

ORDINANCE RECORD

No. 728-REDFIELD & COMPANY INC., OMAHA

ORDINANCE NO. 1037

AN ORDINANCE OF THE CITY OF LA VISTA, SARPY COUNTY, NEBRASKA, TO AMEND THE LA VISTA MUNICIPAL CODE SECTION 134.03; 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 134.03. Section 134.03 of the La Vista Municipal Code is amended to read as follows:

§ 134.03 SLING SHOTS, AIR GUNS, BB GUNS, BOWS AND ARROWS.

(A) It shall be unlawful for any person to discharge any device that is constructed, designed or modified to propel a projectile, including, but not limited to, a slingshot, air gun, BB gun, bow or the like loaded with rock, pellet, BB, arrow or other material at any time; provided that this subsection (A) shall not apply to the discharge of an air gun, BB gun, bow and arrow or similar device at an exhibition, demonstration or event pursuant to a valid permit issued by the City.

(B) The City Clerk may grant permits allowing the discharge of air guns, BB guns, bows and arrows or similar devices at exhibitions, demonstrations or events specified in the permit, including demonstrations, exhibitions and events such as, or of, shooting galleries, gun clubs, commercial sellers of such equipment and operators of carnivals within the City, upon finding that the applicant has satisfactorily demonstrated: that:

- (a) The exhibition, demonstration or event will be so located, constructed and operated as to protect the health, safety and welfare of users, participants, spectators and the general public; and
 - (b) Operation of the exhibition, demonstration or event will not violate any law, rule or regulation of the City, State or Federal government.
- (1) The City Clerk's decision whether or not to issue a permit shall be based on the completed permit application and accompanying information, and any recommendation of the Chief of Police based on public health, safety and welfare considerations.
 - (2) The City Clerk shall consider a request for a permit upon receipt of a properly completed and filed permit application and any other required information, and payment of any required permit fee established from time to time by the Mayor and City Council.
 - (3) Permits shall be valid only for the premises, exhibition, demonstration, event and duration as stated on the permit.
 - (4) The City Clerk may adopt reasonable rules, regulations and requirements to implement the provisions of this section and prescribe the form and content of the permit application.
 - (5) The City Clerk may suspend or revoke any permit issued under this section upon finding that any applicant, exhibition, demonstration or event fails to meet the requirements of this section or any rules or regulations established by the City Clerk.

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.

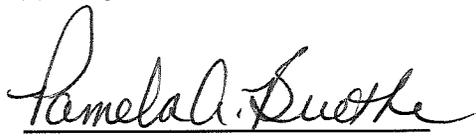
SECTION 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 5TH DAY OF JUNE 2007.

CITY OF LA VISTA


Douglas Kindig, Mayor

ATTEST:


Pamela A. Buethe, CMC
City Clerk