ORDINANCE NO. 1278

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND
THE LA VISTA MUNICIPAL CODE SECTION 130.01; 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 130.01 of the La Vista Municipal Code is amended to read as
follows:

§ 130.01 CRIMINAL MISCHIEF.

(A) A person commits criminal mischief if he or she:

(1) Intentionally or recklessly damages or destroys any property of any kind belonging
to another ("Property"), including but not limited to, any real or personal property, tomb,
grave, monument, gravestone or tree, any property located upon any government property
or cemetery, or any property of historical, local, state, or national significance,

(2) Intentionally tampers with property of another so as to endanger person or
property, or

(3) Intentionally or maliciously causes another to suffer pecuniary loss by deception
or threat.

(B) Unless a penalty is otherwise provided in applicable state statute or in another chapter or
section of this code with respect to a particular violation:

(1) Criminal mischief is a Class IV felony if the actor intentionally or maliciously
causes pecuniary loss of $5,000.00 or more, or a substantial interruption or
impairment of public communication, transportation, supply of water, gas, or power, or
other public service.

(2) Criminal mischief is a Class I misdemeanor if the actor intentionally or maliciously
causes pecuniary loss of $1,500.00 or more but less than $5,000.00.

(3) Criminal mischief is a Class II misdemeanor if the actor intentionally or maliciously
causes pecuniary loss of $500.00 or more but less than $1,500.00.

(4) Criminal mischief is a Class III misdemeanor if the actor intentionally, maliciously,
or recklessly causes pecuniary loss in an amount of less than $500.00, or if his or her
action results in no pecuniary loss, or a loss to which a pecuniary value cannot be
determined with reasonable certainty.

SECTION 2. 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hereby repealed.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 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 in pamphlet form as provided by law.
ORDINANCE RECORD

No. 728—Ordinance & Counsel Inc., Omaha

PASSED AND APPROVED THIS 5TH DAY OF APRIL, 2016.

CITY OF LA VISTA

ATTEST:

Pamela A. Buethe, CMC
City Clerk

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