

ORDINANCE NO. 2149

AN ORDINANCE TO AMEND SECTIONS 6-17, 9-3, 12-3, 24A-24, AND 24A-26; TO REPEAL SECTION 6-3, 6-3.1, 6-3.2, 6-3.3, 6-3.4, 6-33; TO REPEAL ORIGINAL SECTIONS 6-17, 9-3, 12-3, 24A-24, AND 24A-26, AND ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE AND FOR PUBLICATION IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF LEXINGTON, NEBRASKA AS FOLLOWS:

**Section 1.** That Sections 6-3, 6-3.1, 6-3.2, 6-3.3, and 6-3.4 of the Lexington City Code are hereby repealed.

**Section 2.** That Section 6-17 of the Lexington City Code is hereby amended to read as follows:

Sec. 6-17 Application.

A person seeking issuance of a permit hereunder shall file an application for such permit with the city building inspector.

- (1) Form: The application shall be made in writing, upon forms provided by the building inspector or otherwise, and shall be filed in the office of the building inspector.
- (2) Contents: The application shall set forth:
  - (a) A description of the building proposed to be moved, giving street number, construction materials, dimensions, number of rooms and condition of exterior and interior;
  - (b) A legal description of the lot from which the building is to be moved, giving the lot, block and tract number, if located in the City;
  - (c) A legal description of the lot to which it is proposed such building be moved, giving lot, block and tract number, if located in the City;
  - (d) The portion of the lot to be occupied by the building when moved;
  - (e) The highways, streets and alleys over, along or across which the building is proposed to be moved;
  - (f) Proposed moving date and hours;
  - (g) Any additional information which the building inspector shall find necessary to a fair determination of whether a permit should issue.

(3) Accompanying papers:

- (a) Tax certificate. The owner of the building to be moved shall file with the application sufficient evidence that the building and lot from which it is to be removed are free of liens and that all taxes and any City assessments or utility charges against the same are paid in full.
- (b) Certificate of ownership or entitlement. The applicant shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building.

- (4) Fee: The application shall be accompanied by a permit fee in the amount set by Resolution of the Lexington City Council.

**Section 3.** That Section 6-33 of the Lexington City Code is hereby repealed.

**Section 4.** That Section 9-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 9-3 Building Permits.

No fence or screen wall shall be erected, constructed or moved until a building permit shall have been procured from the Building Inspector. Application for a fence building permit shall include a sketch of the lot, the location of any buildings on the lot, the proposed fence and sufficient dimensions to locate these features accurately. A fee shall be paid by the applicant in an amount set by Resolution of the Lexington City Council.

**Section 5.** That Section 12-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 12-3 Permits.

The following fees shall be payable to the City Treasurer annually:

All food service establishments shall pay an annual inspection fee as set by Resolution of the Lexington City Council.

Permits shall only be issued after a confirmed inspection by the health officer. All fees shall be paid in advance on or before May 1 of each year.

**Section 6.** That Section 24A-24 of the Lexington City Code is hereby amended to read as follows:

Sec. 24A-24. Fees for Submission of Plats.

Fees set by Resolution of the Lexington City Council shall be paid by all persons or

corporations submitting preliminary plats for approval by the Planning Commission. In addition to any other fee or fees required by law and prior to filing of the preliminary plat with the Planning Commission, the subdivider shall pay to the City Treasurer a processing fee. This shall not be refundable. The City Treasurer, upon receipt of the proper fee, shall issue to the subdivider two (2) copies of the receipt, one of which the subdivider shall transmit to the Planning Commission at the time of filing of the preliminary plat.

**Section 7.** That Section 24A-26 of the Lexington City Code is hereby amended to read as follows:

Sec. 24A-26. Administrative Survey Plat.

(1) **Administrative Approval; When Permitted.** The City Engineer is hereby empowered to administratively approve an instrument effecting a subdivision when the following conditions exist:

(a) No new streets or private roadway is dedicated, accepted or needed within the area of the new lots.

(b) The area affected by the instrument effecting a subdivision is wholly contained within the boundaries of a previous subdivision which has been platted and recorded.

(c) The new lots shall meet all zoning requirements of the zoning district in which they are situated.

(d) The instrument effecting a subdivision shall create no more than four (4) lots from any prior lot, tract or parcel of land. If said four (4) lots have been created by prior administrative approval, any further subdivision shall be done by filing and processing a plat as otherwise provided in this Chapter. Exceptions to the foregoing restriction shall be permitted only to allow adjustment of lot lines in case of mistake or error. All new lots shall continue to be described in terms of the pre-existing lot description.

(e) Any easements required for utilities, drainage and any other improvements shall be provided.

(2) **Administrative Approval; Procedure.** The City Engineer shall be provided the following information:

(a) A statement from the County Treasurer showing that all general real estate taxes assessed against the land within the proposed subdivision or any part thereof have been paid in full.

(b) A statement from the City Treasurer showing that all special assessment installment payments are current as applied to said proposed subdivision.

(c) A statement showing the method of apportioning any such installments

against the new lots.

(3) Administrative Approval; Survey. If the City Engineer determined that a survey of the area affected is necessary in order to determine whether the proposed subdivision will comply with this Article, a survey of the lots affected, showing the boundaries proposed to be created by such instrument shall be submitted to the City Engineer by the subdivider. Such survey shall be drawn at a minimum scale of one inch (1") to one hundred feet (100') by a licensed land surveyor and shall show the boundaries of the new lots superimposed over the existing lot boundaries. The survey shall also show the location of all existing buildings and the location of all existing utilities serving the land within the boundaries of the survey. Upon approval of the instrument effecting subdivision, the survey as provided in this section shall be filed with the Dawson County Register of Deeds.

(4) Administrative Approval; Approval or Denial by City Engineer. If the City Engineer determines that an instrument effecting subdivision meets the requirements of this Article, his approval shall be endorsed upon such instrument effecting subdivision. Upon denial of the request, if such approval is not given, the subdivider may submit the proposed subdivision to the Planning Commission by filing a preliminary plat and as otherwise provided in this Chapter.

(5) Administrative Approval; Prior Instruments Approved. Any instrument in writing, which has been filed in the office of the Dawson County Register of Deeds prior to the effective date of this Ordinance, which in any manner purports to effect a subdivision of real property, regulated by this Chapter, and the instrument, or the record thereof, fails to comply with any requirements of this Chapter, such instrument shall be fully legal, valid and binding and effectual for all purposes to the same extent as though such instrument had, in the first instance, been in all respects duly approved, and provided an action has not been commenced in a court of competent jurisdiction to set such instrument aside within 180 days from and after the effective date of this ordinance.

(6) Upon filing a request for administrative approval of an instrument effecting a subdivision, a fee as established by Resolution of the Lexington City council shall be paid.

**Section 8.** That original Sections 6-17, 9-3, 12-3, 24A-24, AND 24A-26 together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

**Section 9.** That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 13th day of November, 2001.

*John H. Fyfe*

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Mayor

Attest:

*Shirley Lewis*  
City Clerk (Deputy)

