

AN ORDINANCE TO AMEND ARTICLE 23 OF THE LEXINGTON CITY CODE; TO MAKE PROVISION FOR STORM SEWER TAPS AND TO PROVIDE FOR PERMITS AND FEES; TO REPEAL ANY 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 Article 23 of the Lexington City Code is hereby amended to read as follows:

Storm Sewers; When Tapping Allowed; Tapping Fees;

No person shall tap into a public storm sewer, except with specific written permission of the City Manager. No tap shall be permitted unless the City Manager determines that such tap can be accomplished in compliance with the public works specifications of the City, without cutting public streets or sidewalks, and without risk of damage to the storm sewer system.

Application for storm sewer tap, signed by the owner of property benefited by such tap, shall be submitted to the Building Department, with plans and specifications for the proposed tap, including plans for backflow prevention. As a condition of said application, the applicant will agree to reimburse City for any damage to City storm sewer system caused by such tap, and in addition will require the applicant or subsequent land owner to remove said tap as necessary to allow future improvements or repairs of said storm sewer system. Upon approval of such application, a tapping permit shall be issued.

Storm sewer tap fees shall be \$400.00 for heat pump and \$100.00 for sump pump. The Building Department shall make at least one inspection of the completed installation before closing, and one inspection of any required backfill.

Section 2. That all ordinances or sections of ordinances in conflict herewith are hereby repealed.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 13th day of June, 1995.

John M. Wightman, Mayor

ORDINANCE NO. 2023

AN ORDINANCE TO AMEND SECTIONS 18-2, 18-2.1, AND 16-91 OF THE LEXINGTON CITY CODE; TO DEFINE UNLICENSED MOTOR VEHICLES AS A NUISANCE, AND TO PROVIDE FOR REMOVAL OF SAID VEHICLES FROM PRIVATE PROPERTY; TO INCREASE TOWING FEES; TO REPEAL ORIGINAL SECTIONS 18-2, 18-2.1, AND 16-91, 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 Section 18-2 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-2 Storage of Unlicensed, Dismantled, Wrecked, Junked and Inoperable Motor Vehicles as Nuisance.

It is expressly found and determined that the storage or accumulation of unlicensed, dismantled, partially dismantled, wrecked, junked or inoperable motor vehicles left upon private property, in places other than junk yards or other appropriate areas, tends to interfere with the enjoyment of property, reduce the value of private property, and invite plundering and vandalism, create fire hazards, extend and aggravate urban blight, and result in a serious hazard to the public health, safety, comfort, convenience, welfare and happiness of the residents of the City and is hereby declared to be a nuisance. No person shall park, store, leave, or permit the parking, storing or leaving of any motor vehicles of any kind which is in a wrecked, dismantled, inoperable, junked or partially dismantled condition, or without current motor vehicle license plates and registration, for a period of time in excess of thirty (30) days; provided, this section shall not apply to any currently licensed vehicle located on private property and enclosed within a building or within a properly fitted water repellent cover, or to any vehicle held in connection with a business enterprise, lawfully operated within the City in a non-residential zoning area; and provided further, this section shall not apply to vehicles intended for off-road use, which are in operable condition, and for which the owner can provide current proof of ownership and personal property tax receipts.

Section 2. That Section 18-2.1 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-2.1 Definitions.

The following words and phrases shall have the meanings respectively ascribed to them by this section:

- (a) Motor vehicle is any vehicle which is self propelled and designed to travel along the ground and shall include, but not be limited to automobiles, buses, motor bikes, motor-cycles, motor scooters, trucks, tractors, go carts, golf carts, campers and trailers.
- (b) Junked motor vehicle is any motor vehicle which does not have lawfully affixed thereto an unexpired license plate or plates, or the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.
- (c) Inoperable motor vehicle shall not include a vehicle being repaired, for which repair or replacement parts have been ordered or procured.
- (d) Properly fitted water repellent cover shall mean a cover totally enclosing the vehicle, shaped and fastened to present a pleasing appearance and noiseless in the wind.

Section 3. Section 16.91 of the Lexington City Code is hereby amended to read as follows:

Sec. 16-91 Removal of Stalled, Parked or Nuisance Motor Vehicles.

Members of the police department are hereby authorized to remove or cause to be removed a vehicle from a street or private property to another place or location on a street or to a lot, garage, storage yard, or other similar facility designated by the police department when:

- (a) The vehicle is parked on a snow emergency route on which a parking prohibition is in effect.
- (b) The vehicle is stalled on a snow emergency route on which there is a parking prohibition in effect and the person who is operating said vehicle does not appear to be removing it in accordance with the provisions of this Article.
- (c) The vehicle is parked on any street in violation of any parking prohibition or provision of law contained in this Article.
- (d) For motor vehicles defined as a nuisance by Section 18-2, when the lot owner or occupant has failed to comply with a Notice to Abate within the five (5) days for compliance.

Such vehicle removal may be made by towing to a private lot, garage, storage yard, or other similar facility. Any stored vehicle shall not be released from storage except upon payment by the owner of the vehicle to the person or persons in charge of the lot, garage, storage yard, or other similar facility of the cost of towing, which fee shall not in any event exceed


\$ _____. The cost of storage shall not exceed \$4.00 for each twenty-four hour period, or fraction thereof, during which time the vehicle remains stored. A receipt for such fees shall be issued to the owner of the vehicle.

It shall be the duty of the person or persons in charge of the lot, garage, storage yard, or other similar facility designated by the police department for storage to keep a record of the name of the owner of all vehicles towed in under these provisions, together with the registration number of each vehicle, and the nature and circumstances of such violation, and the amount of fees collected hereunder and to deliver a report of each day's transactions to the Chief of Police not later than one day following the day for which the report is made.

Section 4. That original § 18-1, § 18-4, and §16-91 together with all ordinances or sections of ordinances in conflict herewith are hereby repealed.

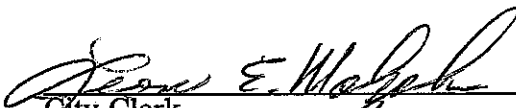
Section 5. That this Ordinance shall be published in pamphlet form and take effect as provided by law.

Passed and approved this 13th day of June, 1995.



Mayor

Attest:



City Clerk

