

**BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA**

RESOLUTION ADOPTING SNOW EMERGENCY ORDINANCE

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, under the direction of the County Board, the County Administrator and County Attorney drafted a snow emergency ordinance; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-188, notice was published in a newspaper of general circulation once per week for two weeks and such notice contained the entire language of the ordinance and the time and place of the hearing; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-188, a public hearing on the ordinance was held on May 11, 2010 and public input was received; and,

WHEREAS, the County Clerk provided a copy of the ordinance to the clerk of each city within the county within seven days of the public hearing and each city responded; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-190, the County Board voted by a three-fourths vote to suspend the requirement that the county ordinance be read by title on three different days; and,

WHEREAS, a motion was made to proceed to final adoption of the snow emergency ordinance; and,

WHEREAS, the County Board desires to adopt a snow emergency ordinance, a copy of which is attached.

NOW, THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners that this Board does hereby adopt the snow emergency ordinance, a copy of which is attached.

DATED this 15th day of June, 2010.

Moved by Tom Richards, seconded by Rich Jansen, that the above Resolution be adopted. Carried.

YEAS: Rich Jansen
Justin [unclear]

NAYS: none

ABSENT: Pat Thomas

Thomas J. Richards



ABSTAIN: none

Debra Noughton
County Clerk

Approved as to form:
J. Rein
Deputy County Attorney

ORDINANCE NO. 3-1-01

AN ORDINANCE TO ESTABLISH A SNOW EMERGENCY POLICY; TO ADOPT PARKING REGULATIONS DURING DECLARED SNOW EMERGENCIES; TO ESTABLISH A PENALTY AND PROVIDE FOR ENFORCEMENT OF REGULATIONS; AND TO PROVIDE FOR AN EFFECTIVE DATE.

Whereas, the Sarpy County Highway Department provides snow and ice removal for County road systems and roads within sanitary improvement districts during winter storm events; and,

Whereas, vehicles parked on such roads hinder the ability of Sarpy County to adequately remove snow and ice, impair the public's ability to access routes to seek emergency services, and in certain cases pose a hazard to the general public; and,

Whereas, the Sarpy County Board has held a public hearing on the matter, after giving due notice as required by law.

NOW THEREFORE, BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF SARPY, NEBRASKA:

SECTION 1. Snow Emergency: There is hereby established a Snow Emergency Ordinance to require that any vehicles parked along public roadways, including but not limited to streets, highways, avenues, boulevards, or other public ways within the county roads system or any sanitary improvement district, shall be removed in a declared snow or ice event so that roads can be adequately cleared to provide a safe driving surface.

SECTION 2. Declaration: The Highway Superintendent and County Administrator, or their designees, after consultation with the County Board Chairperson are hereby authorized and empowered to declare a public snow emergency, to remain in effect for 48 hours or until it is declared completed by the Highway Superintendent and County Administrator, or their designees, and order the removal of all automobiles from all public roadways for the purpose of allowing the removal of snow, ice or any other accumulated precipitation. Notice of a snow emergency declaration shall be posted on the Sarpy County website and given to at least two media outlets, including but not limited to radio, television stations or any other communications medium whose normal operating range covers the county and can disseminate the declaration within one hour after it is made.

SECTION 3. Parking Restricted: Upon the declaration of such an emergency, it shall be unlawful for any person to park, or suffer to be parked, any vehicle of any kind or description at any time on either side of any public roadway within Sarpy County until the emergency is declared completed. Any vehicles in violation of any of the provisions of this ordinance may be ticketed and/or towed at the discretion of the Sheriff or his deputy.

SECTION 4. Fees and Fines: The following represents the fee and fine schedule for violations of the Snow Emergency Ordinance:

Ticket Fee	\$20.00 per declared snow emergency
Tow Fees:	
Basic Hook-up Fee, Towing	\$75.00
Mileage	\$2.00 (hook-up location to Sarpy County Tow Lot)
Inside Storage	\$25.00/calendar day
Outside Storage	\$20.00/calendar day
Winching/Labor Fee	\$100/hour, prorated per quarter hour, with a maximum charge of \$100 per vehicle
Tarping	\$25.00 per calendar day
Administrative Fee	\$30.00

SECTION 5. Emergency vehicles operated for emergency purposes are exempt from the provisions of this ordinance.

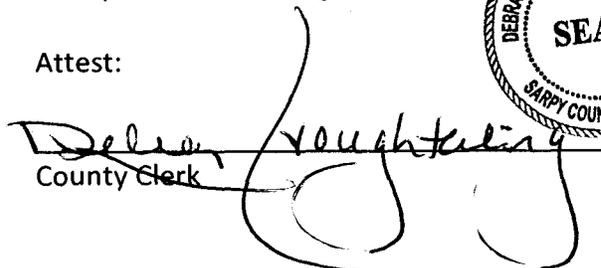
SECTION 6. A map of all public roadways located within Sarpy County affected by this Ordinance shall be kept current and displayed for the public on the Sarpy County website, and in the offices of the County Clerk, the County Administrator and the Highway and Surveyor Department.

SECTION 6. This Ordinance shall take effect and be in force from and after its passage, approval, and publication, as provided by law.

Passed and Adopted this 15th day of June, 2010.


Chairperson

Attest:


County Clerk





Office of the County Attorney

Hall of Justice • 1210 Golden Gate Drive • Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 • FAX: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

MEMO

To: Sarpy County Board of Commissioners

From: Kerry Schmid, Deputy County Attorney

Re: Snow Emergency Ordinance Adoption Procedure

Scheduled for Tuesday's meeting is a resolution to adopt the snow emergency ordinance. There are two procedures this board may use to adopt the ordinance: 1) three readings on three different days, or 2) one reading and adoption the same day.

As you are aware, a public hearing has been held and the required comment period has been given to each of the cities. At this time, you may elect to adopt the ordinance by one of the following procedures:

Procedure 1 (requires three weeks before voting to adopt):

The county ordinance must be read by title on three different days, or in other words, at three different meetings. After the third reading, the ordinance can be adopted by a majority vote.

In short form, this procedure requires:

- 1) Ordinance read by title at three different meetings
- 2) Motion and vote for final adoption after the third reading

Procedure 2 (requires no extra time before voting to adopt):

If you wish to pass the ordinance in a more expedient manner, you may elect to use procedure two. At the time the agenda item is read into the record, one of the board members can immediately call for a vote to suspend the three readings requirement as outlined in procedure one. If three-fourths of the board votes affirmatively to suspend the requirement, the ordinance must then be read by title or number followed by a motion for final adoption.

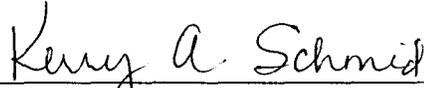
In short form, this procedure requires:

- 1) Motion and vote to suspend the three readings requirement
- 2) Ordinance read by title or number into the record
- 3) Motion and vote for final adoption

Please note that the entire text of the ordinance does not need to be read into the record. However, if you wish to have it read aloud, such can be accomplished without a vote.

If you have any questions about the ordinance or the procedure for adoption, please do not hesitate to contact me.

June 11, 2010


Kerry Schmid