

CHAPTER 6

POLICE REGULATIONS

ARTICLE 1. DOGS

6-101 DOGS; DEFINED. The term dog shall whenever used in this Article apply to both male and female dogs of the age of six (6) months or more.

6-102 DOGS; VACCINATION, DEFINED. Vaccination for rabies shall mean the inoculation of a dog with a rabies vaccine licensed by the United States Department of Agriculture. Such vaccination must be performed by a duly licensed veterinarian.

6-103 DOGS; LICENSE. Any person who shall own, keep or harbor a dog over the age of three (3) months within the Municipality shall within ten (10) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of January of each year. The said tax shall be delinquent from and after January thirty-first (31st); provided, the possessor of any dog brought into or harbored within the corporate limits prior to January first (1st) of any year shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee for each dog for the amount stated in Chapter 12 of this Ordinance. Said license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71- 4412 RS Neb.)

6-104 DOGS; LICENSE TAGS. Upon payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31st) day of December following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee of one dollar (\$1.00) for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year.

6-105 DOGS; WRONGFUL LICENSING. It shall be unlawful for the owner, keeper or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for a specific dog.

6-106 DOGS; OWNER DEFINED. Any person who shall harbor or permit any dog to be for five (5) days or more in or about his house, store or enclosure or to remain to be fed shall be deemed the

owner and possessor of such dog and shall be deemed to be liable for all penalties herein described. (Ref. 54-606, 71-4401 RS Neb.)

6-107 DOGS; PROCLAMATION. It shall be the duty of the Governing Body whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same or confine it for a period of not less than ninety (90) days from the date of such proclamation or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage or yard on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

6-108 DOGS; UNLICENSED VIOLATION PENALTY. It shall be unlawful for the owner of any dog to maintain or keep said dog within the Municipality, without a license tag affixed as required by Sections 6-103 and 6-104 of this Ordinance. (Ref. 17-526 RS Neb.)

6-109 DOGS; RUNNING AT LARGE. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Municipality. It shall be the duty of the Municipal Law Enforcement to cause any dog found to be running at large within the Municipality to be taken up and impounded. The owner shall be liable for all costs of confinement. "Running at Large" shall mean any dog found off the premise of the owner and not under control of the owner or a responsible person.

6-110 DOGS; CAPTURE IMPOSSIBLE. The Municipal Law Enforcement shall have the authority to kill any dog showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 17- 526 RS Neb.)

6-111 DOGS; VICIOUS. The term "Vicious Dog" as used herein shall include the following:

a. Any dog with a propensity, tendency or disposition to attack, to cause injury or damage or otherwise endanger the safety of human beings or domestic dogs;

b. Any dog which attacks a human being one (1) time or attacks a domestic dog on two (2) or more occasions without provocation;

c. Has been previously determined to be a potentially dangerous dog by the dog control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic dogs. An dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in section 20- 203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime.

1. No person may own, harbor or care for a vicious dog as defined within with the Municipal Limits.
2. The keeping, maintaining, owning or harboring of a vicious dog within the Municipal Limits is hereby declared a nuisance as being against the public safety.
3. Any person who shall violate or refuse to comply with the enforcement of the provisions of the foregoing section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
4. Whenever a nuisance exists as defined in the foregoing section, the Municipality may proceed by a suite in a Court of competent jurisdiction to enjoin and abate the same in a manner provided by law. In any criminal prosecution, the Court, in addition to any penalty imposed, may enter an order of abatement as part of the judgment in said case.
5. A Staffordshire Bull Terrier or American Staffordshire Bull Terrier or Pit Bull Terrier, or any mixed breed of dog which includes as an identifiable element of such dogs the breed of Staffordshire Bull Terrier or American Staffordshire Bull Terrier or Pit Bull Terrier.

6-112 DOGS; INTERFERENCE WITH POLICE. It shall be unlawful for any person to hinder, delay or interfere with any Municipal Law Enforcement who is performing any duty enjoined upon him by the provisions of this Article or to break open or in any manner directly or indirectly aid, counsel or advise the breaking open of the dog shelter any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter. (Ref. 28-906 RS Neb.)

6-113 DOGS; KILLING AND POISONING. It shall be unlawful to kill or to administer or cause to be administered poison of any sort to a dog or in any manner to injure, maim or destroy or in any manner attempt to injure, maim or destroy any dog that is the property of another person or to place any poison or poisoned food where the same is accessible to a dog; provided that this Section shall not apply to Municipal Law Enforcement acting within their power and duty. (Ref. 28-1002 RS Neb.)

6-114 DOGS; DOGS AND FOWL, NOISY AND OFFENSIVE. It shall be unlawful for any person to own, keep or harbor any dog, fowl or any other creature which by loud, continued or frequent barking, howling, yelping, crowing or utterance of any other sound shall annoy or disturb any neighborhood or person or which habitually barks, howls, yelps, crows or utters any such annoying sound or chases pedestrians, drivers or owners of horses or vehicles while they are on any public sidewalks, streets or alleys in the Municipality. Upon the written complaint of an affected person filed with the Municipal Clerk, that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this Section, the Municipal Law Enforcement shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog.

6-115 DOGS; FIGHTING. It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting or by any gesture or word to encourage the same to fight. (Ref. 17- 526 RS Neb.)

6-116 DOGS; LIABILITY OF OWNER. It shall be unlawful for any person to allow any dog owned, kept or harbored by him or under his charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Ref. 54-601, 54-602 RS Neb.)

6-117 DOGS; REMOVAL OF TAGS. It shall be unlawful for any person to remove or cause to be removed the collar, harness or metallic tag from any licensed dog without the consent of the owner, keeper or possessor thereof. (Ref. 17-526 RS Neb.)

6-118 DOGS; RABIES SUSPECTED. Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this Article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If, upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Ref. 71-4406 RS Neb.)

6-119 DOGS; COST OF CONFINEMENT. If the ownership of any dog which has bitten a person can be established, the owner shall be liable for the cost of confining it for such length of time as is necessary to establish whether the dog is rabid. If the ownership of such dog cannot be determined, the cost of confining a dog who is only suspected of having rabies shall be paid by the Municipality.

6-120 DOGS; DYING PROHIBITED. It shall be unlawful for any person to, within the Municipal, dye or artificially color any dog.

6-121 DOGS; TRANSIENT OWNER. The provisions of this Article shall not apply to any dog belonging to any person on a sojourn or for bench or show purposes in the Municipal or for other purposes, provided the dog remains near its owner or keeper, his motor vehicle, other dogs or affects and complies with the requirements of this Article.

6-122 DOGS; DEFECATING ON/IN MUNICIPAL PROPERTY. It shall be unlawful for the owner or anyone having custody, control or supervision of any dog to allow such dog to defecate in or on any property owned by the Municipality except in designated areas.

6-123 DOGS; ABANDONMENT, NEGLECT, AND CRUELTY; DEFINITIONS.

A. ABANDON shall mean to leave a dog for any length of time without making effective provisions for its food, water, or other care as is reasonably necessary for the dog's health;

B. CRUELLY MISTREAT shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any dog;

C. CRUELLY NEGLECT shall mean to fail to provide any dog in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the dog's health;

D. HUMANE KILLING shall mean the destruction of a dog by a method which causes the dog a minimum of pain and suffering; and

E. LAW ENFORCEMENT OFFICER shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any municipality, or any other public official authorized by a municipality to enforce state or local dog control laws, rules, regulations, or ordinances.

(Ref. 28-1008 RS NE.)

6-124 DOGS; ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT OFFICERS; POWERS; IMMUNITY.

A. Any law enforcement officer who has reason to believe that a dog has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the dog.

B. Any law enforcement officer who has reason to believe that a dog has been abandoned or is being cruelly neglected or mistreated may issue a citation to the owner as prescribed by law.

C. Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Ref. 28- 1012 RS NE.)

6-125 DOGS; ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY. A person commits cruelty to dogs if he or she abandons, cruelly mistreats, or cruelly neglects a dog. (Ref. 28-1009 RS NE.)

6-126 DOGS; IMPOUNDMENT, EUTHANIZING. It shall be the duty of the Municipal Law Enforcement or other appointed Animal Control Officer to capture, secure, and remove in a humane manner to the designated animal shelter, any animal violating any provisions of Chapter 6, Article 1, Dogs, and Chapter 6, Article 2, Article 2, Animals Generally, of the Municipal Code. The animals so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded animal shall be kept and maintained at the designated animal shelter for a period of not less than three (3) days, unless reclaimed earlier by the owner. Notice of impoundment of animals are known, shall be posted at the animal shelter, as public notification of such impoundment and shall be given to the owner. Any animal may be

reclaimed by its owner during the period of impoundment by payment of the impoundment fee as set by resolution by the Board of Trustees and maintained on file in the office of the Municipal Clerk. The initial fee is \$25.00. The owner shall then be required to comply with the licensing and rabies vaccination requirements within seventy-two (72) hours after release. If the animal is not claimed within at the end of the time specified herein, the Municipal Law Enforcement, or other appointed Animal Control Officer, may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same; Provided, that if, in the judgment of the Municipal Law Enforcement, or other appointed Animal Control Officer, a suitable home can be found for any such animal within the Municipality, said animal shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements. The Municipality shall acquire legal title to any unlicensed animal impounded in the animal shelter after three (3) days. All animals shall be disposed of or destroyed in a summary and humane manner. The owner of any animal shall be responsible for all costs and expenses and the Municipality shall have the right to collect any unpaid fees in any manner provided by law. (Ref. 17-526 RS Neb.)

6-127 DOGS; DOG GUIDES, HEARING AID DOGS, AND SERVICE DOGS; EXEMPT FROM LICENSE TAX. Every guide dog for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the Municipal Code, but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax. (Ref. 54-603 RS Neb)

6-128 GENERAL PENALTY. Any person or owner as defined herein, who shall violate any provision of this ordinance for which specific penalty is not provided, shall, upon conviction thereof, be deemed guilty of a misdemeanor and shall pay a fine of fifteen (15) dollars for the first such offense and if again convicted of a second offense within any twelve (12) month period, measured from the date of offense of the first conviction, shall be deemed guilty of a misdemeanor and shall pay a fine of Twenty-five (25) dollars.

6-129 SUBSEQUENT OFFENSES; PENALTY; NUISANCE; DESTRUCTION OF OFFENDING ANIMAL. Any owner who shall violate the provisions of this ordinance more than twice in any twelve (12) month period, measured from the date of the first violation shall upon conviction, be deemed guilty of a misdemeanor and shall pay a fine of Fifty (50) dollars, if the offenses are in regard to the same animal, such person shall, in addition, be deemed to be maintaining a nuisance and the court may enter such orders, as in the discretion of the court, are appropriate to abatement of such nuisance, and if the court finds that the nature of the offense and the disposition of the animal so require, may order the destruction of the animal at the owners expense by any humane means.