

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1445

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTIONS 95.15, 95.32 AND 95.47 TO REPEAL CONFLICTING ORDINANCES PREVIOUSLY ENACTED; TO PROVIDE FOR SEVERABILITY AND AN EFFECTIVE DATE HEREOF.

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

SECTION 1. Section 95.15 of the La Vista Municipal Code is amended to read as follows:

### **§ 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 24 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 unless earlier compliance is required by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City, or other rules or regulations of the City, as adopted or amended from time to time. 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.

(E) Notwithstanding anything to the contrary in this Code Section 95.15:

(1) In the event that the County Attorney files a criminal complaint in connection with a seized animal, the court in which such complaint was filed shall have exclusive jurisdiction for disposition of the animal and to determine any rights therein, including questions respecting the title, possession, control, and disposition thereof.

(2) In the event that an animal seized pursuant to Neb. Rev. Stat. Section 28-1006 or Neb. Rev. Stat. Section 28-1012, disposition and the cost for the care of such animal shall be governed by Neb. Rev. Stat. Section 28-1012.01. ('79 Code, § 6-119) (Ord. 212, passed - -; Am. Ord. 348, passed 9-6-83; Am. Ord. 1160, passed 12-20-11; Am. Ord. 1353, passed 7-2-19; Am. Ord. 1445, passed 2-1-22)

SECTION 2. Section 95.32 of the La Vista Municipal Code is amended to read as follows:

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## **§ 95.32 VACCINATION--REQUIRED.**

Unless earlier vaccination or greater requirements are specified by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City or other rules or regulations of the City, as adopted or amended from time to time;

(A) Every cat required to be licensed by this chapter shall be vaccinated against rabies within 30 days after they have reached three months of age, one year after initial vaccination, and thereafter triennially, according to vaccine manufacturers' guidelines. Unvaccinated cats acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above.

(B) A cat is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the cat at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated cat is overdue for a booster, it shall be revaccinated.

(C) An owner or keeper of any cat required to be licensed by this chapter to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the cat. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the cat and the medical reason that precludes vaccination.

('79 Code, § 6-106) (Ord. 186, passed --; Am.Ord.437, passed 6-16-87; Am. Ord 1137, passed 2-1-11; Am. Ord.1445, passed 2-1-22)

*Neb. RS sections 71-440 et seq*

SECTION 3. Section 95.47 of the La Vista Municipal Code is amended to read as follows:

## **§ 95.47 VACCINATION--REQUIRED.**

Unless earlier vaccination or greater requirements are specified by applicable State Statutes or rules or regulations of the Nebraska Department of Health and Human Services or provider of animal control within the City or other rules or regulations of the City, as adopted or amended from time to time.

(A) Every dog required to be licensed by this chapter shall be vaccinated against rabies within 30 days after they have reached three months of age, one year after initial vaccination, and thereafter triennially, according to vaccine manufacturers' guidelines. Unvaccinated dogs acquired or moved into the state must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above.

(B) A dog is currently vaccinated if the initial rabies vaccine was administered at least 28 days previously or booster vaccinations have been administered in accordance with the manufacturer's guidelines. Regardless of the age of the dog at initial vaccination, a booster vaccination shall be administered one year later. If a previously vaccinated dog is overdue for a booster, it shall be revaccinated.

(C) An owner or keeper of any dog required to be licensed by this chapter to be vaccinated by a licensed veterinarian is exempt from the requirements of this section if a medical reason exists that precludes the vaccination of the dog. To qualify for this exemption, the owner or keeper must have a written statement signed by a licensed veterinarian that includes a description of the dog and the medical reason that precludes vaccination.

('79 Code, § 6-103) (Ord. 186, passed --; Am. Ord. 312, passed 7-20-82; Am.Ord.436, passed 6-16-87; Am. Ord. 1137, passed 2-1-11; Am. Ord. 1445, passed 2-1-22)

*Statutory reference: Control and prevention of rabies; rules and regulations., see Neb. RS sections 77-4401 et seq*

SECTION 4 Repeal of Conflicting Ordinances. All ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.

SECTION 5. 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

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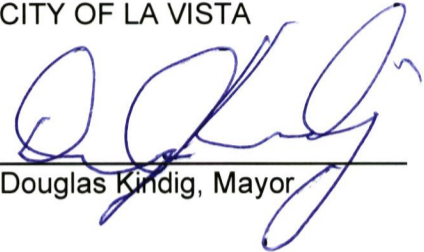
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remaining portions of this Ordinance. The Mayor and City Council of the City of La Vista hereby declare that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.


SECTION 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 1ST DAY OF FEBRUARY 2022

CITY OF LA VISTA

  
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Douglas Kindig, Mayor

ATTEST:

  
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Pamela A. Bueth, MMC  
City Clerk