

ORDINANCE NO. 953

AN ORDINANCE RELATING TO dead or diseased trees; revising provisions relating to nuisances; specifying notice and hearing requirements; clarifying that expenses may be collected as a special assessment days; to harmonize with state law; to repeal conflicting ordinances and sections; and to provide an effective date.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GOTHENBURG,
NEBRASKA:

Section 1. The City of Gothenburg's Code of Ordinances is revised to read as follows regarding trees:

DEAD OR DISEASED TREES.

(A) (1) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees within the right-of-way of streets within the corporate limits of the (city/village) or within its one-mile zoning jurisdiction.

(2) Notice to abate and remove such nuisance and notice of the right to a hearing and the manner in which it may be requested shall be given to each owner or owner's duly authorized agent and to the occupant, if any. The (city/village) shall establish the method of notice by ordinance. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Within five days after receipt of such notice, the owner or occupant of the lot or piece of ground may request a hearing with the (city/village) to appeal the decision to abate or remove the nuisance by filing a written appeal with the office of the (City/Village) Clerk. A hearing on the appeal shall be held within 14 days after the filing of the appeal and shall be conducted by an elected or appointed officer as designated in the ordinance. The hearing officer shall render a decision on the appeal within five business days after the conclusion of the hearing. If the appeal fails, the (city/village) may have the work done to abate and remove the dead or diseased trees. If the owner or occupant of the lot or piece of ground does not request a hearing with the (city/village) within five days after receipt of such notice or fails to comply with the order to abate and remove the nuisance, the (city/village) may have such work done. The (city/village) may levy and assess all or any portion of the costs and expenses of the work upon the lot or piece of ground so benefitted as a special assessment.

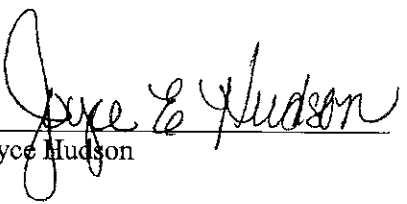
(Neb. RS 17-555)

(B) It is hereby declared a nuisance for a property owner to permit, allow, or maintain any dead or diseased trees on private property within the corporate limits of the (city/village) or within its one-mile zoning jurisdiction. The provisions in division (A)(2) shall apply to such nuisances. For the purpose of carrying out the provisions of this section, the (city/village) police shall have the authority to enter upon private property to inspect the trees thereon.

Section 2. Any other ordinance or code section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

Passed and approved this 19th day of September, 2017



Mayor, Joyce Hudson

(SEAL)

ATTEST:



Brandi Klopping, Clerk