No. 728—Redfield & Company Inc., Omaha

ORDINANCE NO. 1160

AN ORDINANCE TO AMEND SECTIONS 95.13 AND 95.15, AND TO ADD SECTIONS 95.19 THROUGH 95.29, OF THE LA VISTA MUNICIPAL CODE, RELATING TO DOMESTIC ANIMALS, DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS, THEIR OWNERS, AND PERSONS HARBORING THEM; TO REPEAL SECTIONS 95.13 AND 95.15 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

SECTION 1. Amendment of Section 95.13. Section 95.13 of the La Vista Municipal Code is hereby amended by deleting Section 95.13 and replacing it in its entirety with the following:

§ 95.13 DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS; DEFINITIONS.

(A) It shall be unlawful for any person to keep or harbor a dangerous domestic animal or a potentially dangerous domestic animal, except as otherwise provided in this chapter.

(B) For purposes of this chapter, *DANGEROUS DOMESTIC ANIMAL* means any domestic animal that:

(1) has killed a human being;

(2) has inflicted injury on a human being that requires medical treatment;

(3) has killed or inflicted serious injury on a domestic animal without provocation;

(4) ferociously and without provocation has attacked, snapped at, or bitten one or more human beings, or one or more other domestic animals, one or more times, or has a history of any of such behaviors;

(5) has been previously determined to be a potentially dangerous domestic animal by the animal control authority of the City, the owner of which has received notice from the animal control authority of the City of such determination, and that inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals;

(6) is owned or harbored primarily or in part for the purpose of animal fighting; or

(7) by training, disposition, or behavior poses a potential risk of attacking and inflicting injury without provocation upon human beings or other domestic animals.

(C) For purposes of this chapter, *POTENTIALLY DANGEROUS DOMESTIC ANIMAL* means:

(1) any domestic animal that, when unprovoked, inflicts an injury on a human being that does not require medical treatment, either on public or private property;

(2) any domestic animal that, when unprovoked, injures a domestic animal, either on public or private property;

(3) any domestic animal that, when unprovoked, chases or approaches a person who is upon a street, sidewalk, or any other public ground or public area, in a menacing or threatening fashion or apparent attitude of attack; or

(4) any specific domestic animal with a known propensity, tendency, or disposition to attack when unprovoked, or to cause injury, or to threaten the safety of human beings or other domestic animals.

(D) (1) No animal may be declared to be a dangerous domestic animal or a potentially dangerous domestic animal if it inflicts injury or damage upon a human being committing a willful trespass or other tort upon premises occupied by the owner

of the animal or upon a human being committing or attempting to commit a crime.

(2) No animal may be declared to be a dangerous domestic animal or a potentially dangerous domestic animal for taking action to defend or protect a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(3) No animal used in lawful activities of law enforcement officials shall be declared to be a dangerous domestic animal or a potentially dangerous domestic animal.

(4) No animal may be declared to be a dangerous domestic animal under subdivision (B)(2) of this section if the individual was tormenting, abusing, or assaulting the animal at the time of the injury or has, in the past, been observed or reported to have tormented, abused or assaulted the animal.

(5) No animal may be declared to be a dangerous domestic animal under subdivision (B)(5) of this section if the injury, damage, or threat was sustained by an individual who, at the time, was tormenting, abusing, or assaulting the animal, or has, in the past, been observed or reported to have tormented, abused or assaulted the animal.

(E) Definitions. For purposes of this chapter:

(1) *ANIMAL CONTROL AUTHORITY* means an entity authorized to enforce the animal control laws of the City.

(2) *ANIMAL CONTROL OFFICER* means any individual designated or authorized by an animal control authority for the purpose of aiding in the enforcement of this chapter or of any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals, and also includes any state or local law enforcement officer as well as any other state or local employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal or animals.

(3) *DOMESTIC ANIMAL* means a cat or a dog.

(4) *MEDICAL TREATMENT* means treatment administered by a physician or other licensed health care professional that results in one or more sutures, surgery, or treatment for one or more broken bones.

(5) *OWNER* means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a domestic animal.

(6) *SERIOUS INJURY ON A DOMESTIC* ANIMAL means an injury to a domestic animal that requires treatment administered by a veterinarian, veterinary clinic, veterinary hospital, or veterinary office, that results in one or more sutures, surgery, or treatment for one or more broken bones.

SECTION 2. Amendment of Section 95.15. Section 95.15 of the La Vista Municipal Code is hereby amended by deleting Section 95.15 and replacing it in its entirety with the following:

§ 95.15 SEIZURE AND CONFINEMENT.

(A) It shall be the duty of the animal control authority to capture, secure, and remove to the animal shelter or other suitable impoundment or care facility, in as humane manner as is practicable under the circumstances, any animal running at large, owned, kept, harbored, or confined in violation of this chapter. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the animal shelter, impoundment, or other care facility for a period of not less than five days after public notice has been given unless keeping or harboring the animal is lawful within the City and the animal has been reclaimed earlier by its owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the animal control authority

within twenty-four hours after impoundment as public notification of such impoundment.

(B) If keeping or harboring the impounded animal is lawful within the City, then such animal may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the animal control authority. The owner shall then be required to comply with applicable licensing and rabies vaccination requirements within 72 hours after release. If the animal is not claimed at the end of the required waiting period after public notice has been given, the animal control authority may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the animal control authority, a suitable home can be found for any such animal, the animal shall be turned over to that person and the new owner shall then be required to pay all fees and comply with all applicable licensing and vaccinating requirements provided in this chapter.

(C) The City and/or animal control authority shall acquire legal title to any unlicensed animal impounded in the animal shelter for a period longer than the required waiting period after giving notice.

(D) All expenses of licensing such animals and maintaining the city dog pound and the salary of the humane officer shall be paid out of the General Fund of the city, and all sums collected by the City Clerk for animal licensing and all impounding charges collected shall be deposited to and become a part of the General Fund of the City, unless otherwise provided for by a contract entered into pursuant to § 95.16 of this chapter.

SECTION 3. Enactment of Sections 95.19 through 95.29. Sections 95.19 through 95.29 of the La Vista Municipal Code are hereby enacted, to read as follows:

§ 95.19 POTENTIALLY DANGEROUS DOMESTIC ANIMAL; DETERMINATION.

(A) The preliminary determination as to whether a particular animal is a potentially dangerous domestic animal shall be made by the city's animal control authority on the basis of reasonable evidence, which may include but shall not be limited to reports and statements of witnesses, observation, and the opinion of experts. If the animal control officer has reasonable cause to believe that the animal threatens the safety of the public or of domestic animals, the animal control officer may enter upon any premises upon which the animal is kept and remove the animal from those premises to a place of impoundment.

(B) If the animal control authority has preliminarily determined an animal to be a potentially dangerous domestic animal as defined in **§ 95.13,** the animal control authority shall initiate administrative proceedings to make such determination final by serving a preliminary determination notice on such animal's owner either (i) personally, (ii) by certified mail, return receipt requested, addressed to the owner at the owner's usual place of residence, or (iii) by residence service, which shall mean leaving a copy at the owner's usual place of residence with some person of suitable age and discretion residing therein. The preliminary determination notice shall contain:

(1) The name and address of the owner whose animal is the subject of the proceeding;

(2) The name, description and any known license number of the animal that is the subject of the proceeding;

(3) A statement that the animal control authority has preliminarily determined the animal to be a potentially dangerous domestic animal and a summary description of the facts that form the basis of such preliminary determination;

(4) A summary of the effects of a final determination that the animal is a potentially dangerous domestic animal, including a summary or copy of the requirements of **§§ 95.21, 95.22, 95.23, and 95.24,** and a statement that noncompliance by the owner with such requirements will result in the owner being declared a reckless owner by the animal control authority;

(5) A statement of the effective date on which the preliminary determination notice will become a final determination order if the owner does not file a timely written request for hearing with the animal control authority, which effective date shall be not less than ten days after the date of mailing (or of personal or residence service) of the preliminary determination notice; and

(6) A statement that the owner may file with the city's animal control authority a written request for hearing within ten days after the date of the mailing (or within ten days after the personal or residence service) of the preliminary determination notice.

(C) If the owner whose animal is preliminarily determined to be a potentially dangerous domestic animal does not file a written request for hearing with the animal control authority within ten days after the date of mailing (or within ten days after the personal or residence service) of the preliminary determination notice, the preliminary determination notice shall become a final determination order on the effective date stated in the preliminary determination notice, and the city's animal control authority shall so indicate in the records of the animal control authority. In such a case, the owner shall comply with **§ 95.24** immediately, with **§§ 95.21** and **95.22** within thirty days after such effective date, and with **§ 95.23** within ninety days after such effective date. If the owner fails to comply with any of such sections within the time limits specified, the animal control authority shall initiate administrative proceedings under **§ 95.20** to declare the owner a reckless owner.

(D) If the owner whose animal is preliminarily determined to be a potentially dangerous domestic animal files a written request for hearing with the animal control authority within ten days after the date of mailing (or within ten days after the personal or residence service) of the preliminary determination notice, a hearing on such preliminary determination notice shall be held by a hearing officer designated by the animal control authority. The hearing shall be held if practicable within ten days after the date of receipt by the animal control authority of the written request for hearing. Written notice of the time and place of hearing shall be served on the owner of the animal by personal service, or by residence service as described in **§ 95.19(B),** not less than forty-eight hours prior to the scheduled hearing. At the hearing, the owner shall be provided an opportunity to appear and offer evidence to dispute the preliminary determination notice. A written determination to affirm or reverse the preliminary determination notice shall be entered by the hearing officer within ten days after the date of the hearing, if practicable. If the preliminary determination notice is affirmed, the hearing officer shall enter a final determination order and, unless the owner initiates a timely appeal under **§ 95.19(E),** such order shall require the owner to comply with **§ 95.24** immediately, with **§§ 95.21 and 95.22** within thirty days after the entry of the final determination order, and with **§ 95.23** within ninety days after entry of the final determination order. If the owner fails to comply with any of such sections within the time limits specified, the animal control authority shall initiate administrative proceedings under **§ 95.20** to declare the owner a reckless owner.

(E) Within ten days after the date of the hearing officer's decision, either the owner aggrieved by a decision of the hearing officer or the animal control authority may appeal such decision to the City of La Vista Board of Health in such manner and in accordance with such procedures as the Board of Health may establish by rule or regulation. The Board of Health may affirm or reverse the decision of the hearing officer and shall be empowered to enter any order the hearing officer might have entered. If so ordered by the Board of Health, the owner shall comply with **§ 95.24** immediately, with **§§ 95.21 and 95.22** within thirty days after the entry of the order, and with **§ 95.23** within ninety days after entry of the order. If the owner fails to comply with any of such sections within the time limits specified, the animal control authority shall initiate administrative proceedings under **§ 95.20** to declare the owner a reckless owner.

(F) An owner may request termination of a final determination order that the owner's animal is a potentially dangerous domestic animal if no incident described in **§ 95.13(C)** has occurred within two years preceding the date of the termination request. Such a request for termination shall be heard by a hearing officer designated by the animal control authority, if practicable, within ten days after the date of the filing of the request for termination. The hearing shall provide an opportunity for the owner to appear and offer evidence to support termination of the

final determination order. The owner must provide documented evidence that the animal's behavior has changed due to environment, health, age, training, neutering or other relevant factor or factors. The owner shall pay a filing fee in the sum of one hundred dollars at the time of filing the termination request. A decision to continue, terminate or modify such final determination order shall be entered by the hearing officer within ten days, if practicable, after the date of the hearing.

§ 95.20 RECKLESS OWNER.

(A) If an owner has been convicted of one or more violations of this chapter on three separate occasions in any period of twenty-four consecutive months, the animal control authority shall initiate administrative proceedings to declare such owner a reckless owner and to revoke all pet license(s) issued to such owner that are associated with the owner's animal(s) that were the subject or subjects of any of such convictions. If an owner's animal has been determined to be a dangerous domestic animal or a potentially dangerous domestic animal and such owner has not complied in a timely manner with the requirements of this chapter pertaining to such animals, the animal control authority shall initiate administrative proceedings to declare such owner a reckless owner and to revoke all pet license(s) issued to such owner that are associated with such animal. In either case, such proceedings shall be instituted by service of a written declaration and revocation notice upon such owner, either (i) personally, (ii) by certified mail, return receipt requested, addressed to the owner at the owner's usual place of residence, or (iii) by residence service, which shall mean leaving a copy at the owner's usual place of residence with some person of suitable age and discretion residing therein. The declaration and revocation notice shall contain:

(1) The name and address of the owner who is subject to such declaration and revocation notice;

(2) The name(s), description(s) and license number(s) of any animal(s) associated with such violations licensed to the owner;

(3) A description of the violations or requirements which form the basis of such declaration and revocation notice, including the case numbers, if any;

(4) A summary of the effects of such declaration, including the revocation of such pet license(s) and surrender to the animal control authority of such animal(s);

(5) The date the animal control authority proposes to enter a final declaration and revocation order, which shall be not less than ten days after the date of mailing (or of personal or residence service) of the notice, and

(6) A statement that the owner may file with the city's animal control authority a written request for hearing within ten days after the date of the mailing (or within ten days after the personal or residence service) of the declaration and revocation notice.

(B) If the owner does not file a written request for hearing within ten days after the date of mailing (or within ten days after the personal or residence service) of the declaration and revocation notice, then such declaration and revocation notice automatically shall become a final declaration and revocation order, and within twenty-four hours after the expiration of such ten-days period the owner shall surrender such animal(s) to the animal control authority. Failure to surrender such animal(s) shall result in immediate impoundment by the animal control authority in accordance with **§ 95.15**. Such surrendered or impounded animal(s) shall immediately become the property of the animal control authority and may be disposed of or destroyed humanely by the animal control authority, or placed with a new owner, as the authority deems appropriate.

(C) If the owner files a written request for hearing within ten days after the date of mailing (or within ten days after the personal or residence service) of the declaration and revocation notice, a hearing on such declaration and revocation notice shall be held by a hearing officer designated by the animal control authority. The hearing shall be held if practicable within ten days after the date of receipt by the animal control authority of the written request for hearing. Written notice of the time and place of hearing shall be served on the owner of the animal by personal service, or

by residence service as described in **§ 95.20(A),** not less than forty-eight hours prior to the scheduled hearing. At the hearing, the owner shall be provided an opportunity to appear and offer evidence to dispute the declaration and revocation notice. A written determination to affirm or reverse such declaration and revocation notice shall be entered by the hearing officer within ten days after the date of the hearing if practicable. If the decision is to affirm the declaration and revocation notice, the hearing officer shall enter a final declaration and revocation order requiring the owner to surrender such animal(s) to the animal control authority within ten days after the date of the hearing officer's decision, unless the owner initiates a timely appeal from such decision under **§ 95.20(D).**

(D) Within ten days after the date of the hearing officer's decision, either the owner aggrieved by a decision of the hearing officer or the animal control authority may appeal such decision to the City of La Vista Board of Health in such manner and in accordance with such procedures as the Board of Health may establish by rule or regulation. The Board of Health may affirm or reverse the decision of the hearing officer and shall be empowered to enter any order the hearing officer might have entered.

(E) An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any additional animal(s) in the city for a period of forty-eight consecutive months from the date of entry of the declaration and revocation order.

§ 95.21 DANGEROUS OR POTENTIALLY DANGEROUS DOMESTIC ANIMALS; SPAYING OR NEUTERING; MICROCHIP IDENTIFICATION AND LICENSE REQUIRED.

Any animal judicially determined to be a dangerous domestic animal (but not ordered to be destroyed), and any animal administratively finally determined to be a potentially dangerous domestic animal, shall be spayed or neutered and implanted with microchip identification by a licensed veterinarian at the owner's expense within thirty days after such determination is entered, and written proof of spaying or neutering and of microchip identification number implantation shall be provided to the animal control authority within seventy-two hours after completion of the procedure. In addition, such dangerous or potentially dangerous domestic animal shall be required to be licensed as a dangerous or potentially dangerous domestic animal within thirty days after the determination.

§ 95.22 DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS; PROOF OF INSURANCE.

No animal judicially determined to be a dangerous domestic animal or administratively determined to be a potentially dangerous domestic animal shall be licensed unless the person having custody, ownership or control of such animal first presents to the animal control authority written proof of liability insurance, written by an insurer authorized to issue such insurance in Nebraska, having limits of liability of not less than one-hundred thousand dollars for injury to any one person caused by such animal. Such insurance shall be maintained in effect for the entire period such animal is deemed to be a dangerous domestic animal or potentially dangerous domestic animal. The animal control authority may require proof that such insurance coverage remains in effect at any time, but not more frequently than every sixty days, or may require such policy of insurance to provide that it may not be cancelled or allowed to expire without thirty days prior written notice to the animal control authority.

§ 95.23 DANGEROUS OR POTENTIALLY DANGEROUS DOMESTIC ANIMALS; CLASSES REQUIRED.

The owner of any animal judicially determined to be a dangerous domestic animal or administratively determined to be a potentially dangerous domestic animal shall be required to attend, within ninety days after such determination is entered and at the owner's expense, a responsible pet ownership class approved by the animal control authority and, at the discretion and direction of the animal control authority, an animal behavior class provided or approved by the animal control authority.

§ 95.24 DANGEROUS OR POTENTIALLY DANGEROUS DOMESTIC ANIMALS; LEASH, MUZZLE AND HARNESS REQUIRED.

(A) It shall be unlawful for any person owning, harboring, or having the care of a dangerous domestic animal or potentially dangerous domestic animal to permit or enable such animal to go beyond the property of such person unless the animal is under the control of a person 19 years of age or older, the animal is restrained securely by a harness and leash no more than six feet in length, and the animal is properly muzzled to reasonably prevent the animal from biting.

(B) Definitions. For purposes of this section:

HARNESS shall mean a close fitting device with straps that encircle the animal's body across the chest, over the shoulders, and under the belly behind the front legs, to which a leash can be securely attached, and which is constructed of materials sufficient to securely restrain the animal wearing it given the size and strength of the animal.

LEASH shall mean a strap, rope or similar tethering device that can be securely attached to a harness and which is of sufficient strength and weight to securely restrain the animal wearing the harness.

MUZZLE shall mean a basket or cage-like device approved by the animal control authority to cover the animal's mouth and snout and prevent the animal from biting, but which allows the animal to open its mouth to pant and drink.

§ 95.25 DANGEROUS DOMESTIC ANIMALS; CONFINED.

No person owning, harboring, or having the care of a dangerous domestic animal shall permit such animal to go unconfined on the premises of such person. A dangerous domestic animal shall be securely confined in a humane manner indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of children under six years of age and to prevent the animal from escaping. The pen or structure, if allowed by zoning regulations, shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded no less than one foot into the ground or have a concrete pad. The pen or structure shall also protect the animal from the elements. The owner of a dangerous domestic animal shall post a clearly visible warning sign on the property where the animal is kept that informs persons that a dangerous domestic animal is on the property.

§ 95.26 DANGEROUS AND POTENTIALLY DANGEROUS DOMESTIC ANIMALS; IMPOUNDMENT.

Any animal that has been determined to be a dangerous domestic animal or a potentially dangerous domestic animal that bites a human being without provocation may be immediately impounded by an animal control officer and held until disposition of the animal is finally determined. The owner shall be responsible for the reasonable costs incurred for the care of such impounded animal.

§ 95.27 DANGEROUS DOMESTIC ANIMALS AT LARGE; DESTRUCTION.

If an animal that has been determined to be a dangerous domestic animal as defined in **§ 95.13** is found at large and unattended upon public property, park property, or a public right-of-way, or upon property not owned or under the control of the owner of the animal, thereby creating a hazard to persons or property, such animal may, in the discretion of the chief of police or his or her designee, the animal control authority, the animal control officer, or a law enforcement officer, be destroyed if the authority or officer reasonably believes the animal cannot be confined or captured without unreasonable risk of harm to persons or property. The City shall be under no duty to attempt the confinement or capture of a dangerous domestic animal found at large nor shall it have a duty to notify the owner of such animal prior to its destruction.

§ 95.28 DANGEROUS DOMESTIC ANIMALS; FAILURE TO COMPLY.

(A) Any dangerous domestic animal may be immediately confiscated by an animal control officer if the owner is in violation of this chapter. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of such dangerous domestic animal confiscated by an animal control officer and for the destruction of any dangerous domestic animal if the action by the animal control authority is pursuant to law and if the owner violated this chapter.

(B) In addition to any other penalty, a court may order the animal control authority to dispose of or destroy a dangerous domestic animal in an expeditious and humane manner.

§ 95.29 IMPOUNDMENT OF CERTAIN ANIMALS DURING ENFORCEMENT PROCEEDINGS.

(A) If there is reasonable cause shown that a domestic animal would constitute a hazard to the safety of the public at large during the pendency of any action or proceeding commenced under this chapter, or that the owner of such animal has subjected the animal to neglect or cruelty, the court may order such animal impounded pending the outcome of such proceedings. Any person who owns, kept, harbored, maintained, or controlled the animal involved in such impoundment shall pay all expenses of the impoundment to the animal control authority, including costs of shelter, food, veterinary expenses, boarding, and other expenses necessitated by the impoundment of the animal or as may be required for the protection of the public. The animal control authority may require such person, prior to expiration of ten days after the date of impoundment, to pay an amount sufficient to pay all reasonable expenses incurred in caring and providing for the animal, including estimated medical care, for thirty days, inclusive of the date on which the animal was impounded. If such payment is not made prior to expiration of such ten-day period, the animal shall become the property of the animal control authority and may be humanely disposed of, destroyed, or placed with a new owner, as the animal control authority deems appropriate. Such payment shall be required for each succeeding thirty-day period. If any such payment is not made prior to the end of each succeeding thirty-day period, the animal shall become the property of the animal control authority and may be humanely disposed of, destroyed, or placed with a new owner, as the animal control authority deems appropriate.

(B) The amount of the payment shall be determined by the animal control authority based on the current rate for board at the animal shelter and the condition of the animal after its examination by a veterinarian acting for the animal control authority. Any such payment received by the animal control authority in excess of the amount determined by the animal control authority to be due for the board and care of the animal shall be refunded by the animal control authority upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner of the animal is found not guilty of animal neglect or cruelty, the owner shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the animal control authority to be due.

(C) Notwithstanding the foregoing, if it is determined by a veterinarian acting for the animal control authority that such animal is diseased or disabled, that it would be inhumane to allow such animal to continue to suffer the effects of such disease or disability, and that the owner of such animal declines to advance the costs of reasonable veterinary efforts to cure or ameliorate the effects of such disease or disability and that the costs of such veterinary efforts are not otherwise economically practicable, then the animal shall immediately become the property of the animal control authority and may be humanely disposed of, destroyed, or placed with a new owner, as the animal control authority deems appropriate.

SECTION 4. Repeal of Sections 95.13 and 95.15 as Previously Enacted. Sections 95.13 and 95.15 of the La Vista Municipal Code as previously enacted are hereby repealed.

SECTION 5. Severability Clause. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have enacted this ordinance and each section, subsection, sentence clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid. .

SECTION 6. Effective Date. This ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 20TH DAY OF DECEMBER, 2011.

ORDINANCE RECORD

No. 728—Redfield & Company Inc., Omaha

Ordinance No.1160

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk