHT-OF-WAY PERMIT FEES

The following are one-time permit fees for structures occupying the public right-of-way:

Canopy or Awning	\$50 for the first 25 ft. + \$10 each additional foot
Balcony	\$75 each
Bicycle Rack	\$50
Light Fixture	\$75 for the first + \$10 each additional light fixture
Marquee	\$50 for the first 25 ft. + \$10 each additional ft.
Sidewalk Café	\$100
Sign	\$100 each (if less than 25 sq. ft.) \$300 each (if 25 sq. ft. or larger)
Windscreen	\$400 each
Planter	\$50
Combination of Awning/Canopy/Sign /Light	\$500
Skywalk	\$500
String Lights	\$150
Other structures as approved by the City Administrator	\$300

Provided, however, notwithstanding anything in this Ordinance to the contrary, all property, or parts thereof or improvements thereon, with respect to which legal title is or will be held by or for the benefit of the City of La Vista, La Vista Community Development Agency, City of La Vista Facilities Corporation, La Vista/Metropolitan Community College Condominium Owners Association, Inc., or any other entity directly or indirectly controlled by the City of La Vista as determined by the City Administrator, for a public purpose, and all owners of such property, parts, or improvements, shall be exempt from the Building and Use Fees and/or any other fees in this ordinance. The City of La Vista pursuant to a policy of the City Council also may provide for waiver of any or all such Building and Use Fees, or any other fees under this Ordinance that are payable to the City, with respect any political subdivisions that levy property taxes within the corporate limits of the City, or any entity controlled by any such political subdivision.

FIRE INSPECTION FEES

Plan Review Fees

Commercial Building	10% of building permit fee with a maximum of \$1,000
Fire Sprinkler Plan Review 1-20 devices	\$100

21-50 devices	\$200
51-100 devices	\$300
101-200 devices	\$400
201-500 devices	\$500
Over 500 devices	\$500 plus \$1.00 per device over 500
Fire Alarm Plan Review	\$50.00

Child Care Facilities:

0 – 8 Children	\$50.00
9 – 12 Children	\$55.00
13 or more children	\$60.00

Foster Care Homes:

Inspection	\$25.00
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Liquor Establishments:

Non-consumption establishments	\$60.00
Consumption establishments	\$85.00

Nursing Homes:

50 beds or less	\$55.00
51 to 100 beds	\$110.00
101 or more beds	\$160.00

Fire Alarm Inspection:

Four year license (Test)	\$100.00
NICET	\$25.00 per year NICET certification last
Annual test (witnessed)	\$30.00

Sprinkler Contractor Certificate:

Annual	\$100.00
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Fuels Division:

Above ground Hazardous Substance Storage Tanks (Title 158)	
Registration	\$25.00 per tank
Re-registration	\$25.00 per tank (Required whenever change is made to tank or contents)
Above ground Petroleum Storage Tanks (Title 153, Chapter 17)	
Inspection Fee	\$50.00 (Per installation regardless of the number of tanks)

Underground Storage Tanks (Title 159, Chapter 2)

Farm, residential and heating oil tanks (tanks with a capacity of 1100 gallons or less)	\$10.00 one-time registration fee
All other tanks	\$30.00 per tank, annually
Petroleum Release Remedial Action Fund	\$90.00 per tank, annually
Tank installation	\$60.00 per tank
Piping only installation	\$60.00

GRADING PERMIT FEES

5 acres or less	\$ 500
More than 5 acres	\$1,000

TAX INCREMENT FINANCING (TIF) APPLICATION FEES

Application Fee	\$3,000
Administrative Fee	1.5% on TIF Principal up to \$2,000,000 1% on TIF Principal amount above \$2,000,000 thru \$4,000,000 No additional administrative fee for TIF Principal above \$4,000,000

Bond Related Fee		Actual Fees, Costs & Expenses Incurred by the City
<u>PACE PROGRAM</u>		
Application Fee		\$1,000
Administrative Fee		1% of loan amount maximum \$40,000 subject to 50% reduction if a TIF project
Annual Fee		\$500
<u>ZONING FEES</u>		
Comprehensive Plan Amendment		\$500
Zoning Map Amendment (rezoning)		\$500
Zoning Text Amendment		\$500
Zoning Verification Letter		\$50
Subdivision Text Amendment		\$500
Conditional Use Permit (1 acre or less)		\$300
Conditional Use Permit (more than 1 acre)		\$500
Conditional Use Permit Amendment		\$200
Flood Plain Development Permit		\$500
Administrative Plat – Lot Split, Lot Consolidation or Boundary Adjustment		\$750+ additional fee of \$250 for review of revised drawings
Preliminary Platting		\$1,000 +additional fee of \$250 for review of revised drawings
Final Platting		\$1000+additional fee of \$250 for review of revised drawings
Subdivision Agreement		\$500 (min. fee) or actual fee incurred
Revised Preliminary Plat		\$500+additional fee of \$250 for review of revised drawings
Replat		\$1500 +additional fee of \$250 for review of revised drawings
P.U.D.		\$1,000+additional fee of \$250 for review of revised drawings
P.U.D. Amendment		\$500 (min. fee) or actual fee incurred
Vacation of Plat and Right of Way Vacation		\$150
Variance, Appeals, Map Interpretation (B.O.A.)		\$250
Watershed Fees –apply to all new development or significant redevelopment as specified in Exhibit "G" to the interlocal agreement for the Papillion Creek Watershed Partnership: (fees are remitted to Papillion Creek Watershed Partnership)		
<u>OCCUPATION TAXES</u>		
Publication fees		\$Actual cost

Class A Liquor License Holder	\$200
Class B Liquor License Holder	\$200
Class C Liquor License Holder	\$600
Class D Liquor License Holder	\$400
Class I Liquor License Holder	\$500
Class L Liquor License Holder	\$500
Class Z Liquor License Holder	\$500
Class AB Liquor License Holder	\$400
Class AD Liquor License Holder	\$600
Class ADK Liquor License Holder	\$800
Class AK Liquor License Holder	\$400
Class ABK Liquor License Holder	\$600
Class BK Liquor License Holder	\$400
Class CK Liquor License Holder	\$800
Class DK Liquor License Holder	\$600
Class IB Liquor License Holder	\$700
Class IBK Liquor License Holder	\$900
Class ID Liquor License Holder	\$900
Class IDK Liquor License Holder	\$1100
Class IK Liquor License Holder	\$700
Special Designated Permit – Liquor Control	\$ 50/day except non-profits
Transfer of Liquor License from One Location to Another (These fees are in addition to the State Fee Requirement)	\$ 25
Amusement Concessions (i.e. Carnivals) (This would include any vendors set up for special functions at the La Vista Sports Complex)	\$ 10/concession/day
Auto dealers - new and used - \$250 plus \$.01 per sq. ft. of inside area, and \$.005 per sq. ft. of outside area used for display, sales or storage.	
Auto repair	\$100
Banks, small loan and finance companies	\$250 plus \$75/each detached facility.
Barber shops, beauty salons, tanning & nail salons	\$ 75 plus \$10 per operator over one.
Bowling Alleys or Billiard/Pool Halls	\$ 50/year + \$10/table or alley (Additional fees for Restaurants or Drinking Places if applicable)
Car washes	\$100 (includes all vacuum & supply vending machines)
Circus, Menagerie or Stage Show	\$ 50/day
Collecting agents, detective agents or agencies and bail bondsmen	\$ 75
Construction/Tradesmen	\$ 75 and a \$1,000,000
Liability, \$500,000 bodily injury insurance certificate	
Convenience stores	\$ 75 (Additional fees for Restaurants or Drinking Places if applicable)
Convenience store with car wash	\$120 (Includes all vacuum & supply vending machines)
Dry cleaning or laundry and tailoring	\$ 50
Funeral homes	\$150
Gaming Device Distributors	5% of gross receipts (non-profits exempt)
Games of Chance/Lotteries	5% of gross receipts (non-profits exempt)
Games of Chance/Lottery License Fee	\$ 50/1st location - \$10/ea additional
Gas Companies	5% of gross receipts
Hawkers/Peddlers	\$ 75/day or \$500/year

Home Occupations (not specified elsewhere)	
Home Occupation Permit Application Fee	\$30
Home Occupation 1 and Child Care Home	\$50
Home Occupation Conditional Use Permit – see Zoning Fees	

Hotels/motels – Any hotel or motel in the City shall pay to the City monthly an Occupation Tax equal to 5% of gross receipts from room rentals. Any shops restaurants, and/or drinking places which are part of, associated with, or located in or with a hotel or motel facility will be considered a separate classification of business and taxed in accordance with the provisions of this Ordinance and the applicable classification(s) of the shops, restaurants, and/or drinking places hereunder. The Occupation Taxes with Respect to any banquet and/or ballroom facilities of, or associated with, or located in or with, any such hotel or motel shall be determined in accordance with the square footage schedule above, based on the actual square footage of said facilities, which occupation taxes shall be additional to any other applicable occupation taxes such as restaurants or drinking places occupation taxes.

Mobile Food Vendors	\$100/year
Movie theatres	\$150/complex and \$75/viewing room (Additional fees for Restaurants or Drinking Places if applicable)
Music, Vending, & Pinball Machines Provider Fee of \$75.00 for business outside the City that provides machines for local businesses	\$ 20/year/machine +Service
Nurseries, greenhouses, landscaping businesses, and tree trimmers	\$ 75
Nursing homes, assisted living, hospitals and retirement homes	\$ 5 per bed
Pawnbrokers transaction evidenced by a pawnbroker card or ledger entry per Neb. Rev. Stat. Section 69-204. Minimum of \$30/year	\$ 1.00/pawnbroker
Professional services - engineers, architects, physicians, dentists, chiropractors, osteopaths, accountants, photographers, auctioneers, veterinarians, attorneys, real estate offices and insurance agents or brokers - \$75 plus \$10 per agent or professional over one (1)	
Recreation businesses - indoor and outdoor	\$100
Restaurants, Drinking Places, and drive-in eating establishments	\$ 50 (5 employees or less) \$100 (more than 5 employees) Effective 10/1/19 – Fee of 1.5% of gross receipts pursuant to Municipal Code Section 113.10

Retail, Manufacturing, Wholesale, Warehousing and Other - Any person or entity engaged primarily in a manufacturing, wholesale, and/or warehousing business shall pay an Occupation Tax based on the schedule below and the actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; and any person or entity engaged in a business of making retail sales of groceries, clothing, hardware, notions, furniture, home furnishings, services, paint, drugs, or recreational equipment, and any other person or entity engaged in a business for which an Occupation Tax is not specifically provided elsewhere in this Ordinance, shall pay an Occupation Tax based on the schedule below and actual interior or enclosed square footage of facilities in the City used by said person or entity in the conduct of such business; provided, however, that persons or entities that use a basement or one or more additional floors in addition to the main floor (the main floor being the floor with the greatest total square footage) in the conduct of one or more

specified businesses of sales at retail shall determine square footage for purposes of the Occupation Tax imposed hereunder based on the square footage of the entire main floor plus one-half (1/2) of the square footage of all such basement and additional floors.

0	999 sq. ft.	\$ 50
1,000	2,999 sq. ft.	\$ 65
3,000	4,999 sq. ft.	\$ 80
5,000	7,999 sq. ft.	\$ 120
8,000	9,999 sq. ft.	\$ 150
10,000	14,999 sq. ft.	\$ 200
15,000	24,999 sq. ft.	\$ 225
25,000	39,999 sq. ft.	\$ 300
40,000	59,999 sq. ft.	\$ 400
60,000	99,999 sq. ft.	\$ 500
100,000	and greater	\$ 750

Schools - trade schools, dance schools, music schools, nursery school or any type of school operated for profit	\$ 50
Service providers, such as persons, firms partnerships or corporations delivering any product, good or service whatsoever in nature within the City	\$ 75
Service stations selling oils, supplies, accessories for service at retail	\$ 75 + \$25.00 for attached car wash
Telephone Companies (includes land lines, wireless, cellular, and mobile)	5% of gross receipts
Telephone Surcharge - 911	\$1.00 per line per month
Tobacco License	\$ 15 (based on State Statute)
Tow Truck Companies	\$ 75
Late Fee (Up to 60 days)	\$ 35
Late Fee (60-90 days)	\$ 75
Late Fee (over 90 days)	Double Occupation tax or \$100, whichever is greater

CONVENIENCE FEES

Restaurant & Drinking Places Occupation Tax, Hotel Occupation Tax, and General Business Occupation Tax Payments through online portal Credit Cards, Debit Cards, & Digital Wallet	2.5% of transaction + \$0.30
E-Checks	\$1.50 for transactions \leq \$60,000

All Other Payments

Credit Cards	3% of transaction with \$2 minimum transaction
E-Checks	\$3 for transactions \leq \$10,000 \$10 for transactions $>$ \$10,000

OTHER FEES

Barricades	\$ 60/barricade
Deposit Fee (returnable)	\$ 5/barricade per day
Block Parties/Special Event	\$30 ea. (7 days maximum)
Construction Use	
Blasting Permit	\$1,000
Bucket Truck Rental w/operator	\$150 per hour

Community Garden Plot Rental	\$20 annually
Conflict Monitor Testing	\$200
Cat License Fee (per cat – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog License Fee (per dog – limit 3)	\$ 5 each if spayed/neutered \$ 15 each if not spayed/neutered \$ 10 each (delinquent) if spayed/neutered \$ 30 each (delinquent) if not spayed/neutered
Senior Citizen Discount (Age 65+)	Free if spayed/neutered
Dog/Cat License Handling Fee (in addition to above fees)	\$5
Dog or Cat License Replacement if Lost	\$1
Dog or Cat Capture and Confinement Fee	\$10 + Boarding Costs
MAXIMUM OF 4 DOGS AND/OR CATS WITH NO MORE THAN 3 OF EITHER SPECIES	
Election Filing Fee	1% of Annual Position Salary
Fireworks Sales Permit (Non-Profits)	\$2,000
Handicap Parking Permit Application Fee State	\$ Currently Not Charging Per
Natural Gas Franchisee Rate Filing Fee (For rate changes not associated w/the cost of purchased gas.)	Per Agreement
Open Burning Permit	\$ 10
Parking Permit Fees:	
Monthly Parking – Covered Stall	\$50/Month per permit
Monthly Parking – Uncovered Stall	\$25/Month per permit
Off-Street Parking – 3 hours free (\$0), after which \$1.00/hr. up to \$10/day (Parking Day runs 6a.m. – 6a.m.)	
On-Street Parking – free (\$0) with three (3) hour limit	
Parking Ticket Fees	
If paid within 7 days of violation date	\$ 20 (\$5 + \$15 admin fee)
If paid after 7 days of violation date but within 30 days	\$ 25 (\$10 + \$15 admin fee)
If paid after 30 days of violation date	\$ 35 (\$20 + \$15 admin fee)
Pawnbroker Permit Fees:	
Initial	\$ 150
Annual Renewal	\$ 100
Pet Store License	\$ 50 (In addition to Occ. License)
Police Officer Application Fee	\$ 20

Public Assembly Permit (requires application and approval)	\$ 00
Returned Check Fee (NSF)	\$ 35
Storage of Explosive Materials Permit	\$ 100
Towing/Impound Fee	\$ 30
Trash Hauling Permit Performance Bond	\$ 25/yr./truck + \$25,000

PUBLIC RECORDS

Request for Records	\$15.00/	Half Hour + Copy
		Costs* (May be subject to deposit)
Audio Tapes	\$5.00	per tape
Video Tapes or CD/DVD	\$10.00	per tape/CD

*Copy costs shall be established by the Finance Director

Unified Development Ordinance	\$100
Comprehensive Plan	\$ 50
Zoning Map	\$5 11"x17" \$10 12"x36" \$30 36"x120"
Zoning Ordinance w/Map	\$ 30
Subdivision Regulations	\$ 30
Future Land Use Map	\$5 11"x17" \$10 12"x36" \$30 36"x120"
Ward Map	\$ 2
Fire Report	\$ 5
Police Report	\$ 5
Police Photos (5x7)	\$ 5/ea. for 1-15 \$ 3/ea. for additional
Police Photos (8x10)	\$10/ea. for 1-15 \$ 5/ea. for additional
Police Photos (Digital)	\$10/ea. CD
Criminal history	\$10

FALSE AND NUISANCE ALARMS

Registration Fee for Alarm System (not to include single family or duplexes)	\$25
Renewal Fee for Alarm System (not to include single family or duplexes)	\$25
Late Registration Charge	\$35

False Alarm Fee for any false alarm generated by the registrant's alarm system, a fee in accordance with the following schedule (from 1 January through 31 December of each year) shall be charged:

Number of False/Nuisance Alarms	False/Nuisance Alarm Charge
1	No Charge
2	No Charge

3	\$100.00
4 or more	\$250.00

False Alarm Fee for Alarm Systems without Registration - \$250 per alarm after 1st alarm
(not to include single family or duplexes)

RESPONSE TO LARGE HAZARDOUS MATERIALS INCIDENTS

A Dispatch and mobilization charge of \$300 + mileage shall be charged for response to any incident where no action is taken. If services are provided, the following rates shall apply:

Response Vehicles: One-hour minimum charge. All charges will be made to the closest 1/4 hour. Mileage will be charged at \$8.00 per mile per vehicle.

Pumper/Tanker Truck	\$500/hour
Weed Truck	\$150/hour
Aerial Ladder Truck	\$750/hour
Utility Vehicle	\$200
Command Vehicle	\$100

Equipment Charges:

Jaws of Life	\$250
Power Saw	\$75
Hydraulic jack/chisels	\$75
Cribbing Blocks	\$10
Winches	\$10

Air Bags	\$50
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High Lift Jack	\$20
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Supplies: The actual City cost of the supplies plus 25% shall be charged for all supplies including but not limited to safety flares, Class A foam, Class B foam, absorbent pads, absorbent material, salvage covers, and floor dry.

RESCUE SQUAD FEES

Basic Life Support Emergency	\$650
Basic Life Support Non-Emergency	\$450
Advanced Life Support Emergency I	\$750
Advanced Life Support Emergency 2	\$950
Advanced Life Support Non-Emergency	\$550
Mileage - per loaded mile	\$ 15

LIBRARY FEES

Membership (Non-Resident Family)	6 month	\$ 35.00
	1 year	\$ 60.00
	1 month	\$ 7.00
Fax		\$2.00 up to 5 pages
Fines		
Books		\$.05/day
Audio Books/Board Games/CDs		\$.10/day
DVDs/		\$ 1.00/day
Playaway device		\$ 1.00/day
Board Game not returned to Circulation Desk		\$5.00
Damaged & Lost Books		\$5.00 processing fee + actual cost

Videos /DVDs/CDs	\$5.00 processing fee + actual cost
Color Copies	\$.50
Copies	\$.10
Inter-Library Loan	\$3.00/transaction
Lamination – 18" Machine	\$2.00 per foot
Lamination – 40" Machine	\$6.00 per foot
Children's Mini-Camp	-\$15.00
Seasonal/Special Workshops	\$15.00

RECREATION FEES

Refund Policy (posted at the Community Center)	\$10.00 administrative fee on all approved refunds
Late Registration Fee <u>Community Center</u>	\$10.00

	<u>Resident</u>	<u>Non-Resident</u>	<u>Business Groups</u>
Facility Rental			
Gym (1/2 Gym)	\$ 38/Hour	\$ 75/Hour	\$ 75/Hour
Gym (Full)	\$ 75/Hour	\$150/Hour	\$150/Hour
Gym/Stage (Rental)	\$400/Day	\$500/Day	\$500/Day
Whole Community Center	\$600/Day	\$800/Day	\$800/Day
Game Room	\$ 22/Hour	\$ 44/Hour	\$ 44/Hour
Meeting Rooms (Rental)	\$ 12/Hour/Room	\$ 22/Hour/Room	\$ 27/Hour
Kitchen (Rental)	\$ 19/Hour	\$ 27/Hour	\$ 33/Hour
Racquetball Court	\$ 7/Hour	\$ 14/Hour	\$ 14/Hour
Stage (Rental)	\$ 12/Hour	\$ 22/Hour	\$ 27/Hour
Facility Usage	<u>Resident</u>	<u>Non-Resident</u>	
Daily Visit (19 and up)	\$ 3.00	\$ 4.00	
Daily Visit (Seniors 55+)	\$ -0-	\$ 2.00	
Fitness Room (19 and up)			
Membership Card	\$27.00/month		
(Exercise Room, Gym, Racquetball/Wallyball Courts)			
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit	
Gym (19 and up)			
(Mon - Fri 8:00 -5:00 pm)	\$3.00	\$ 4.00/Visit	
Resident Punch Card	\$50.00		
(20 punches)			
Non-resident Punch Card		\$35.00	
(10 punches)			
Senior (Resident)	\$-0-		
Non-resident Sr. Punch Card		\$20.00	
(10 punches)			

Variety of programs as determined by the Recreation Director
Fees determined by cost of program
Classes

<u>Contractor</u>	<u>City</u>
75%	25%

Contract Instructor Does Registration and Collects Fees

Fields:

Tournament Fees	\$ 30/Team/Tournament
Tournament Field Fees	\$ 40/Field/Day
Field Rentals (Resident and Non Resident)	\$ 40 / 2 Hours
Gate/Admission Fee	10% of Gross

	<u>Resident</u>	<u>Non Resident</u>
Model Airplane Flying		
Field Pass	\$30*	\$40*
* includes \$10 club membership 1 – year license		
Park Shelters	\$15/3 hours	\$25/3 hours
Swimming Pool	<u>Resident</u>	<u>Non-Resident</u>
Youth Daily	\$ 2	\$ 4
Adult Daily	\$ 3	\$ 4
Resident Tag	\$ 2	
Family Season Pass	\$105	\$165
Youth Season Pass	\$ 65	\$ 95
Adult Season Pass	\$ 75	\$105
30-Day Pass	\$ 55	\$ 85
Season Pass (Day Care)	\$275	\$275
Swim Lessons	\$ 30	\$ 55
*Swimming Pool memberships and specials prices shall be established by the Finance Director		
Youth Recreation Programs	<u>Resident</u>	<u>Non-Resident</u>
Coed T-Ball Ages 5-6	\$ 45/55	\$60/70
Softball/Baseball Ages 7-8	\$ 50/60	\$65/75
Softball/Baseball Ages 9-10	\$ 65/75	\$85/95
Softball/Baseball Ages 11-12	\$ 75/85	\$105/115
Softball/Baseball Ages 13-14	\$ 85/95	\$105/115
Softball/Baseball Age 15-18	\$110/120	\$140/150
Basketball Clinic	\$ 17/27	\$22/32
Basketball Grades 3-8	\$ 55/65	\$65/75
Soccer Academy	\$ 33/43	\$53/63
Flag Football	\$ 33/43	\$53/63
Volleyball	\$ 55/65	\$65/75
3 yr. old Soccer Clinic	\$17/27	\$22/33
Programs		
Adult Volleyball– Spring	\$ 55	\$ 55
Adult Spring Softball – Single	\$215	\$215
Adult Spring Softball – Double	\$420	\$420
Adult Volleyball – Fall/Winter	\$110	\$110
Adult Fall Softball – Single	\$120	\$120
Adult Fall Softball – Double	\$235	\$235
Senior Spring Softball	\$15 per game per team	
Senior Fall Softball	\$17 per game per team	

Special Services Van Fees

Zone 1 Trip within city limits (La Vista & Ralston)	\$1.00 one way
Includes trips to grocery stores and senior center	
Zone 2 Trip outside city limits	\$3.00 one way
Zone 3 Trip outside city limits	\$10.00 one way
Bus pass (each punch is worth \$1.00)	\$30.00

Section 2. Sewer Fee Schedule.

§3-103 Municipal Sewer Department; Rates.

- A. Levy of Sewer Service Charges. The following sewer service charges shall be levied against the user of premises, property or structures of every kind, nature and description, which has water service from any supply source and are located within the wastewater service area of the City of La Vista.
- B. Computation of Sewer Service Charges. For the months of December, January, February and March, the monthly charge for residential sewer services will be computed on the actual water used for these months. The monthly charge for residential sewer service in the months of April, May, June, July, August, September, October and November will be computed on the average water usage of the four (4) preceding winter months of December, January, February and March or for such portion of said consumption, whichever is the lesser. At the option of the City of La Vista, water used from private wells shall be either metered or estimated for billing purposes.
- C. Amount of Sewer Service Charges. The total sewer service charge for each sewer service user will be the sum of three (3) charges: (1) customer charge, (2) flow charge, and (3) abnormal charge.
 - 1. The customer charge is as follows
 - a. For sewer service users classified as Residential, the same being sewer service to a single family dwelling, or a duplex, apartment, or other multi-family dwelling (e.g. apartments) wherein each dwelling unit has a separate water meter that is read and charged for water and sewer use by the Metropolitan Utilities District - \$12.47 per month.
 - b. For sewer service users classified as Residential-Multi-Family, the same being sewer service to Multi-Family dwellings (e.g. apartments) wherein there is only a separate water meter to each building or complex that is read and charged for water and sewer use by the Metropolitan Utilities District - \$13.37 per month.
 - c. For sewer service users classified as General Commercial: Customers who normally use less than 100,000 cubic feet of water per month and who are not Residential users or Residential-Multi-Family users - \$13.37 per month. For sewer service users in this category that require manual billing, add \$10.00 for a total of \$23.37. The manual billing of the customer charge will come from the City of La Vista instead of the Metropolitan Utilities District.
 - 2. The flow charge for all sewer service users shall be \$3.93 per hundred cubic feet (ccf).
 - 3. If users have abnormal strength sewage as determined by the terms of the Wastewater Service Agreement between the City of La Vista and the City of Omaha, then additional charges will be billed to the user at the applicable rates as determined by said Agreement.
 - 4. If users other than those classified herein are connected to the wastewater collection system, the Customer Charges, the Flow Charges and Other Charges will be determined by the City Council in accordance with rules and regulations of the EPA and the Agreement between the City of La Vista and the City of Omaha.

Section 3. Sewer/Drainage Connection Fee Schedule. A fee shall be paid to the City Treasurer as set forth in this section for each structure or tract to be connected to the sewer system of the City. No connection permit or building permit shall be issued until the following connection fees have been paid.

	Effective 1/1/2020	Effective 1/1/2021
Residential		
Single Family Dwelling	\$1,364	\$1,364
Duplex	\$1,364/unit	\$1,364/unit
Multiple Family	\$1,064/unit	\$1,064/unit

Commercial/Industrial	\$7,407/acre of land as platted	\$7,407/acre of land as platted
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The fee for commercial (including industrial) shall be computed on the number of acres within each platted lot or tract, irrespective of the number of structures to be constructed thereon.

The applicable fee shall be paid in respect to each lot or building site as a condition of City's issuance of any building or sewer connection permit.

- A. Changes in Use. If the use of a lot changes subsequent to payment of the fee, which different use would require payment of a fee greater than that payable in respect to the use for which the fee was originally paid, the difference in fee shall be paid to the City at time of such change in use.
- B. Existing Structures. Structures for which sewer connection and building permits have been issued, and all permit fees in respect thereto paid, prior to the effective date hereof shall be exempt from the fees herein imposed.
- C. Preconnection Payments. Where preconnection payment charges for a subdivision or portion thereof have been paid to City at time of subdivision of a tract pursuant to agreement between the City and the developer and the sanitary and improvement district, if any, financing improvements of the subdivision, the preconnection payment so made shall be credited by City to the sewer/drainage fees payable at time of connection of the individual properties to the sewer/drainage systems of the City.
- D. Sewer Tap and Inspection and Sewer Service Fees. The fees imposed by Section 3 hereof are in addition to and not in lieu of (1) sewer tap and inspection fees payable pursuant to Section 3-122 of the La Vista Municipal Code and listed herein and (2) sewer service charges imposed by Section 2 hereof.

Section 4. Sewer Inspection Charges Established for Installation. Inspection charges for nonresidential property sewer installation shall be:

Sewer Tap Fee (Inspection Fee)		
Service Line w/inside diameter of 4"		\$400
Service Line w/inside diameter of 6"		\$600
Service Line w/inside diameter of 8"		\$700
Service Line w/inside diameter over 8"		Special permission/set by Council

Section 5. Miscellaneous Sewer Related Fees: Miscellaneous sewer related fees shall be:

Private Sewage Disposal System Const. Permit	\$	1,500
Appeal Fee Re: Issuance or Denial of Sewer Permits	\$	1,500

Section 6. Repeal of Ordinance No.1372. Ordinance No. 1372 as originally approved on October 15, 2019 and all ordinances in conflict herewith are hereby repealed.

Section 7. 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, 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 8. Effective Date. This Ordinance shall take effect from and after its passage, approval and publication in pamphlet form as provided by law; provided, however, that:

(1) Pawnbroker occupation taxes of Section 1 shall be effective April 1, 2003. Pawnbroker occupations taxes shall be payable on a monthly basis no later than the last day of the calendar month immediately following the month in which the subject pawnbroker transactions occur. For example, the occupation tax on pawnbroker transactions for the month of April 2003 shall be due and payable on or before May 31, 2003.

(2) Pawnbroker permit fees shall be effective January 1, 2004. Annual pawnbroker permit fees shall be due and payable annually on or before January 1. Initial pawnbroker permit fees shall be due and payable on or before the date that the pawnbroker license is issued. Issuance of renewal of pawnbroker permits shall be subject to payment of applicable permit fees.

(3) Rental Inspection Program License fees shall be effective January 1, 2011

(4) The remaining provisions of this Ordinance other than those specified in Sections 8(1), 8(2) and 8(3) shall take effect upon publication, unless a different effective date is otherwise expressly provided in this Ordinance.

PASSED AND APPROVED THIS 195TH DAY OF SEPTEMBER 2020JANUARY 2021.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

ORDINANCE RECORD

No. 728-REFFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1317

AN ORDINANCE TO ADOPT AND CODIFY THE NEGLECTED BUILDING REGISTRATION PROGRAM AS SECTION 150.80 OF THE LA VISTA MUNICIPAL CODE; TO REPEAL CONFLICTING ORDINANCES 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

I. That the neglected building registration program set forth below is hereby adopted, enacted and codified as Section 150.80 of the La Vista Municipal Code.

SECTION 150.80: NEGLECTED BUILDING REGISTRATION PROGRAM

Section	
150.80.0	Establishment of Neglected Building Registration Program
150.80.1	Findings, Purpose and Intent of Neglected Building Registration Program
150.80.2	Scope
150.80.3	Definitions
150.80.4	Administration and Enforcement
150.80.5	Chapter Not Exclusive
150.80.6	Duty to Register Neglected Building
150.80.7	Local Agent Required
150.80.8	Registration Penalty; Lien on Property; Assessment Process
150.80.9	Registration Penalty; Notice
150.80.10	Reinspection
150.80.11	Removal from Registration List
150.80.12	Registration Non-Transferable
150.80.13	Appeals to Board of Appeals
150.80.14	Failure to Reimburse Registration Fees or Pay Civil Penalties
150.80.15	Collection and Distribution of Fees and Penalties
150.80.16	Criminal Violations; Penalties

Section 150.80.0. ESTABLISHMENT OF NEGLECTED BUILDING REGISTRATION PROGRAM.

A Neglected Building Registration Program is hereby established for the City of La Vista, Nebraska pursuant to authority granted by Nebraska law, as adopted or amended from time to time, including, but not limited to, Neb. Rev. Stat. Section 16-246.

Section 150.80.1 FINDINGS, PURPOSE AND INTENT OF THE NEGLECTED BUILDING REGISTRATION PROGRAM.

The Mayor and City Council make the following findings:

- (1) Much of the original housing of the City is approaching 60 years of age. As housing ages, there is an increasing need for regular monitoring and action to maintain it and keep the City's neighborhoods in good, safe and sanitary condition and repair.
- (2) Vacant and neglected residential buildings are a source of blight within a neighborhood.
- (3) Owners who fail to maintain vacant residential properties create eyesores that lead to increased risk of trespass, vandalism and other criminal activity, dangers to residents and their property, declining property values, and a burden to the neighborhood and community.
- (4) Vacant and neglected residential buildings can have a deleterious affect and be a significant contributing factor to the decline of a neighborhood and are a threat to the public health, safety, and welfare.
- (5) Vacant and neglected residential buildings constitute a public nuisance.

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(6) It is the obligation of the responsible parties to prevent these properties and buildings from becoming a burden to the neighborhood and community and a threat to the public health, safety, and welfare.

(7) A program that establishes and enforces a registration system to monitor vacant and neglected residential buildings and promotes compliance to keep such properties in a safe, sanitary, and properly maintained condition, or to restore them to such condition, is in the public interest, good for the neighborhoods in which such properties are located, and in the interests of all residents of the City.

(8) Livable housing and neighborhoods sustain the City's property tax base.

Based on the foregoing and to correct or prevent negative consequences of neglected residential buildings, the Mayor and City Council have determined that it is necessary, desirable, appropriate and in the public interest to implement a uniform neglected building registration program for vacant residential properties.

The purpose of this Neglected Building Registration Program is to provide for registration and inspection of vacant and neglected residential buildings to promote compliance with the municipal code and other applicable laws. The intent of this Neglected Building Registration Program includes:

- (1) Reducing risks of conditions that are catalysts for unlawful activities, declining neighborhoods, and dangers to persons or property;
- (2) Promoting the health, safety, and welfare of the persons living near vacant and neglected residential buildings;
- (3) Promoting the repair and rehabilitation of vacant and neglected residential buildings;
- (4) Promoting the occupancy of vacant residential buildings;
- (5) Preserving of the existing housing supply and neighborhoods;
- (6) Helping to maintain property values and the City's tax base;
- (7) Working toward preventing or eliminating substandard and deteriorating housing; and
- (8) Maintaining a living environment that contributes to healthful individual and family living.

Section 150.80.2 SCOPE.

This Section 150.80 (also referred to as "subchapter") applies to any residential building within the corporate limits of the City of La Vista, Nebraska.

Section 150.80.3 DEFINITIONS.

Unless otherwise provided herein either expressly or by the context, the following terms shall have the corresponding meanings when used in this subchapter:

"BOARDED UP" means that some or all of the building's doors or windows, or door or window openings, have been covered with plywood, wood, or metal sheeting, paneling, or other materials other than permanently installed doors or windows, for the purpose of preventing entry into the building by persons, animals, or the elements of weather.

"BUILDING" or "Residential Building" means an enclosed structure containing one or more dwelling units primarily arranged, designed, used, or intended for permanent or continuous occupancy or use for residential purposes, and including without limitation all accessory or other structures and improvements of or benefiting the property on which a building is located.

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"BUILDING DEPARTMENT" means the Building Division of the Community Development Department.

"BUILDING OFFICIAL" means the Chief Building Official of the City of La Vista or his or her designee.

"CITY CODE" means the La Vista Municipal Code.

"DETERIORATION" means the state, or process of becoming, impaired or inferior in quality, function, or condition, including without limitation, to weaken, disintegrate, corrode, rust or decay, and lose effectiveness; and/or the lowering in quality of the condition, stability, integrity, effectiveness, function, or appearance of a property, building, structure or improvements, or any parts thereof, characterized by holes, breaks, rot, crumbling, peeling, rusting, or any other evidence of physical decay or neglect or extraordinary use, wear and tear, or lack of maintenance, replacement, or repairs of a significant or widespread nature as opposed to a limited, isolated, or concentrated nature.

"DIRECTOR" means the Community Development Director or his or her designee.

"DWELLING" means any building that contains one or more dwelling units constructed or used for residential purposes, or intended or designed to be built, used, rented, leased, let, or hired out to be occupied for residential purposes, excluding hotels and motels. This includes, but is not limited to, single family houses, duplexes, apartments, and other similar buildings or structures.

"DWELLING UNIT" means a single unit, with one or more rooms, providing independent living facilities for residential purposes of one or more persons.

"EFFECTIVE DATE" means the effective date of this subchapter, which shall be _____, 2017.

"LOCAL AGENT" means an agent of the owner pursuant to Section 150.80.7.

"NEGLECTED BUILDING" means an unoccupied dwelling with respect to which one or more of the following have occurred:

- (A) Within the last six months, the property is the subject of two or more notices of violation of the provisions of applicable federal, state or local laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the city code;
- (B) The dwelling is unsecured for 30 days or more;
- (C) The dwelling has sustained significant fire, wind, water, or other damage and is uninhabitable and diligent, consistent efforts to repair, rehabilitate, demolish, or remove the building are not evident within 60 days after the occurrence resulting in the damage described herein;
- (D) The dwelling has been declared a nuisance pursuant to applicable State Statutes, or Ordinances or regulations of the City, including without limitation, Neb. Rev. Stat. §18-1722 or Chapter 92 of the city code;
- (E) The dwelling has been boarded up for a period of more than 60 days;
- (F) The dwelling has been declared and placarded by the Building Department as a dangerous building or an unsafe structure pursuant to applicable State Statutes, or Ordinances or regulations of the City, including without limitation Section 92.15 or Chapter 150 of the city code;
- (G) The dwelling has sustained substantial deterioration due to the lack of maintenance, replacement, or repairs and the owner has failed to comply with a previous notice to correct a violation of the city code;
- (H) The owner has failed to appear and a warrant has been issued in the County Court of Sarpy County, Nebraska, for a violation of federal, state or local laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the city code regarding an unoccupied building or structure with violations under such laws or regulations; or
- (I) The owner has refused to accept service of notices of violation of applicable laws or regulations, including without limitation, Chapter 50, 91, 92, 93, 133, or 150 of the city code, when service has been attempted.

"OCCUPANCY" means actual possession and use of a property.

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'PERSON' means any individual, firm, association, corporation, company, syndicate, partnership, limited liability company, or other legal entity, or any natural person.

"PROPERTY" means all real property in connection with a neglected building, including the parcel on which the building is located.

"PROPERTY MANAGER" means a person responsible for the management of the dwelling other than the property owner. A property manager shall be deemed to be the property owner's agent for purposes of this subchapter unless the property owner otherwise advises the City in writing.

"PROPERTY OWNER" or "OWNER" means any person who alone or with others holds legal title to a dwelling, dwelling unit, or property as recorded with the Sarpy County Register of Deeds, or an equitable interest in such dwelling, dwelling unit, or property, or otherwise has care, custody, or control of the dwelling, dwelling unit, or property as guardian, conservator, receiver, trustee, executor, administrator, beneficiary, or other representative or represented capacity, to the extent proof of such control is presented to the satisfaction of the Building Official. All holders of any legal or equitable title or interest in a dwelling, dwelling unit, or property shall be jointly and severally liable as owners and property owners under this subchapter.

"PROPERTY OWNER'S AGENT" means a person designated by a property owner as an agent to act on behalf of and bind the property owner in all matters arising out of or under this subchapter, except to the extent such authority shall be expressly limited as provided in writing to the Building Official. A property manager shall be deemed to be the property owner's agent for purposes of this subchapter unless the property owner otherwise advises the City in writing.

"RESIDENTIAL PURPOSES" means occupancy or use for residential or living quarters, including without limitation shelter, cooking, eating, sanitation, and/or sleeping by one or more persons.

"UNOCCUPIED BUILDING" means a building that is not actively used as a dwelling.

"UNSECURED" means that access to part or all of an unoccupied building may be obtained with little or no effort, including without limitation, by way of any open, unlocked, damaged, broken, weakened, compromised, or missing doors, windows, or other components. (Ord. ____; date ____)

Section 150.80.4. ADMINISTRATION AND ENFORCEMENT.

(A) The Building Official or his or her designee shall be primarily responsible for administration and enforcement of this subchapter, including without limitation, interpretation of the provisions thereof, and shall be authorized to designate any other persons to assist in carrying out any task or function.

(B) Inspections. The Building Official or his or her designee shall be authorized and directed from time to time to make inspections to carry out this subchapter and safeguard the welfare and safety of the general public, including without limitation, to determine the condition of a property and sufficiency of any corrective actions. Inspections may be conducted at such times as the Building Official determines necessary, including inspections on a complaint basis. Any inspection pursuant to this subchapter shall be subject to voluntary consent or pursuant to a warrant or other court order in accordance with applicable law.

(1) Notice. At least ten days advance written notice of inspection shall be provided to a property owner in accordance with applicable law.

(2) Access.

(a) It shall be the responsibility of the property owner or the property owner's agent to be present at the property at the date and time of all initial and subsequent inspections to provide access for the inspection. Failure to be present at any initial or follow-up inspection will result in an additional administrative and rescheduling fee in accordance with the master fee ordinance, in addition to any other rights or remedies available to the city.

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- (b) If any property owner or other person lawfully in control of a property or dwelling contained therein fails or refuses to consent to access and entry to the property or dwelling under its/his/her ownership or control for any inspection pursuant to this subchapter, the Building Official shall apply for and obtain a warrant or other appropriate court order authorizing such inspection in accordance with applicable law, including but not limited to, Neb. RS 29-830 et seq.
- (c) Access requirements or inspections provided under this subchapter shall be in addition and supplemental to any other access or inspection in accordance with applicable law.
- (d) **Inspection Fees.** An initial inspection shall be conducted at no charge. Inspection of a property after the initial inspection also shall be conducted at no charge if violations have been corrected. If any violation has not been corrected, a fee shall be charged for inspections after the initial inspection as provided in the master fee ordinance, which fee shall be due and payable before a property is removed from the registration list.

(C) Any officer, official, or employee of the City charged or assisting with administration or enforcement of this subchapter shall not, in the discharge of his/her duties, thereby render himself/herself liable personally. Any suit brought against an officer, official, or employee of the City because of such act performed by him or her in the administration or enforcement of any of the provisions of this subchapter shall be defended by the City until the final termination of the proceedings therein.

Section 150.80.5. CHAPTER NOT EXCLUSIVE.

This subchapter in no way limits the remedies, penalties, actions, or abatement measures which may be taken by the Building Official or City at law or in equity for a violation described in this subchapter that also constitutes a violation under any other applicable federal, state or local laws or regulations.

Section 150.80.6. DUTY TO REGISTER NEGLECTED BUILDING.

(A) **NOTICE OF NEGLECTED BUILDING.** The Building Official or Building Division shall notify the property owner of any determination that a dwelling is a neglected building. Such notice shall be personally delivered or mailed regular first class U.S. mail, postage prepaid, addressed to the owner of said property as the owner's name and address appears on the last equalized assessment roll of Sarpy County. Mailed service shall be deemed good service upon deposit with the United States Postal Service, postage prepaid.

- (1) Service to the owner appearing on the last equalized assessment roll of Sarpy County shall suffice for purposes of notice under this subchapter when a property has multiple owners.
- (2) Service on a property owner's agent shall be deemed good service on the owner.
- (3) A copy of the notice under this subsection (A) shall be recorded by the City Clerk in the records of the Register of Deeds of Sarpy County, Nebraska and indexed against the property.

(B) **REGISTRATION OF NEGLECTED BUILDING.** The owner of a neglected building no later than thirty days after notice pursuant to subsection "A" shall register such neglected building with the Building Department.

(C) APPLICATION FOR REGISTRATION.

- (1) An application to register a neglected building satisfying the requirements of this subchapter shall be filed with the City of La Vista and be accompanied by all applicable registration fees as described herein and/or established by the master fee ordinance from time to time.

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(2) Specific Requirements. The application to register a neglected building shall be made in such manner as determined from time to time by the Building Official and include without limitation the following information:

- (a) The correct legal description and address of the property;
- (b) Names, street addresses, telephone numbers, and e-mail addresses (if applicable) of the property owner or owners;
- (c) Names, street addresses, and telephone numbers of all known lienholders and all other parties with a legal or equitable interest in the property;
- (d) Names, street addresses, telephone numbers, and e-mail addresses (if applicable) of the property owner's agent, if applicable, and of the local agent;
- (e) The length of time the building is reasonably expected to remain unoccupied under the circumstances and plan for occupancy;
- (f) A plan and timetable to correct and bring the building into compliance with applicable federal, state, or local laws or regulations constituting the bases for a neglected building determination;
- (g) If the owner does not intend to sell, repair, or rehabilitate the building(s), the owner shall provide a plan for the removal or demolition of all buildings and structures, including a reasonable timeline for completion; and
- (h) Such other information as the Building Official from time to time determines necessary or appropriate to carry out purposes or provisions of this subchapter.

(D) REGISTRATION DETERMINATION. A neglected building shall not be deemed registered until all requirements of registration have been satisfied as determined by the Building Official. The Building Official shall have the authority to deny a registration for any failure to do so, or for reasons that the Building Official determines sufficient considering the purposes of this subchapter, including without limitation the following:

- (1) Any information supplied for the registration is incomplete, false, fictitious, or inaccurate;
- (2) The timetable proposed by any owner for taking any action is unreasonably long, including without limitation a proposed timetable for bringing the building into compliance;
- (3) The plan for any action proposed by an owner is insufficient, including without limitation any plan for repairs and bringing the building into compliance that does not address or correct the violations or deficiencies identified by the Building Official or Building Department;
- (4) Any required action of a property owner is more than 30 days past due; or
- (5) More than 90 days have passed since the first notice of registration has been served or delivered to the property owner or property owner's agent, and registration has not been accomplished.

(E) In the event a registration is denied, the Director shall consult with the City Attorney for consideration of further action. The City Attorney, as directed by the City Administrator or City Administrator's designee, may take any action as the City Administrator or City Administrator's designee determines necessary or appropriate to enforce this subchapter.

(F) In addition to any other remedy permitted in this subchapter, chapter, or city code, in the event an owner fails to timely register or re-register a neglected building as required herein, the City may register or re-register the building, and the registration fees, all penalties, and other consequences that may or shall apply to the owner of the property due to the owner's

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failure to register shall be equally enforceable when the building is registered or re-registered by the City. In the event the City registers a neglected building, such registration shall only require the information set forth in subsections a through c of subsection (C)(2) above. Notice of such registration by the City shall be sent to the property owner or the property owner's agent in the same manner set forth in subsection (A) above.

(G) The owner of any dwelling that has been placarded as an unsafe or dangerous structure for 180 days or more as of the date of passage of this section shall have 90 days from said date of passage to correct violations and otherwise bring the building(s) into compliance with applicable laws and regulations.

(H) The Building Department shall maintain a registration list identifying all properties currently registered and describing all actions taken with respect to each registered building.

(I) Each registration automatically shall expire and terminate at the end of 90 days unless earlier removed from the registration list. If the building has not been removed from the registration list at the expiration of a registration herein, the property owner shall re-register the building pursuant to this section.

(J) **REGISTRATION FEES.** The property owner shall pay a registration fee at the time of registration. Neglected building registration fees shall be in such amounts as provided in the master fee ordinance from time to time. Once registered, a new registration fee shall be due and payable for each additional 90-day period thereafter, or portion thereof, as though registered for the first time, until the building is removed from the list. In the event the City registers or re-registers a neglected building, the registration fee, by virtue of the City undertaking performance of the registration or re-registration function, shall be deemed paid by the City and shall be a cost for which owner is liable and shall become a lien on the property as set forth in Section 150.80.8. Accrual of reimbursable registration fees shall be separate from and in addition to any civil penalties permitted in this subchapter or other provisions of the city code or applicable law. Fees for each additional 90-day period shall become a lien on the property as set forth in Section 150.80.8.

Section 150.80.7. LOCAL AGENT REQUIRED.

The property owner of any neglected property covered by this subchapter shall be available to respond to an emergency on a twenty-four (24) hour basis. This requirement may be met by maintaining an operating business or residence within sixty (60) miles of the property at which the property owner or property owner's agent is regularly present, or by use of a responsible local agent who resides within Sarpy County or an adjoining county; any of whom can be contacted on a twenty-four (24) hour basis. If the property owner's agent or a local agent is used, the property owner shall provide the City with the name, address, and telephone number of the property owner's agent or local agent in addition to owner information. A post office box, mailing address, or toll free numbers shall not be deemed sufficient to meet the provisions of this section. The owner's designation of an agent shall not relieve the owner of an obligation to comply with the provisions of this subchapter or any other provisions of the city code or laws of the State of Nebraska.

Section 150.80.8. REGISTRATION PENALTY; LIEN ON PROPERTY; ASSESSMENT PROCESS.

(A) In addition to reimbursing the City for all registration fees deemed paid by the City, any owner who fails to timely register a neglected building, as required by this chapter, shall be liable for a civil penalty not to exceed \$500.00 as determined by the Director.

(B) Each civil penalty herein shall automatically renew for an additional 90 days unless the neglected building is removed from the registration list as set forth in this chapter with new fees assessed pursuant to Section 150.80.6.

(C) If a building continues to meet the definition of a neglected building for a period of more than 90 calendar days after notice is given, or has been registered, and the owner fails or refuses to register or re-register the neglected building after the initial registration expires, or if the City has not been reimbursed for any portion of registration fees deemed paid by the City, or an assessed civil penalty is not paid, the Director may continue to assess a penalty not to exceed \$500.00 for each 90-calendar-day period, or portion thereof, the neglected building continues to be unregistered or the registration fees or civil penalties are not paid. At no time shall the amount of unreimbursed registration fees, civil penalties, and assessments exceed \$4,000.00 per building in a calendar year, but shall be cumulative in following years. The

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Director may reduce, waive, or stay the imposition of a civil penalty herein for good cause shown by the owner in efforts to comply with this section of an approved plan.

(D) All registration fee reimbursements and civil penalties assessed shall be payable directly to the City.

(E) The owner of the property at the time any notice under Section 150.80.6 is issued shall be personally liable for all unreimbursed registration fees and unpaid civil penalties and any unreimbursed fees and penalties shall also be a lien on any real estate upon which the neglected building is wholly or partially located, from the date of assessment of fees and civil penalties. Interest as allowed by applicable Nebraska law shall also accrue unless reduced, waived or stayed by the Director

(F) The Director shall be authorized to develop policies and procedures for the implementation of this penalty.

(G) The Director shall keep an itemized account of the expenses incurred by the City pursuant to this section. For assessment of unpaid fees and civil penalties hereunder, the Director shall prepare and file with the City Clerk a report specifying the actions taken, the itemized and total cost of the actions, a description of the real property upon which the building or structure is or was located, and the names and addresses of the owners of the property.

(H) Upon receipt of said report, the City Clerk shall present it to the City Council for consideration. The City Council shall fix a time, date, and place for hearing said report and any protests or objections thereto. The City Clerk shall cause notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the City, and served by regular first class U.S. mail, postage prepaid, addressed to the owner of said property as the owner's name and address appears on the last equalized assessment roll of the county, if such so appears, or as known to the clerk. Deposit of the notice with the United States Postal Service shall be deemed good service. Such notice shall be given at least ten days prior to the date set for the hearing and shall specify the day, hour, and place the Council will hear and pass upon the Director's report, together with any objection or protests which may be made thereto, and assess such property with such cost. Such assessment shall be a lien upon such property from the date of assessment, shall become delinquent thirty days after the date of assessment, and shall draw interest from said date until paid at the same rate as provided by law for delinquent general real estate taxes. Foreclosure on a lien shall be pursuant to Nebraska law.

Section 150.80.9. REGISTRATION PENALTY; NOTICE.

(A) Whenever the owner of a neglected building fails to timely register or re-register such building or if the City registers or re-registers a neglected building, a Notice of Registration Penalty shall be issued to the owner within 10 days after the date for registration or re-registration.

(B) A separate Notice of Registration Penalty shall be issued for each subsequent registration fee or civil penalty that may be assessed.

(C) The Notice of Registration Penalty shall be sent to the owner or resident agent by regular first class U.S. mail or personal service and shall be deemed good service upon deposit with the United States Postal Service, if first class mail is used. Service upon the resident agent shall be deemed to be good service upon the owner.

(D) All Notices of Registration Penalty shall be recorded in the offices of the City Clerk and the Register of Deeds for Sarpy County, Nebraska and indexed against the property.

Section 150.80.10. REINSPECTION

The Building Official or his or her designee may periodically reinspect neglected buildings to ensure compliance with this subchapter and all applicable court or administrative orders.

Section 150.80.11. REMOVAL FROM REGISTRATION LIST.

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

(A) A neglected building shall be removed from the registration list and requirements of this chapter by the Director upon such building meeting one or more of the following:

- (1) Correcting all applicable violations and all registration and other fees and penalties have been paid in full;
- (2) Removal or demolition by the owner;
- (3) Removal or demolition by the City of La Vista; or
- (4) Discharge of all assessed registration and other fees and penalties and/or liens upon the property through a foreclosure or other legal process; or

(B) Removal from the registration list shall not result in the reduction, waiver, discharge, release, or other modifications to fees or penalties assessed to the property except as may be ordered by a court of law with competent jurisdictions or as may be modified by the Director herein.

(C) The Director, within 30 days after a building satisfies subsection (A)(1) above, shall record a Notice of Compliance with the Register of Deeds stating that, as of the date of the Notice of Compliance, the property complies with the city code.

(D) The Director, in consultation with the City Attorney, may remove a neglected building from the list in the event the Director determines that the interests of the City and the purpose of this ordinance are best served by removal. Such a finding or determination shall be in writing before becoming effective. All such findings or determinations shall be recorded with the City Clerk.

Section 150.80.12. REGISTRATION NON-TRANSFERABLE.

If the neglected building is required to be registered pursuant to this subchapter, a new registration shall be required for each change of ownership of the building. The seller of a neglected building, which is registered with the Building Department pursuant to this subchapter, shall notify the Building Department within ten business days after the sale or other transfer or conveyance of any registered property. The Director may waive the requirement of a registration following a conveyance if sufficient evidence is provided that action will be taken immediately after the sale to bring the building back into compliance with applicable requirements or remove or demolish the neglected building.

Section 150.80.13. APPEALS TO BOARD OF APPEALS.

Any decision or action of the Director or Building Official related to this subchapter shall be subject to such procedural requirements as described in the International Property Maintenance Code or other applicable law, including any rights of appeal.

Section 150.80.14. FAILURE TO REIMBURSE REGISTRATION FEES OR PAY CIVIL PENALTIES.

In the event that any person fails to reimburse the City for registration fees or pay civil penalties assessed herein, the City Attorney, as directed by the City Administrator or his or her designee, is authorized to seek the recovery of all such registration fees and civil penalties by any means allowed by law. In the event the City Attorney forecloses on any liens assessed under this subchapter, notice shall be given to the owner in accordance with applicable law.

Section 150.80.15. COLLECTION AND DISTRIBUTION OF FEES AND PENALTIES.

Any collection or reimbursement of fees and costs incurred due to the registration of a neglected building by the City, and any penalties collected herein shall be deposited in the General Fund and appropriated or distributed pursuant to applicable law. No fee or any other amount paid the city under this subchapter in any case shall be refunded, except to the extent equity may require as determined by the City Administrator or the City Administrator's designee in his or her sole discretion.

Section 150.80.16. CRIMINAL VIOLATIONS; PENALTIES.

ORDINANCE RECORD

No. 728-REFFIELD & COMPANY INC., OMAHA

Any person upon whom a duty is placed by the provisions of this subchapter who shall fail, neglect, or refuse to perform such duty, or who shall violate a provision of this subchapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$500.00 or be imprisoned in the county jail for a period not to exceed six months, or both, except that each person so convicted shall be fined in a sum of not less than \$200.00 for the first offense, not less than \$300.00 for a second offense, and not less than \$400.00 for the third offense and each offense thereafter. The penalty herein provided shall be cumulative with and in addition to the revocation, cancellation, or forfeiture of any license, permit, or right elsewhere provided for or as provided by law. Each day that a violation of this subchapter continues shall constitute a separate and distinct offense and shall be punishable as such.

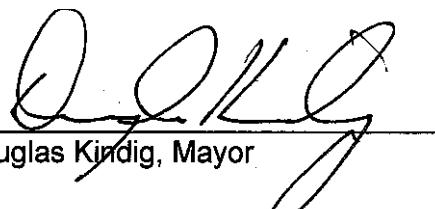
II. REPEAL OF CONFLICTING PROVISIONS. Any conflicting provision of any previously enacted ordinance is hereby repealed.

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, sentence, 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. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law.

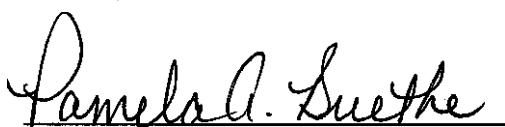
PASSED AND APPROVED THIS 21ST DAY OF NOVEMBER, 2017.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe

Pamela A. Buethe, CMC
City Clerk