

ORDINANCE NO. 2223

AN ORDINANCE TO AMEND CHAPTER 18 OF THE LEXINGTON CITY CODE; TO MODIFY PROVISIONS RELATING TO ABATEMENT OF NUISANCES; TO REPEAL ORIGINAL CHAPTER 18 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 Chapter 18 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-1 Enumerated Generally.

The following specific acts, omissions, places, conditions and things are hereby declared to be nuisances and are hereby prohibited, and shall be construed as defined by Section 28-1321, Revised Statutes of Nebraska, 1943, except as otherwise specifically defined by this section:

- (a) Violations of the International Property Maintenance Code as adopted.
- (b) Permitting or allowing any growth of twelve inches or more in weeds, grasses, or other worthless vegetation on lots and grounds and on the streets and alleys on which the same abut.
- (c) Permitting or causing the escape of such quantities of soot, cinders, noxious acids, fumes and gases in such place or manner as to be detrimental to any person or to the public or to endanger the health, comfort and safety of any such person or of the public, or in such manner as to cause or have a tendency to cause injury to property or business.
- (d) Permitting property to remain defaced with graffiti. Graffiti means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property
- (e) Permitting the parking, storing or leaving of any motor vehicles of any kind which are in a wrecked, dismantled, inoperable, junked or partially dismantled condition; provided, this section shall not apply to any vehicle located on private property and enclosed within a building, or to any vehicle held in connection with a business enterprise, lawfully operated within the City in a non-residential zoning area.
- (f) The burning of fuels used in solid fuel heating appliances which contain substances which are hazardous chemicals or cancer causing agents, such as wood preservatives of pentachlorophenol, creosote and arsenates. Substances which are hereby declared unlawful for burning shall include, but not be limited to such items as railroad ties, light poles and fence posts containing wood preservatives.

Sec. 18-2 Notice to Abate.

- A. Whenever any lot owner, or owner of any tract of land, or occupant of a lot or tract of land, permits a nuisance to exist, such owner or any occupant shall be notified of the existence of

such nuisance by the City Manager, and upon failure of said owner or occupant to abate such nuisance within the time stated in such notice, the owner or occupant shall be guilty of creating a nuisance. Notice may be served by personally handing a copy thereof to each owner, or owner's duly authorized agent and to the occupant, or by leaving at his usual place of residence, or in the event the owner is a nonresident of the City, and his residence is known, notice may be served upon him by certified mail. Service of notice by certified mail shall be deemed complete when the notice is delivered to the owner by the United States mail. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper of general circulation in the city or by conspicuously posting the notice on the lot or ground upon which the nuisance is to be abated and removed.


- B. The owner shall have the right to appeal the Notice to Abate, by filing a notice of appeal with the City Clerk within the time originally required for abatement of said nuisance. Said appeal shall be to the Board of Adjustment.
- C. Upon failure of the owner or occupant to comply with the Notice to Abate, the City may, in addition to or in lieu of filing charges for violation of this Chapter, proceed as follows:
 - 1. The City may cause any wrecked, dismantled, inoperable, junked or partially dismantled condition motor vehicle to be towed from the property, at the expense of the owner of said motor vehicle. Such towed vehicle shall thereafter be handled pursuant to Article IX, of Chapter 16 of the Lexington City Code.
 - 2. When any other nuisance is to be removed, the city may have such work done, and the costs and expenses of any such work shall be paid by the owner. If unpaid for two months after such work is done, the city may collect such cost and expense as provided in Nebraska Revised Statutes Section 16-230, R.R.S. 1997.

Section 2. That original Chapter 18, together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

Section 3. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 10th day of October, 2006.

Attest:



Pamela Berke
Deputy City Clerk

Steve Tomask
Vice-President of Council