ORDINANCE NO. 1032

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE
LA VISTA MUNICIPAL CODE SECTION 70.035; 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 70.035 of the La Vista Municipal Code is amended to read as
follows:

§ 70.035 CHILD PASSENGER RESTRAINT SYSTEM.

(A) (1) Any person driving any motor vehicle which has or is required to have an occupant
protection system shall ensure that:

(a) All children up to six years of age being transported in such vehicle use a child
passenger restraint system of a type which meets federal Motor Vehicle Safety Standard 213 as
developed by the National Highway Safety Administration as of January 1, 2006, and which is
correctly installed in such vehicle; and

(b) All children six years of age and less than 18 years of age being transported in
such vehicle use an occupant protection system.

(2) This division (A) shall apply to every motor vehicle which is equipped with an
occupant protection system or is required to be equipped with restraint systems pursuant to
federal Motor Vehicle Safety Standard 208, as such standard existed on January 1, 2006, except
taxicabs, mopeds, motorcycles, and any motor vehicle designated by the manufacturer as a 1953
year model or earlier which is not equipped with an occupant protection system.

(B) Whenever any licensed physician determines through accepted medical procedures that
use of a child passenger restraint system by a particular child would be harmful by reason of the
child’s weight, physical condition, or other medical reason, the provisions of division (A) of this
section shall be waived. The driver of any vehicle transporting such a child shall carry on his or
her person or in the vehicle a signed written statement of the physician identifying the child and
stating the grounds for such waiver.

(C) The drivers of authorized emergency vehicles shall not be subject to the requirements of
division (A) of this section when operating such authorized emergency vehicles pursuant to their
employment.
(Neb. RS 60-6,267)

(D) A driver of a motor vehicle shall not be subject to the requirements of division (A) of this
section if the motor vehicle is being operated in a parade or exhibition and the parade or
exhibition is being conducted in accordance with applicable state law or local ordinances and
resolutions.

(E) All persons being transported by a motor vehicle operated by the holder of a provisional
operator’s permit or a school permit shall use such motor vehicles’ occupant protection system.

(DF) Enforcement subsection (A)(1)(b) and (E) in this section by state or local law
enforcement agencies shall be accomplished only as a secondary action when a driver of a motor
vehicle has been cited or charged with a violation or some other offense, unless the violation
involves a person under the age of eighteen years riding in or on any portion of the vehicle not
designed or intended for the use of passengers when the vehicle is in motion. see RS 60-
6,268(2)
(’79 Code, § 5-442) (Ord. 402, passed 11-19-85; Am. Ord. 523, passed 3-5-91) Penalty, see
§70.999

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.

PASSED AND APPROVED THIS 1ST DAY OF MAY 2007.

CITY OF LA VISTA

[Signature]
Douglas Kindig, Mayor

ATTEST:

[Signature]
Pamela A. Buethe, CMC
City Clerk