

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JULY 2, 2013 AGENDA**

Subject:	Type:	Submitted By:
AMEND SECTION 95.11 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	BOB LAUSTEN POLICE CHIEF

SYNOPSIS

An ordinance has been prepared to amend Section 95.11 of the La Vista Municipal Code to change the maximum number of dogs and cats allowed per residence in the City of La Vista.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

At their June 18, 2013 meeting the City Council discussed Municipal Code Chapter 95 Animals: § 95.11 Maximum Number Allowed. The City Council directed staff to present an amendment to the code as per their discussion. An amendment to Municipal Code Chapter 95 Animals: § 95.11 is being proposed. The amendment would increase the maximum number of dogs and cats allowed per residence in the city to three (3) per species, while keeping the maximum number of animals allowed per residence at four (4). *The amendment also clarifies the maximum number of animals allowed is **per residence** rather than per person.* The reference to rabbits in Section 95.11 would be eliminated with the understanding rabbits would be included in a zoning change proposal.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11; 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 95.11 of the La Vista Municipal Code is amended to read as follows:

§ 95.11 MAXIMUM NUMBER ALLOWED.

It shall be unlawful ~~for any person~~ to own, keep or harbor at any time more than ~~two~~ two-three adult dogs, ~~or two-three~~ adult cats ~~or adult rabbits~~ per residential or dwelling unit in the city. The total number of adult dogs, ~~and~~ adult cats ~~and adult rabbits~~ per residential or dwelling unit in the city shall not exceed four adult animals. For the purpose of this section, an adult dog, ~~or cat or rabbit~~ is a dog or cat that is more than four months old ~~or a rabbit that is more than four months old~~. Provisions of this section shall not apply to catteries, kennels, and pet stores which have been licensed pursuant to § 95.17. ('79 Code, § 6-112) (Ord. 212, passed --; Am. Ord. 283, passed 4-11-81; Am. Ord. 283, passed 9-1-81; Am. Ord. 296, passed 2-2-82) Penalty, see § 95.99

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 4. 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 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 2ND DAY OF JULY, 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk