

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JUNE 5, 2007 AGENDA**

Subject:	Type:	Submitted By:
AMEND MUNICIPAL CODE SECTION 134.03	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	PAMELA A. BUETHE CITY CLERK

SYNOPSIS

An ordinance has been prepared to amend Section 134.03 of the Municipal Code to allow for the discharge of an air gun, BB gun, or bow and arrow at a target range or exhibition.

FISCAL IMPACT

None.

RECOMMENDATION

Approval.

BACKGROUND

A local business contacted the City inquiring whether they could have an archery/BB gun demonstration at their business during a special promotion. The Chief of Police has recommended approval of this demonstration , however City code does not allow for the discharge of any of these weapons within the City. The code amendment proposed would allow the City Clerk to issue a permit, upon the recommendation of the Chief of Police, to shooting galleries, gun clubs, and other establishments or organizations for the purpose of the exhibition of any air gun, BB gun, or bow and arrow. It would not allow discharge of these types of weapons under any other circumstances.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 134.03; TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA:

SECTION 1. Section 134.03. Section 134.03 of the La Vista Municipal Code is amended to read as follows:

§ 134.03 SLING SHOTS, AIR GUNS, BB GUNS, BOWS, AND ARROWS.

(A) It shall be unlawful for any person to discharge a slingshot, air gun, BB gun, bows, and arrows or the like loaded with rock or other dangerous missiles at any time; provided that this section does not apply to persons discharging an air gun, BB gun, or bow and arrow at an exhibition in possession of a valid city permit.

(B) The City Clerk may grant permits to shooting galleries, gun clubs, and other establishments or organizations for the purpose of the exhibition of any air gun, BB gun, or bow and arrow.

- (1) The City Clerk shall issue a permit as provided for under this section when, from a consideration of the application, a recommendation from the Chief of Police and from any other information as may otherwise be obtained, if the Clerk finds that:
 - (a) The exhibition is so located, constructed and operated as to protect the health and safety of the users and general public;
 - (b) Operation of the exhibition will not violate any provision of this Article of rule, regulation or law of the City of State or Federal government.
- (2) Exhibition permits shall be valid only for the premises as stated on the application and for the duration of the exhibition or demonstration.
- (3) The City Clerk may adopt reasonable rules to implement the provisions of this section and prescribe the form and content of the permit application.
- (4) The City Clerk may suspend or revoke the permit issued under this section if the exhibition fails to meet the requirements of this section or any rules and regulations set forth by the City Clerk.

SECTION 2. Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any parts hereof are hereby repealed.

SECTION 3. Severability. 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 or constitutionality of the remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed 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 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF JUNE 2007.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk