

ORDINANCE NO. _____

1 AN ORDINANCE repealing Chapter 14.44 of the Lincoln Municipal Code relating
2 to Obstructions on Corner Lots as the requirements set forth in Chapter 14.44 would be more
3 appropriately addressed in the City of Lincoln Design Standards.

4 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

5 Section 1. That Chapter 14.44 of the Lincoln Municipal Code be and the same is
6 hereby repealed in its entirety.

7 ~~14.44.010 — Obstructing View on Corner Lots.~~

8 ~~— Except as otherwise provided in Section 27.71.080 of the Lincoln Municipal Code, it is~~
9 ~~hereby determined that in order to protect and preserve the public welfare and safety, it shall be~~
10 ~~unlawful for any person, firm, or corporation install, plant, place, set out or maintain, or to allow to~~
11 ~~be installed, planted, placed, set out or maintained, or to permit to exist any tree, hedge, shrubbery,~~
12 ~~plant, natural growth, sign, or other obstruction to the view which is higher than two feet six inches~~
13 ~~above either:~~

14 ~~— (a) — The top of the curb return at the applicable corner of the~~
15 ~~intersection; or~~

16 ~~— (b) — The nearest pavement surface, where there is no curb; or~~

17 ~~— (c) — The existing traveled roadway at the corner in question where there is no curb, or to~~
18 ~~pavement on property at any corner formed by intersecting streets within that triangular area~~
19 ~~bounded by the property lines and a diagonal line joining points on the property lines located~~
20 ~~twenty-five feet from the point of intersection of the property lines on two intersecting streets, or~~
21 ~~in the case of rounded corners, the triangular area bounded by the tangents to the curve of property~~
22 ~~lines on two intersecting streets and a diagonal line joining tangents to said curves at points that shall~~
23 ~~be located twenty-five feet from the point of intersection of said tangents. The tangents referred to~~
24 ~~are those at the beginning and at the end of the curve at the corner. Any obstruction maintained or~~
25 ~~existing in violation of this chapter shall be deemed a public nuisance.~~

1 **14.44.020 — Application of Restrictions; Exceptions.**

2 ——— The foregoing provisions shall not apply to permanent buildings, public utility poles, young
3 saplings or trees trimmed to the trunk so as to permit unobstructed cross-visibility to a line at least
4 six feet above the level of the reference point as defined in Section 14.44.010 hereof, official traffic-
5 control devices, or to places where the contour of the ground is such that there can be no cross-
6 visibility at the intersection.

7 **14.44.030 — Enforcement.**

8 ——— The Mayor or any department or persons designated by him, hereinafter referred to as the
9 "enforcement official," is charged with the enforcement of this chapter, and to that end the
10 enforcement official or any person authorized by him may enter upon private property at reasonable
11 hours for purposes of determining if there is a violation of this chapter.

12 **14.44.040 — Notice to Remove.**

13 ——— If any tree, hedge, shrubbery, planting, natural growth, sign, or other obstruction is installed,
14 planted, placed, set out, or maintained or permitted to exist in violation of this chapter, the
15 enforcement official shall give the owner of the premises upon which the obstruction exists written
16 notice that said tree, hedge, shrubbery, planting, natural growth, sign, or other obstruction violates
17 the requirements of this chapter, creating a hazard to the safety of those persons using the streets.
18 The notice shall inform such owner that if the obstruction is not destroyed or removed or trimmed
19 to comply with the provisions of this chapter within five days from the date of notice, the city shall
20 perform the required act and shall assess the cost against the property. Said notice shall be given
21 such owner by publication at least once in a daily newspaper of general circulation in the City of
22 Lincoln, and by postage prepaid certified mail.

23 ——— If such obstruction is not destroyed, removed, or trimmed to comply with the requirements
24 of this chapter within five days from the date of notice, the enforcement official shall destroy,
25 remove, or trim the obstruction and the cost shall be assessed against the property accordance with
26 the provisions of this chapter and Subsection 45 of the City of Lincoln Charter, Article II, § 2.

27 **14.44.050 — Removal and Assessment of Cost.**

28 ——— In the event such owner shall fail or refuse to comply with the requirements of this chapter
29 for the removal or abatement of said nuisance as provided in this chapter, then and in that event at

1 ~~the expiration of the date so fixed, the enforcement official may cause the removal or abatement of~~
2 ~~the public nuisance at the cost and expense of such owner. The cost and expense of removal or~~
3 ~~abatement of said nuisance shall be determined and equalized at a regular meeting of the City~~
4 ~~Council by resolution, and assessed as a special assessment against the real estate upon which such~~
5 ~~nuisance existed. Notice of the time, place, and purpose of such meeting of the City Council for the~~
6 ~~making of such assessment shall be given not less than ten days prior to such meeting. The City~~
7 ~~Clerk shall cause notice of said hearing to be published once in a newspaper of general circulation~~
8 ~~in the city, and served by certified mail, postage prepaid, addressed to the owner of such property~~
9 ~~as his/her name and address appears on the last equalized assessment roll of Lancaster County,~~
10 ~~Nebraska, if such so appears, or as known to the City Clerk.~~

11 ~~**14.44.060 — Collection of Assessment.**~~

12 ~~— Such assessment, when assessed as provided in the preceding sections of this chapter, shall~~
13 ~~be certified by the City Clerk and delivered to the City Treasurer and shall be collected in the~~
14 ~~manner provided by law for the collection of general real estate taxes. Such assessment shall be a~~
15 ~~lien upon such real estate from the date of assessment, shall be due immediately upon being certified~~
16 ~~to the City Treasurer and shall become delinquent December 1 after the date of assessment, and shall~~
17 ~~draw interest at the rate of one percent per month from date of delinquency until paid. It shall be the~~
18 ~~duty of the City Treasurer to collect said tax in the same manner and at the same time as general~~
19 ~~taxes and the items of said tax shall be receipted for on the same receipt blanks as general real estate~~
20 ~~taxes.~~

21 Section 2. That this ordinance shall take effect and be in force from and after its
22 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

Approved this ___ day of _____, 2006:

Mayor

City Attorney