

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
FEBRUARY 1, 2011 AGENDA**

Subject:	Type:	Submitted By:
AMEND THE MUNICIPAL CODE; SECTIONS 95.32 AND 95.47 - VACCINATIONS - REQUIRED	RESOLUTION ◆ ORDINANCE RECEIVE/FILE	D J BARCAL POLICE CAPTAIN

SYNOPSIS

An ordinance has been prepared to amend sections 95.32 and 95.47 of the La Vista Municipal Code. The purpose of these amendments is to modify the Municipal Code to be consistent with Nebraska State Law and with the surrounding communities for consistency in enforcement.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval.

BACKGROUND

Currently, La Vista's City Code requires that every dog and cat be revaccinated against rabies every 24 months. The amendment to sections 95.32 (Cats) and 95.47 (Dogs) of the La Vista Municipal Code will require every dog and cat three months of age and older to be vaccinated against rabies. It will also require every dog and cat to be revaccinated every 36 months. These modifications are consistent with State Law and the preference of the Nebraska Humane Society. Since the surrounding cities all have the 36 month standard, consistency in enforcement will be standard.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 95.32 AND 95.47; 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 95.32 of the La Vista Municipal Code is amended to read as follows:

§ 95.32 VACCINATION--REQUIRED.

- (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)

Statutory reference:

Control and prevention of rabies; rules and regulations., see Neb. RS 77-4402.03

SECTION 2. Section 95.47 of the La Vista Municipal Code is amended to read as follows:

§ 95.47 VACCINATION--REQUIRED.

- (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)

Statutory reference:

Control and prevention of rabies; rules and regulations., see Neb. RS 77-4402.03

SECTION 3. 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 1ST DAY OF FEBRUARY, 2011.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk

Current language:

§ 95.32 RABIES CERTIFICATE.

Each owner, upon application for license, shall file with the City Clerk or agency designated by the city a certificate signed by a licensed veterinarian showing that such cat or cats has been inoculated against rabies within the past 24 months.

§ 95.47 RABIES CERTIFICATE.

The owner of each dog or dogs shall, at the time of application for license, file with the City Clerk or agency designated by the city a certificate, signed by a licensed veterinarian, showing that such dog or dogs has been inoculated against rabies within the preceding 24 months.

Change to:

§ 95.32 VACCINATION--REQUIRED.

- (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.
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- (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)

Statutory reference:

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SECTION 2. Section 95.47 of the La Vista Municipal Code is amended to read as follows:

§ 95.47 VACCINATION--REQUIRED.

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- (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.

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