

ORDINANCE NO. 2194

AN ORDINANCE TO AMEND SECTIONS 18-3 AND 18-4 OF THE LEXINGTON CITY CODE; TO AMEND PROVISIONS FOR NOTICE OF NUISANCE VIOLATIONS; TO REPEAL ORIGINAL SECTIONS 18-3 AND 18-4, 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 18-3 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-3 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 if the nuisance is not abated within five days from the service of the notice, the owner or occupant shall be guilty of creating a nuisance. The 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. Upon failure of the owner or occupant to so abate the nuisance within five (5) days of notice being given, in addition to or in lieu of filing charges for violation of this Chapter, the City Police Department may cause any junked 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.

(Mun. Code, Sec. 8-402; Ord. No. 2097)

Section 2. That Section 18-4 of the Lexington City Code is hereby amended to read as follows:

Sec. 18-4 Destruction and Removal of Weeds.

- (a) The City Manager shall have authority to enforce the terms of this chapter relating to growth of weeds, grasses and worthless vegetation. Notice to abate and remove such nuisance shall be given to each owner or owner's duly authorized agent and to the occupant, if any, by personal service or certified 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) If within five (5) days after notice is received, the owner or occupant of the lot or piece of ground does not request a hearing with the city or fails to comply with the order to abate and remove the nuisance, the City Manager or his agent may cause all such weeds and worthless vegetation to be destroyed and removed from said property at the expense of the City of Lexington. Such work shall be done by chemical treatment, cutting or chopping, at the discretion of the City Manager. The actual cost of such work, together with the expenses of administration, shall be assessed by ordinance against the property so benefited in the same manner as other special taxes for improvements are levied and assessed.
- (c) The notice required above shall be a five (5) day abatement notice describing the property in questions, and describing the action required. Such notice may be served by personal delivery or by certified mail to the owner at the address shown on the real estate tax records for said property. Such notice shall be deemed completed five (5) days after such mailing is delivered, postage prepaid to the post office. (Ord. No. 1952, Sec.2)

Section 2. That original Sec. 18-3 and 18-4, 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 on December 14, 2004



Mayor

Attest:



City Clerk - Deputy

