

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
JANUARY 15, 2013 AGENDA**

Subject:	Type:	Submitted By:
AMEND SECTIONS 113.01, 113.02, 132.02 AND 114.46 OF THE MUNICIPAL CODE	RESOLUTION ◆ ORDINANCES RECEIVE/FILE	PAM BUETHE CITY CLERK

SYNOPSIS

Ordinances have been prepared to amend Sections 113.01, 113.02, 132.02 and 114.46 of the La Vista Municipal Code.

FISCAL IMPACT

N/A.

RECOMMENDATION

Approval.

BACKGROUND

These changes are a result of American Legal Publishing Corporation incorporating the legislative changes from the previous legislative session into our Code including some minor language changes. These changes have been reviewed by the City Attorney and City Clerk.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTIONS 113.01 AND 113.02; 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 113.01 of the La Vista Municipal Code is amended to read as follows:

§ 113.01 PURPOSE.

For the purpose of raising revenue there is hereby levied an occupation tax upon each and every occupation, business and service carried on within the corporate limits of the City of La Vista, Nebraska as specified and enumerated in the city's master fee ordinance. An occupation tax levied and collected pursuant to Neb. Rev. Stat. section 16-205 shall be imposed in the manner provided in section 18-1208, to the extent applicable. Every person, firm, partnership, limited liability company, association or corporation or association carrying on the occupation, business or service ~~hereinafter as~~ specified within the corporate limits of said city shall pay to the City Clerk annually on or before the first day of January the sum or sums hereinafter set forth in the city's master fee ordinance as a tax upon said occupation or business. All money so collected shall be paid over forthwith by the City Clerk to the City Treasurer who will credit the same to the General Fund of the city, and said money shall be and remain under the control of the Mayor and City Council of said city and used for such purposes as are permitted in case of other moneys belonging to the General Fund. ('79 Code, § 10-501) (Ord. 59, passed - - ; Am. Ord. 903, passed 3-18-03; Am. Ord. 927, passed 2-3-04)

SECTION 2. Section 113.02 of the La Vista Municipal Code is amended to read as follows:

§ 113.02 AMOUNTS.

For the purpose of raising revenue, an occupation tax is hereby levied on the types of businesses and in such amounts as set from time to time by the Mayor and City Council, and a current record of such businesses and amounts shall be outlined in the city's master fee ordinance which shall be maintained by the City Clerk. An occupation tax levied and collected pursuant to Neb. Rev. Stat. section 16-205 shall be imposed in the manner provided in section 18-1208, to the extent applicable. ('79 Code, § 10-502) (Ord. 59, passed - - ; Ord. 69, passed - - ; Ord. 89, passed - - ; Am. Ord. 551, passed 8-4-92; Am. Ord. 740, passed 9-15-98; Am. Ord. 903, passed 3-18-03; Am. Ord. 927, passed 2-3-04)

SECTION 3. 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 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 15TH DAY OF JANUARY 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

Ordinance No.

ATTEST:

Pamela A. Bueth, CMC
City Clerk

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 132.02; 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 132.02 of the La Vista Municipal Code is amended to read as follows:

§ 132.02 INTERFERING WITH OFFICER/CITY OFFICIAL.

It shall be unlawful for any person to interfere with the official duties of any city official, employee, or agent or any public safety personnel, such as police officers, firefighters, or rescue personnel, or with any police animal assisting any peace officer acting pursuant to the peace officer's official authority. ('79 Code, § 6-302) Penalty, see § 10.99 *Statutory reference:* Similar provisions, see Neb. RS 28-906

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.

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PASSED AND APPROVED THIS 15TH DAY OF JANUARY 2013.

CITY OF LA VISTA

Douglas Kindig, Mayor

ATTEST:

Pamela A. Buethe, CMC
City Clerk