

CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
DECEMBER 4, 2018 AGENDA

Subject:	Type:	Submitted By:
AMEND SECTIONS 95.11(ANIMALS - MAXIMUM NUMBER ALLOWED) & 95.17 (DOG KENNELS, CATTERIES, AND PET STORES) OF THE LA VISTA MUNICIPAL CODE	◆ RESOLUTION ◆ ORDINANCE RECEIVE/FILE	ANN BIRCH COMMUNITY DEVELOPMENT DIRECTOR

SYNOPSIS

An ordinance has been prepared to amend Sections 95.11 (Animals – Maximum Number Allowed) and 95.17 (Dog Kennels, Catteries, and Pet Stores) of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

The amendment proposed to Section 95.11 of the City's municipal code allows for the use "Animal Specialty Services" to be exempt from this section of the municipal code. "Animal Specialty Services" was added as a new use to the City's Zoning Ordinance on June 16, 2015. However, the municipal code was not modified accordingly.

The amendments proposed to Section 95.17 to the municipal code adds language so that these sections are consistent regarding the number of animals.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11 AND 95.17 REGARDING ANIMALS; 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 three adult dogs or three adult cats per residential or dwelling unit in the city. The total number of adult dogs and adult cats 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 is a dog or cat that is more than four months old. Provisions of this section shall not apply to catteries, kennels, animal specialty services, and pet stores which have been licensed pursuant to § 95.17 or other applicable City law.

('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; Am. Ord. 1194, passed 7-2-13) Penalty, see § 95.99

SECTION 2. Section 95.17 (A) of the La Vista Municipal Code is amended to read as follows:

§ 95.17 DOG KENNELS, CATTERIES, ANIMAL SPECIALTY SERVICES AND PET STORES.

(A) Every person, firm, or entity engaged in the commercial business of buying, selling, breeding or boarding of dogs or cats in the city or who owns, harbors or keeps four or more dogs or four or more cats more than four months of age may do so only after obtaining a license to do so as provided by this section or other applicable City law,

SECTION 3. Repeal of Conflicting Ordinances. La Vista Municipal Code Section 95.11 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part 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 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 95.11 AND 95.17 REGARDING ANIMALS; 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 three adult dogs or three adult cats per residential or dwelling unit in the city. The total number of adult dogs and adult cats 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 is a dog or cat that is more than four months old. Provisions of this section shall not apply to catteries, kennels, animal specialty services, and pet stores which have been licensed pursuant to § 95.17 or other applicable City law.

('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; Am. Ord. 1194, passed 7-2-13) Penalty, see § 95.99

SECTION 2. Section 95.17 (A) of the La Vista Municipal Code is amended to read as follows:

§ 95.17 DOG KENNELS, CATTERIES, ANIMAL SPECIALTY SERVICES AND PET STORES.

(A) Every person, firm, or entity engaged in the commercial business of buying, selling, breeding or boarding of dogs or cats in the city or who owns, harbors or keeps three-four or more dogs or three-four or more cats more than four months of age may do so only after obtaining a license to do so as provided by this section or other applicable City law,

SECTION 3. Repeal of Conflicting Ordinances. La Vista Municipal Code Section 95.11 and all ordinances and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part 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 4TH DAY OF DECEMBER, 2018.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Pamela A. Buethe, CMC
City Clerk