

# ORDINANCE RECORD

No. 728—REDFIELD & COMPANY INC., OMAHA

## ORDINANCE NO. 1278

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 130.01; 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 130.01 of the La Vista Municipal Code is amended to read as follows:

### § 130.01 CRIMINAL MISCHIEF.

(A) A person commits criminal mischief if he or she:

(1) Intentionally or recklessly damages or destroys any property of any kind belonging to another ("Property"), including but not limited to, any real or personal property, tomb, grave, monument, gravestone or tree, any property located upon any government property or cemetery, or any property of historical, local, state, or national significance,

(2) Intentionally tampers with property of another so as to endanger person or property, or

(3) Intentionally or maliciously causes another to suffer pecuniary loss by deception or threat.

(B) 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:

(1) Criminal mischief is a Class IV felony if the actor intentionally or maliciously causes pecuniary loss of \$5,000.00 or more, or a substantial interruption or impairment of public communication, transportation, supply of water, gas, or power, or other public service.

(2) Criminal mischief is a Class I misdemeanor if the actor intentionally or maliciously causes pecuniary loss of \$1,500.00 or more but less than \$5,000.00.

(3) Criminal mischief is a Class II misdemeanor if the actor intentionally or maliciously causes pecuniary loss of \$500.00 or more but less than \$1,500.00.

(4) Criminal mischief is a Class III misdemeanor if the actor intentionally, maliciously, or recklessly causes pecuniary loss in an amount of less than \$500.00, or if his or her action results in no pecuniary loss, or a loss to which a pecuniary value cannot be determined with reasonable certainty.

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and parts of ordinances as previously enacted that are in conflict with this Ordinance or any part hereof are hereby repealed.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

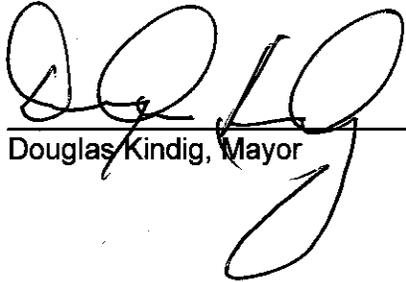
SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form as provided by law.

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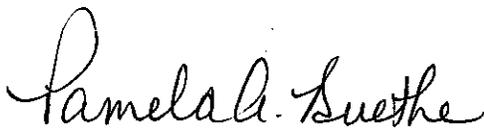
PASSED AND APPROVED THIS 5TH DAY OF APRIL, 2016.

CITY OF LA VISTA



Douglas Kindig, Mayor

ATTEST:



Pamela A. Buethe, CMC  
City Clerk