

ORDINANCE RECORD

No. 728-REFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1447

AN ORDINANCE OF THE CITY OF LA VISTA, NEBRASKA, TO AMEND MUNICIPAL CODE SECTION 133.05; 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 133.05 of the La Vista Municipal Code is amended to read as follows:

§ 133.05 TOBACCO; PROHIBITED TO PERSONS UNDER 21 YEARS OF AGE.

It shall be unlawful for any person under 21 years of age to possess, smoke, use, buy, acquire, or attempt to buy or acquire alternative nicotine products, electronic nicotine delivery systems, or tobacco of any kind or in any form, including but not limited to any cigarette, cigar, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other substance that is made in whole or in part from the tobacco leaf in any way for inhalation, ingestion, or placement in or into the human body ("tobacco products"), provided, however, until January 1, 2022 it shall not be unlawful for any person who is 19 or 20 years of age or older to work in a tobacco specialty store. 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, any person, firm, or entity that violates any of the provisions of this section shall be guilty of a misdemeanor, and the penalty for a person who is convicted under this section shall be a fine in any amount not in excess of \$100 or performance of community service not in excess of 20 hours, as evidenced by a written certificate of the nonprofit organization for whom the service was performed, or both. Any person so charged with a violation of this section may be free from prosecution and penalty hereunder in the event he or she, prior to the initial court appearance, files with the court a certificate of completion of a smoking or tobacco-use cessation class to the satisfaction of the court.

(Am. Ord. 1447, passed 2-1-22)

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and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.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.

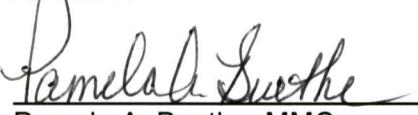
PASSED AND APPROVED THIS 1ST DAY OF FEBRUARY 2022.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, MMC
City Clerk