

ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1434

AN ORDINANCE TO AMEND SECTIONS 95.18 AND 95.99 OF THE LA VISTA MUNICIPAL CODE, RELATING TO ANIMAL EXCREMENT AND PENALTIES; TO REPEAL SECTIONS 95.18 AND 95.99 AS PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

SECTION 1. Amendment of Section 95.18. Section 95.18 of the La Vista Municipal Code is hereby amended by deleting Section (E) and shall read as follows:

§ 95.18 ANIMAL EXCREMENT; REMOVAL REQUIRED

(A) It shall be unlawful for the owner or custodian of any animal, or any person harboring any animal, to fail to remove feces, excrement, or droppings deposited by such animal on streets, sidewalks, parks, recreation areas, or any other public or private property, or in any water, immediately after the animal has deposited said feces, excrement, or droppings.

(B) It is an affirmative defense to a violation of this section if a competent person in immediate control of the animal immediately removes and deposits the fecal matter, excrement, or droppings deposited by an animal in an appropriate trash container.

(C) This section shall not apply to any person using a trained guide dog because of visual or other physical impairment.

(D) Farm property and large tracts of land used as riding stables shall be exempt from this section.

(Am. Ord. 1434, passed 12-7-21) Penalty, see ' 95.99

SECTION 2. Amendment of Section 95.99. Section 95.99 of the La Vista Municipal Code is hereby amended to read as follows:

95.99 PENALTY

Unless otherwise specified in applicable state statute or in another chapter or section of this code with respect to a particular violation, any person, firm, or entity that violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall upon conviction thereof be subject to a fine in the amounts set forth below, plus court costs:

First Offense:	A fine of not less than \$50 nor more than \$100
Second Offense:	A fine of not less than \$100 nor more than \$200
Third Offense:	A fine of not less than \$200 nor more than \$500
Fourth Offense (and any subsequent offense):	A fine of \$500

(79 Code, ' 6-120) (Am. Ord. 283, passed 4-11-81; AM. Ord. 1434 passed 12-7-2021)

SECTION 3. Repeal of Sections 95.18 and 95.99 as Previously Enacted. Sections 95.18 and 95.99 of the La Vista Municipal Code as previously enacted are hereby repealed.

SECTION 4. 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.


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SECTION 5. 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 7TH DAY OF DECEMBER 2021.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk