

**CITY OF LA VISTA**  
**MAYOR AND CITY COUNCIL REPORT**  
**JULY 15, 2008 AGENDA**

| <b>Subject:</b>                         | <b>Type:</b>                              | <b>Submitted By:</b>   |
|---|---|------------------------|
| MUNICIPAL CODE – AMEND<br>SECTION 91.08 | RESOLUTION<br>◆ ORDINANCE<br>RECEIVE/FILE | RICH UHL<br>FIRE CHIEF |

**SYNOPSIS**

An ordinance has been prepared to amend Section 91.08 of the Municipal Code.

**FISCAL IMPACT**

None.

**RECOMMENDATION**

Approval.

**BACKGROUND**

The City has recently received information from the Nebraska State Fire Marshal regarding the legality of using burn pits. The Fire Marshal has advised that they do not regulate burn pits and therefore the authority to allow or deny these devices is on a local level by municipal ordinance. The City recently passed an ordinance which specifies what materials can and cannot be burned in any fireplaces, incinerators and grilling/outdoor cooking appliances. The recommended change to Section 91.08 would allow for the use of burn pits with the same burn material guidelines as the aforementioned items.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND SECTION 91.08 OF THE LA VISTA MUNICIPAL CODE PERTAINING TO FIREPLACES AND INDOOR INCINERATORS; TO REPEAL SECTION 91.08 AS 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. AMENDMENT OF SECTION 91.08.** Section 91.08 of the La Vista Municipal Code is hereby amended to read as follows:

**§ 91.08 FIREPLACES AND INDOOR INCINERATORS EXEMPTED**

Burning in fireplaces and incinerators opening exclusively into the interior of any permanent structure are exempt from the burning ban as well as grilling/outdoor cooking appliances and burn pits but must follow rules regarding burning materials which are allowed and not allowed.

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and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.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

PASSED AND APPROVED THIS 15TH DAY OF JULY 2008.

CITY OF LA VISTA

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Douglas Kindig, Mayor

ATTEST:

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Pamela A. Buethe, CMC  
City Clerk