

## ORDINANCE NO. 535

AN ORDINANCE OF THE CITY OF CHAPPELL, NEBRASKA, AMENDING TITLE IX GENERAL REGULATIONS, CHAPTER 95 ANIMALS, ADDING SECTION 95.70 TO PROVIDE FOR IMPOUNDING AND DESTRUCTION OF DOMESTIC ANIMALS, DOMESTIC ANIMALS RUNNING AT LARGE AND DANGEROUS ANIMALS, AMENDING SECTION 95.04 KILLING AND INJURING TO PROVIDE FOR THE DISPOSAL OF UNCLAIMED ANIMALS; AMENDING SECTION 95.65 LIMIT ON NUMBER OF CATS OWNED TO CLARIFY THE NEED FOR CITY AND STATE PERMITS; AND AMENDING SECTION 95.66 CATS RUNNING AT LARGE TO REQUIRE ALL CATS TO BE UNDER THE CONTROL OF THEIR OWNER, KEEPER OR HARBORER; REPEALING ANY OTHER ORDINANCE OR PART OF ORDINANCE IN CONFLICT WITH THE ABOVE PROVISIONS THEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHAPPELL, NEBRASKA THAT:

### SECTION 1

That Title IX General Regulations Chapter 95 Animals of the Codified Ordinances is amended to include Section 95.70, IMPOUNDING AND DESTRUCTION OF DOMESTIC ANIMALS, DOMESTIC ANIMALS RUNNING AT LARGE AND DANGEROUS ANIMALS to read as follows:

#### **95.70 IMPOUNDING AND DESTRUCTION OF DOMESTIC ANIMALS, DOMESTIC ANIMALS RUNNING AT LARGE AND DANGEROUS ANIMALS.**

- (a) The Animal Control Officer or any other City employee designated by resolution of the City Council shall capture, secure and remove in a humane manner to the City animal shelter or such other shelter as the City may contract with, which shall destroy and bury, as hereinafter provided, any and all domestic animals that are found to be running at large in violation of Sections 95.21, 95.44 or 95.66 or are dangerous animals in violation of Section 95.25 or 95.68.
- (b) No animal taken by the Animal Control Officer, or any other authorized official of the City as provided in this section shall be disposed of until at least ten days have expired after its impounding.
- (c) The City shall provide or cause to be provided a safe, suitable and conveniently located animal shelter for the impounding, keeping and destruction of domestic animals. All animals placed in the animal shelter shall be treated in a humane manner and shall be provided with adequate food and fresh water each day.
- (d) For animals found to be running at large, the period of impounding shall constitute the time allowed for the owner to claim or redeem his or her animal. For every animal so claimed or redeemed, the owner shall pay redemption fees as set out in the Master Fee Schedule, a copy of which is located at the office of the City Clerk, as well as applicable impounding fees and the costs of disposal of the animal, in the event that the owner does not claim the animal or orders the disposal of the animal.
- (e) The Animal Control Officer or another official designated by the City Council shall release, during such period, from the animal shelter any animal found running at large to any person who proves ownership thereof, provided that before such animal is released, adequate proof shall be presented that all redemption and impound fees and all penalties have been paid and that such animal has been vaccinated against rabies as provided in Section 95.40 or 95.62. Any owner who fails to redeem his or her animal within the time provided shall be liable as provided in subsection (d) hereof and for the costs of disposal of the animal. The Animal Control Officer or designated official shall notify the owner of any animal identifiable by tag or microchip of any impoundment. Such notice shall be by personal service or mailed to the address appearing on the identification.
- (f) Any animal that remains in the shelter beyond the applicable impoundment period without being claimed, redeemed or released shall be destroyed and buried as provided in this section, unless, in the judgment of the Animal Control Officer or another official designated by the City Council, a suitable home may be found for such animal. If a suitable home is found for any such animal within the corporate limits of the City, the person taking such animal from the animal shelter shall first present to the Animal Control Officer or other authorized official a receipt for the payment of the shelter fee and any other penalties provided in this chapter. The City acquires legal title to any animal impounded in its animal shelter at the expiration of the applicable impoundment period.
- (g) An animal at the City animal shelter which is alleged to be a dangerous animal shall not be released except upon the direction of the Animal Control Officer or other authorized official. Prior to release, the owner shall pay a redemption fee as set out in the Master Fee Schedule, a copy of which is located at the office of the City Clerk to a maximum of five hundred dollars (\$500.00), plus applicable fines and costs. When an animal is impounded in the animal shelter as a dangerous animal, an investigation shall be completed by the City personnel and/or County Sheriff's Department and said investigation reports directed to the City Prosecutor for consideration of filing under state statutory provisions or Section 95.25 or 95.68. No animal shall be held as an alleged dangerous animal in the City animal shelter for more than twenty-one days unless a "Dangerous Animal" Complaint under State statutory provisions or Section 95.25 or 95.68 of the City has been filed within that time. Upon the filing of a "Dangerous Animal" Complaint, said animal shall continue to be held until such time as the Complaint has been adjudicated or is dismissed. If said animal is ordered by the Court to be destroyed pursuant to State statutes or Section 95.25 or 95.68, the animal shelter will comply with the Court Order

therein and the owner of said animal is responsible for and will pay an impoundment fee as set out in the Master Fee Schedule, a copy of which is located at the office of the City Clerk thereafter to a maximum of five hundred dollars (\$500.00), plus any costs of destruction and disposal of the animal.

- (h) 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 animal shall be personally served or mailed to the owner listed on the license application of such animal, by regular U.S. Mail, at the address of such applicant. Any animal 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 animal 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 animal 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 animal within the municipality, the 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 provided in this chapter. The municipality shall acquire legal title to any unlicensed animal impounded in the animal shelter for a period longer than the required waiting period after giving notice. All animals shall be destroyed and buried in a humane manner as prescribed by the Board of Health unless a suitable home can be found for such animal.

## SECTION 2

That Title IX General Regulations Chapter 95 Animals of the Codified Ordinances Section 95.04 KILLING AND INJURING is amended to read as follows:

### 95.04 Killing and Injuring.

No person, except an authorized official as authorized in these Ordinances, shall kill or injure any animal by the use of firearms, stones, clubs, poisons, or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the person attempting to affect a capture of the animal.

Penalty, see § 10.99

## SECTION 3

That Title IX General Regulations Chapter 95 Animals of the Codified Ordinances Section 95.65 LIMIT ON NUMBER OF CATS OWNED is amended to read as follows:

### 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 humane societies, animal shelters; animal research facilities; zoos; or animal hospitals duly licensed under the laws of the State of Nebraska and the City of Chappell and otherwise complying with the Ordinances of the City of Chappell.

Penalty, see § 10.99

## SECTION 4

That Title IX General Regulations Chapter 95 Animals of the Codified Ordinances Section 95.66 RUNNING AT LARGE is amended to read as follows:

### 95.66 Running at Large.

It shall be unlawful for the owner, keeper, or harbinger of any cat to allow such cat to run at large at any time within the corporate limits of the municipality. Any cat running at large in violation of the provisions of this Section is declared to be a public nuisance, and it shall be the duty of the Sheriff's Department or designated City personnel to cause any animal found to be running at large within the municipality to be taken up and impounded. The City shall not release any such cat from impoundment to the owner until the owner of such cat shall have obtained a license as provided in this chapter.

Penalty, see § 10.99

## SECTION 5

CONFLICTING ORDINANCES/RESOLUTIONS RESCINDED.

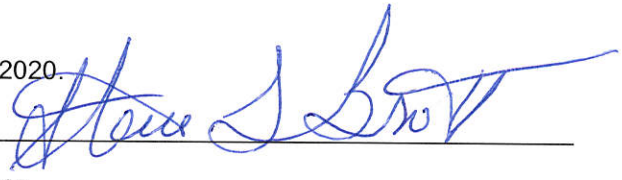
All previously adopted Resolutions and Ordinances or parts of law in conflict herewith are hereby repealed, and should any part or section(s) of this Ordinance be declared void and unenforceable, such declaration shall not render any other part void or unenforceable.

**SECTION 6**

AUTHORIZATION.

This Ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND APPROVED this 3<sup>rd</sup> day of February, 2020.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_

City Clerk

CITY SEAL