

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1162

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 91.06; 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 91.06 of the La Vista Municipal Code is amended to read as follows:

§ 91.06 OPEN BURNING BAN; WAIVER.

(A) It shall be unlawful to burn trash or other combustible material outside of a permanent structure, and there shall be an open burning ban on all bon fires, outdoor rubbish fires and fires for the purpose of clearing land in the city of La Vista except and unless a special permit is obtained.

('79 Code, § 7-205)

(B) (1) There shall be a statewide open burning ban on all bonfires, outdoor rubbish fires and fires for the purpose of clearing land.

(2) The Fire Chief of the City Fire Department ~~or his or her designee~~ may waive ~~an~~ the open burning ban under subsection (1) of this section for an area under his or her jurisdiction by issuing an open burning permit to a person requesting permission to conduct open burning. The permit issued by the Fire Chief ~~or his or her designee~~ to a person desiring to conduct open burning shall be in writing, signed by the Fire Chief ~~or his or her designee~~ and on a form provided by the State Fire Marshal.

(3) The Fire Chief ~~or his or her designee~~ may waive the open burning ban in his or her jurisdiction when conditions are acceptable to the Chief ~~or his or her designee~~. Anyone ~~burning~~ intending to burn in ~~such that~~ jurisdiction when the open burning ban has been waived shall notify the Fire Department and Sarpy County Dispatch Center prior to starting the burn and when the burn has been extinguished.

(4) The Fire Chief may adopt ~~and promulgate rules and regulations~~ standards listing the conditions acceptable for issuing a permit to conduct open burning under subsection (2) of this section.

(5) The Fire Department may charge a fee, the amount of which shall be set from time to time by the Mayor and City Council and a current record of which shall be maintained by the City Clerk, for each such permit issued. This fee shall be remitted to the City Council by deposit with the City Treasurer for inclusion in the general funds allocated to the Fire Department. Such funds shall not reduce the tax requirements for the Fire Department. No such fee shall be collected from any state or political subdivision to which such a permit is issued to conduct open burning under subsection (2) of this section in the course of such state's or political subdivision's official duties.

('79 Code, § 7-206) (Ord. 137, passed - -; Am. Ord. 632, passed 9-19-95) Penalty, see § 91.99

Statutory reference:

Statewide ban; exemptions, see Neb. RS 81-520.01

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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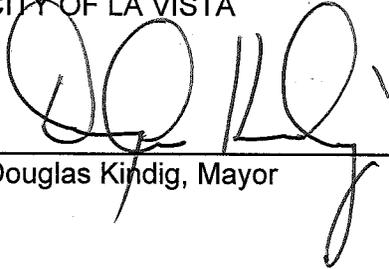
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SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

PASSED AND APPROVED THIS 17TH DAY OF JANUARY 2012.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC
City Clerk

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