

ORDINANCE 531

AN ORDINANCE RELATING TO the regulation of the licensure of cats within the corporate limits under certain circumstances; to impose restrictions on the number of cats that a person may be own; to establish penalties for violation; to repeal conflicting ordinances and sections; to provide an effective date.

AN ORDINANCE RELATING TO dogs within the corporate limits; to impose restrictions on the number of dogs a person may own; to repeal conflicting ordinances and sections; to provide an effective date.

Ordinance passed and approved on November 20, 2017.

DOGS; GENERAL PROVISIONS

§ 95.20 OWNER DEFINED.

Any person who shall harbor or permit any dog to be for ten days or more in or about his or her 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 prescribed.
(Neb. RS 54-606)

§ 95.21 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 Sheriff's Department or designated animal control officer to cause any dog found to be running at large within the municipality to be taken up and impounded. **RUNNING AT LARGE** shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage, or other suitable means of physical restraint.
Penalty, see § 10.99

Statutory reference:

Authority, see Neb. RS 17-526

Dog collars see required, see Neb. RS 54-605

§ 95.22 RABIES THREAT; PROCLAMATION; INSPECTION.

(A) It shall be the duty of the City Council 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 to confine it for a period of not less than 30 days or more than 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.

(B) Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this chapter 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 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 days, at which time the dog shall be examined by a licensed veterinarian at the owner's expense. If no signs of rabies are observed, the dog may be released from confinement.

Statutory reference:

Similar provisions, see Neb. RS 71-4406

§ 95.23 CAPTURE IMPOSSIBLE.

The Sheriff's Department or designated animal control officer shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved.

Penalty, see § 10.99

§ 95.24 FEMALES IN SEASON.

It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the municipality while in season. Any such female dog found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded or killed according to the provisions herein.

Penalty, see § 10.99

§ 95.25 DANGEROUS DOGS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the municipality.

ANIMAL CONTROL OFFICER. Any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

DANGEROUS DOG. Any dog that, according to the records of the animal control authority:

(1) Has killed or inflicted severe injury on a human being on public or private property;

(2) Has killed a domestic animal without provocation while the dog was off the owner's property; or

(3) Has been previously determined to be a potentially dangerous dog by an Animal 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 animals. A 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 Neb. RS 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.

DOMESTIC ANIMAL. A cat, a dog, or livestock.

OWNER. Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

POTENTIALLY DANGEROUS DOG.

(1) Any dog that when unprovoked:

(a) Inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property;

(b) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or

(2) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

SEVERE INJURY. Any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

(Neb. RS 54-617)

(B) *Restraint.* No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

(Neb. RS 54-618)

(C) *Confinement.* While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or

structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property.
(Neb. RS 54-619)

(D) *Failure to comply.*

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this section.
(Neb. RS 54-620)

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.
(Neb. RS 54-621)

(E) *Additional regulations.* Nothing in this section shall be construed to restrict or prohibit the City Council from establishing and enforcing laws or ordinances at least as stringent as the provisions of divisions (A) through (D).
(Neb. RS 54-624) Penalty, see § 10.99

§ 95.26 LIABILITY OF OWNER.

It shall be unlawful for any person to allow a dog owned, kept, or harbored by the owner, or under his or her 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.

Penalty, see § 10.99

Statutory reference:

Statutory liability, see Neb. RS 54-601

Joint liability, see Neb. RS 54-602

§ 95.27 IMPOUNDING.

It shall be the duty of any animal control official designated by resolution of the City Council to capture, secure, and remove in a humane manner to the municipal animal shelter any dog violating any of the provisions of this chapter. The dogs 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 dog shall be kept and maintained at the shelter for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. Notice of

impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the Municipal Clerk and at the shelter within 24 hours after impoundment as public notification of such impoundment. Notice of the impoundment of any licensed dog shall be mailed to the owner listed on the license application of such dog, by regular U.S. Mail, at the address of such applicant. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and on file at the office of the Municipal Clerk. The owner shall be required to comply with the licensing and rabies vaccination before release. If the dog is not claimed at the end of the required waiting period after public notice has been given, any animal control official designated by resolution of the City Council, may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of any designated animal control official, a suitable home can be found for any such dog within the municipality, the said dog 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 provided in this chapter. The municipality shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog.

Statutory reference:

Pounds authorized, see Neb. RS 17-548

Pounds created by rabies control authorities, see Neb. RS 71-4408

§ 95.28 ANIMAL SHELTER.

The municipal animal shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs. The shelter shall be sanitary, ventilated, and lighted.

§ 95.29 LIMIT ON NUMBER OF DOGS OWNED.

It shall be unlawful for any person to own, keep, harbor or permit to be kept upon any premises occupied or under such person's charge, more than five dogs over four months of age. Provided, however, the provisions of this section shall not apply to persons with a permit for a humane society; animal shelters; animal research facilities; zoos; or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska.

DOGS; LICENSING

§ 95.40 LICENSE REQUIRED.

Any person who shall own, keep, or harbor a dog over the age of four months within the municipality shall within 30 days after acquisition of the dog acquire a license for each such dog annually by or before May 1 of each year. The tax shall be delinquent from and after May 10, provided that the possessor of any dog brought into or harbored within the corporate limits subsequent to May 1 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 10 days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of \$5 for each neutered or spayed dog and \$8 for each unneutered or unspayed dog, provided that the tax shall be \$7 for each neutered dog for every license issued after the fee has become delinquent and \$10 for each unneutered dog for every license issued after the fee has become delinquent. The 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 or her name and address and the name, breed, color, and sex of each dog owned and kept by the owner. 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.

Penalty, see § 10.99

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 95.41 DOG GUIDES, HEARING AID DOGS, AND SERVICE DOGS; EXEMPT FROM LICENSE TAX.

Every dog guide 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.

Statutory reference:

Statutory fee exemption, see Neb. RS 54-603

§ 95.42 LICENSE TAGS.

(A) Upon the payment of the license fee, the person designated by the licensing authority 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 April 30 following such licensing.

(B) In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the person designated by the licensing authority 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 set by resolution of the City Council 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 person designated by the licensing authority to issue tags of a suitable design that are different in appearance each year.

Statutory reference:

Authority, see Neb. RS 17-526 and 54-603

§ 95.43 WRONG 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 dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unneutered dog with a license prescribed for a neutered dog.

Penalty, see § 10.99

§ 95.44 UNCOLLARED DOGS.

All dogs found running at large upon the streets and public grounds of the municipality without a collar or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be destroyed or impounded by the person so designated by the City Council.

Statutory reference:

Similar provisions, see Neb. RS 54-605

§ 95.45 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.

Penalty, see § 10.99

CATS

§ 95.62 LICENSE REQUIRED.

Any person who shall own, keep, or harbor a cat over the age of four months within the municipality shall within 30 days after acquisition of the cat acquire a license for each such cat annually by or before May 1 of each year. The tax shall be delinquent from and after May 10, provided that the possessor of any cat brought into or harbored within the corporate limits subsequent to May 1 of any year, shall be liable for the payment of the cat tax levied herein and such tax shall be delinquent if not paid within 10 days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of \$5 for each neutered or spayed cat and \$8 for each unneutered or unspayed cat, provided that the tax shall be \$7 for each neutered cat for every license issued after the fee has become delinquent and \$10 for each unneutered cat for every license issued after the fee has become delinquent. The license shall not be transferable, and no refund will be allowed in case of death, sale, or other disposition of the licensed cat. The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each cat owned and kept by the owner. A certificate that the cat 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.

Penalty, see § 10.99

Statutory reference: Authority, see Neb. RS 17-526 and 54-603

§ 95.63 LICENSE TAGS.

(A) Upon the payment of the license fee, the person designated by the licensing authority shall issue to the owner of a cat a license certificate and a metallic tag for each cat so licensed. The metallic tags shall be properly attached to the collar or harness of all cats so licensed and shall entitle the owner to keep or harbor the said cat until April 30 following such licensing.

(B) In the event that a license tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the person designated by the licensing authority 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 set by resolution of the City Council 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 person designated by the licensing authority to issue tags of a suitable design that are different in appearance each year.

Statutory reference: Authority, see Neb. RS 17-526 and 54-603

§ 95.64 WRONG LICENSING.

It shall be unlawful for the owner, keeper, or harbinger of any cat to permit or allow such cat to wear any license, metallic tag or other municipal identification than that issued by the Municipal Clerk for

cats, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unneutered cat with a license prescribed for a neutered cat.

Penalty, see § 10.99

§ 95.65 LIMIT ON NUMBER OF CATS OWNED.

It shall be unlawful for any person to own, keep, harbor or permit to be kept upon any premises occupied or under such person's charge, more than five cats over four months of age. Provided, however, the provisions of this section shall not apply to persons with a permit for a humane society; animal shelters; animal research facilities; zoos; or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska.

Penalty, see § 10.99

§ 95.66 CATS RUNNING AT LARGE.

It shall be unlawful for any owner, keeper, or harbinger of any cat to let such cat run at large at any time within the corporate limits of the municipality, unless a valid license tag is attached and said cat is spayed or neutered. Any cat running at large in violation of the provisions of this Section is declared to be a public nuisance, and shall be impounded by the City. The City shall not release any such cat from being impounded until the owner of said cat shall have obtained a license as provided in this chapter.

Penalty, see § 10.99

§ 95.67 CATS INJURING OR DESTROYING PROPERTY OF OTHERS.

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied or under such person's charge or control, any cat that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section it shall appear to the judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed.

§ 95.68 DUTY TO PLACE CAT UNDER OBSERVATION; WHEN REQUIRED; PROCEDURE.

Any cat suspected of being afflicted with rabies, or any cat not vaccinated in accordance with the provisions of this chapter 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 days. If upon examination by a veterinarian, the cat 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 cat, it shall be disposed of in accordance with the provisions herein. If the owner of the said cat has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the cat shall be examined by a licensed veterinarian at the owner's expense. If no signs of rabies are observed, the cat may be released from confinement.

Statutory reference: Similar provisions, see Neb. RS 71-4406

§ 95.69 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.

Any person within the city owning a cat shall have such cat vaccinated against rabies with a licensed vaccine as approved by the Nebraska State Department of Health. All cats shall be vaccinated against rabies commencing at three months of age and the vaccination shall be repeated at fifteen months; and a booster vaccination shall be given triennially thereafter. Unvaccinated cats acquired or moved into the City of Chappell must be vaccinated within thirty days after purchase or arrival, unless under three months of age. It shall be the duty of every veterinarian, at the time of vaccinating any cat, to provide a copy of the rabies vaccination certificate to the City and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.