

Chapter 5

ANIMALS AND FOWL*

* ~~Cross References: Health, Ch. 10; licenses and business regulations, Ch. 13, motor vehicles and traffic, Ch. 16; taxation, Ch. 24; depositing rubbish injurious to animals, etc., on highways, § 16-11; persons riding animals or driving animal drawn vehicles subject to motor vehicle and traffic provisions, § 16-35; unlawful use of guide dog, § 16-497; noise made by animals or fowl, § 17-163; riding animals in public parks, § 19-11.~~

~~State Law References: Animals in city generally, R.R.S. 1943, § 16-206; animals and fowl running at large, R.R.S. 1943, § 116-235; livestock, R.R.S. 1943, Ch. 54.~~

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ARTICLE I.

IN GENERAL

Sec. 5-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

Adequate Shelter: Adequate shelter shall mean a physical structure available for use by an animal so that when factors related to the age, size, physical condition, medical condition, species, and breed disposition are considered, the animal's well-being is not endangered by weather or environmental conditions.

Animal: Any vertebrate member of the animal kingdom excluding man.

Animal Control Officer: Animal control officer shall mean any person authorized by law, employed, appointed or contracted with 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.

Animal Shelter: Animal shelter shall mean a facility that is used to house or contain animals and is owned, operated, or maintained by a Nebraska nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals.

Boarding: Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort.

Commercial Breeding Kennel: Commercial breeding kennel shall mean any kennel, lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska.

Dangerous Dog: Dangerous dog shall mean any dog that (a) has killed or inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the dog was off the owner's property; or (c) has been previously determined to be a potentially dangerous dog according to this chapter and such dog subsequently and aggressively bites, attacks, or endangers the safety of humans or domestic animals. Under (a) and (c) herein, the dog shall not be considered a dangerous dog if the conduct of the dog in question is directed at a person:

(1) who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the dog;

(2) who, at the time, was tormenting, abusing, or assaulting the dog;

(3) who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or

(4) who, at the time, was committing or attempting to commit a crime against the person, against public peace, or relating to property.

Dog Kennel: Dog kennel shall mean the house, yard, enclosure, or place where four or more dogs over the age of six months are kept, harbored, or maintained.

Exotic Animal: Exotic animal shall mean any animal that is native to a foreign country or of foreign origin or character, is not native to the United States or was introduced from abroad except pet animals, large animals, or fowl. This term specifically includes animals such as, but not limited to, elephants, camels, antelope, anteaters, kangaroo and water buffalo.

Foster Home: Foster home shall mean a residential premise at which, through registration with an animal rescue organization, temporary animal care or rehabilitation is provided.

Fowl: Fowl shall mean chickens, ducks, geese, turkeys, pigeons, pheasants, quail, partridge, guineas, or other domesticated or wild birds.

Hobby Breeder: Hobby breeder shall mean any person who breeds and raises pet animals at his or her place of residence; provided that (1) such breeding activity is incidental to keeping pet animals for personal enjoyment, and (2) the premises are not a kennel regulated by the Beatrice City Code. At least one parent of the pet animal must be kept upon the residence or premises.

Hybrid: Hybrid shall mean any animal which is (1) the product of the breeding of a domesticated animal with a non-domesticated animal including, but not limited to, wolf/dog hybrids, or (2) the product of the breeding of a non-domesticated animal with an animal of a different species, variety, or breed.

Indoor Housing Facility: Indoor housing facility shall mean any enclosure, structure or building intended to harbor dogs, which has the capability of controlling the environment within the enclosure created by the continuous connection of a roof, floor, and walls with at least one opening for entry by a dog and an exit with a door or any movable structure used to close off the opening and typically consisting of a panel of wood, glass, metal, etc., which slides on rollers or swings on hinges. Any openings which provide natural light shall be covered with a transparent material.

Large Animal: Large animal shall mean cattle, horses, mules, sheep, goats, llamas, or any other domesticated animal which is normally and historically kept and raised on farms in the United States and used or intended for use as food, fiber, or farm work weighing more than twenty pounds except pet animals, unusual animals, or fowl.

Outdoor Housing Facility: Outdoor housing facility shall mean any enclosure, structure, building, land or premises, housing or intended to house dogs, which does not meet the definition of any other type of housing facility provided in this chapter, and in which temperatures cannot be controlled within set limits.

Owner: Any person owning, keeping or harboring one (1) or more animals. An animal shall be harbored if it is fed or sheltered for three (3) consecutive days or more.

Person: Any individual, firm, corporation, association, or partnership.
(Ord. No. 86-6, § 1, 3-17-86)

Potentially Dangerous Dog: Potentially dangerous dog shall mean:

(a) Any dog that when unprovoked

(1) inflicts a wound on a human or injures a domestic animal either on public or

private property, or

(2) chases or approaches a person upon streets, sidewalks, or any public grounds in an outward appearance of aggressive or dangerous behavior; or

(b) Any 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.

Run at Large: Run at large shall include any animal that is not under the actual control of its owner. An animal shall not be considered under the actual control of its owner unless on a leash, cord, or chain which is securely fastened or picketed in a manner sufficient to keep the animal on the premises where picketed, or on a leash, cord, or chain of six feet or less in length physically held by the owner or confined within a receptacle, enclosed vehicle, fenced enclosure or shelter or within the real property limits of the owner and in the owner's presence and under direct and effective voice control.

Unusual Animal: Unusual animal shall mean any exotic, wild, poisonous, or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the City of Beatrice, State of Nebraska, or federal requirements, and also:

(a) Class mammalia; order carnivora, family felidae (such as lions, tigers, jaguars, leopards, and cougars) and hybrids of the same except commonly accepted domesticated cats; family canidae (such as wolves, coyotes, and fox) and hybrids of the same except domesticated dogs; family mustelidae (such as weasels, martins, fishers, skunks, wolverines, mink, and badgers) except ferrets; family procyonidae (such as raccoon); family ursidae (such as bears); order primata (such as monkeys and chimpanzees); and order chiroptera (such as bats).

(b) Class reptilia; (i) all poisonous or venomous snakes, lizards, amphibians and other reptiles and shall include but not be limited to: cobras and their allies (elapidae, hydrophidae); vipers and their allies (crotalidae, viperidae); boomslang and kirtland's tree snake (clonophis); and gila monster (helodermatidae); (ii) order loricata (such as alligators, caymans, and crocodiles); (iii) green anaconda (eunectes murinus), Indian python (molurus molurus), reticulated python (python reticulatus), and African rock python (python sebae).

Wild Animal: Wild animal shall mean any animal within the boundaries of the United States which is now or historically has been found in the wild, or is in the wild state wherein it is living in its original, natural condition and is not domesticated.

Wound: Wound shall mean any injury to a person not included within the definition of severe injury.

Severe Injury: Severe injury shall mean any physical injury to a person 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.

Sec. 5-2. Interference with enforcement.

It shall be unlawful for any person to knowingly and intentionally interfere with ~~the chief of police or other police officer~~ any Law Enforcement Officer or Animal Control Officer in the lawful discharge of his or her duties as prescribed by this chapter.

(Ord. No. 86-6, § 2, 3-17-86)

State Law References: Obstructing a peace officer, penalty, R.R.S. 1943, § 28-906.

Sec. 5-3. Cruelty to animals.

(a) *Generally.* Cruelty to animals shall be prohibited within the city limits.

~~———— (b) ——— Physical abuse. It is unlawful for any person to willfully or maliciously kill, poison, maim, disfigure, torture, beat with a stick, chain, club or other object, mutilate, burn, or scald with any substance or otherwise cruelly set upon any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.~~

~~———— (c) ——— Care and maintenance. It shall be unlawful for any person keeping or harboring any animal to fail, refuse, or neglect to provide such animal with proper food, drink, shade, shelter, or veterinary care as may be necessary for diseased or injured animals. Any animal habitually kept outside or repeatedly left unattended outside when no adult persons are present on the property shall be provided with a structurally sound, moistureproof and windproof shelter large enough to accommodate and keep the animal reasonably clean, dry, and comfortable. Proper food, drink, shade, shelter, and care shall require:~~

~~———— (1) ——— That each animal shall, at suitable intervals and at least once every twenty four (24) hours, receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;~~

~~———— (2) ——— That each animal shall, at suitable intervals and at least once every twenty four (24) hours, receive an adequate supply of clean, fresh, potable water for the species' physical condition and age, and such water shall be provided either free-flowing or in a receptacle;~~

~~———— (3) ——— That each animal shall have convenient access to shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around, and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. The shelter shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infected with parasites;~~

~~———— (4) ——— That each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;~~

~~———— (5) ——— That the living area for each animal being kept, confined or restrained shall have adequate drainage such that the animal shall be free to walk or lie down without~~

coming in contact with standing water;

~~———— (6) ——— That if any animal is restrained by a chain, leash, wire cable, or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Such restraint shall not be less than ten (10) feet in length.~~

~~———— (d) ——— *Leaving in an unattended vehicle.* It is unlawful for any person to place or continue to allow an animal to be confined in such a manner that it must remain in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well being of any animal due to heat, lack of food or water, or any circumstances which might cause suffering, disability or death.~~

~~———— (e) ——— *Abandonment of animals.* It shall be unlawful for any person to abandon or dump any animal within the city. Abandonment shall mean leaving an animal for a period in excess of twenty four (24) hours without appropriate provisions having been made for the feeding, watering, and care of such animal. If an animal is restrained or confined without food, water or proper care, the chief of police may enter upon any property where the animal is restrained or confined and supply it with the necessary food, water and care so long as it there remains.~~

~~———— (f) ——— *Authority to remove and impound.* If the chief of police reasonably believes that a violation of this section will continue, the chief of police is hereby authorized and empowered to seek a warrant from the appropriate court to enable the chief of police to enter private property in order to inspect, care for or impound animals which show signs of animal neglect or abuse.~~

~~———— (g) ——— *Owner's cost.* Any person or persons violating this section shall bear full cost and expenses incurred by the city in the care, medical treatment, impoundment cost, and disposal of said animals, including removal from a vehicle.~~

~~———— (h) ——— *Disposition.* Whenever a person has been issued a citation under this section, and the animal has been seized by the chief of police pursuant to a warrant issued by the court, the owner shall not be allowed to redeem such animal until the citation has been resolved. If the owner is found guilty of violating this section, the court may award ownership of the animal to the City of Beatrice and the chief of police shall impound and destroy such animal in a humane manner unless in the judgment of the chief of police a suitable home may be found for such animal.~~

~~———— (i) ——— *Penalty.* Any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred dollars (\$100.00) and in a sum not to exceed five hundred dollars (\$500.00). (Code 1971, § 7 1; Ord. No. 86 6, § 3, 3 17 86; Ord. No. 93 29, § 1, 5 3 93; Ord. No. 98 59, § 1, 11 16 98; Ord. No. 99 71, § 1, 11 1 99)~~

~~———— **Cross References:** Offenses and miscellaneous provisions, Ch. 17.~~

~~———— **State Law References:** Cruelty to animals, penalty, authorized or permitted conduct, R.R.S. 1943, § 28-1001 et seq.; power of city to prohibit cruelty to animals, R.R.S. 1943, § 16 210.~~

Sec. 5-3 Keeping of animals prohibited; exceptions.

It shall be unlawful for any person to keep, harbor or maintain within the City of Beatrice any wild or domesticated animal, reptile or fowl, except as follows:

(1) Dogs and cats may be kept, harbored and maintained within the City as provided in this Chapter.

(2) Canaries, parakeets, parrots, fish, hamsters, gerbils, guinea pigs, white mice or rabbits may be kept, harbored and maintained within the City so long as they are confined within a residence structure or other building.

(3) Live bait, such as earthworms, minnows and crayfish, may be kept within the City for sale or for use.

(4) Amphibians and non-venomous reptiles may be kept within the City as long as they are confined within an owner's dwelling unit, and provided that all amphibians and non-venomous reptiles that are not native to Nebraska are registered with the City and a registration fee in the amount of five dollars (\$5.00) per animal is paid.

(5) The prohibitions of this Section shall not operate to prevent the keeping of prohibited animals by primary, secondary and post-secondary educational institutions for educational purposes.

(6) The prohibitions of this Section shall not operate to prevent the temporary storage or display of animals adjacent to and for use in connection with any veterinary clinic, livestock sale yard, circus, rodeo, parade, county fair, or by a humane society or the City of Beatrice.

(7) Upon the annexation of lands into the City where sheep, goats, cattle, horses, ponies, llamas, swine or fowl are kept, the person keeping said animals shall be allowed 30 months from the date of annexation to remove said animals, or to otherwise bring their property into compliance with this Section. During such time, the person granted said extension shall not:

- (a) Expand or enlarge the area within which the animals are kept; or
- (b) Increase the number or types of animals that are being kept there on the effective date of the annexation ordinance.

Sec. 5-4. Horses -- Prohibited on private and public property; exceptions thereto.

It shall be unlawful for any person who owns or is in charge of a horse to allow the horse to go upon any City park or public property other than the improved portion of the public streets and alleys within the City without a permit or consent from the City Council for such accepted usage and it shall be unlawful for any person to permit a horse owned by him or in his charge to go upon private property within the City of Beatrice without the consent of the owner or occupant of said private property.

Sec. 5-5 ~~6.04.290~~ Keeping of Large Animals Prohibited.

No person shall, within the corporate limits of the city, keep or harbor large animals.

Sec. 5-6 ~~6.04.041~~ Keeping of Roosters Prohibited.

No person shall, within the corporate limits of the City, own, keep or harbor live roosters. The unlawful keeping or harboring of roosters is hereby declared to be a public nuisance.

This prohibition on the ownership, keeping, or harboring of live roosters shall not apply to roosters owned or harbored by a governmental entity, Humane Society, animal shelter, zoo, or

to an animal hospital operated by veterinarians duly licensed under the laws of the State of Nebraska.

Sec. 5-7. Beehives -- Nuisance.

Any beehive used or occupied by bees is hereby declared to be a public nuisance; and it shall be unlawful to keep or maintain any such hive within the City limits.

Sec. 5-8 ~~6.04.020~~ Unusual Animals Prohibited.

(a) It shall be unlawful for any person or persons to own, keep, or harbor any unusual animal within the corporate limits of the City of Beatrice. This section shall not apply to: (1) a public zoo, circus, or carnival that maintains all legally required permits under applicable state or federal law, including applicable rules and regulations of the Nebraska Game and Parks Commission and federal wildlife agencies; (2) colleges and universities using said unusual animal for research and teaching; (3) a humane society kenneling or boarding impounded unusual animals for Animal Control; (4) any wildlife rescue organizations with appropriate permits from the Nebraska Game and Parks Commission that rehabilitate or shelter unusual animals; or (5) authorized individuals sheltering animals belonging to a public zoo which require extensive care or rehabilitation.

(b) It shall be unlawful for any person to sell, give away, transfer, or import into the City any unusual animals as defined in this chapter except for a public zoo doing business with another zoo.

(c) In the event that the Chief of Police, the Animal Control Officer or their designee determines an unusual animal is being owned, kept, or harbored by any person in violation of this chapter, the Chief of Police, the Animal Control Officer or their designee may have such person prosecuted for such violation and shall order such person to remove said unusual animal from the city or destroy it. Such order shall be contained in a written notice to remove or destroy said unusual animal within ten days and shall be delivered in person or by certified mail, return receipt requested. If notice by personal service or certified mail is unsuccessful, notice shall be given by publication in a newspaper or general circulation in the City or by conspicuously posting notice on the premises where the animal is kept or harbored. If the owner fails to remove or destroy such unusual animal after the expiration of eleven days from receipt of notice, the Chief of Police, the Animal Control Officer or their designee is hereby authorized and empowered to enter private property in order to impound the unusual animal in violation of this chapter.

(d) Authority to remove and impound. If the Chief of Police, the Animal Control Officer or their designee reasonably believes that a violation of this section exists, the Chief of Police, the Animal Control Officer or their designee is hereby authorized and empowered to enter private property in order to inspect, care for, or impound unusual animals in violation of this chapter.

(e) Owner's cost. Any person or persons violating this section shall bear the full cost and expenses incurred by the City in the recovery, care, medical treatment, impoundment cost, and disposal of said animals, including removal from a motor vehicle or trailer.

(f) Whenever an unusual animal has been seized, the release or disposition of the unusual animal shall be within the sound discretion of the Chief of Police, the Animal Control Officer or

their designee. The Chief of Police, the Animal Control Officer or their designee may, order that the unusual animal may be destroyed in a humane fashion, and any such impoundment or disposal costs incurred by the City or their designee shall be payable by the owner.

Sec. 5-9. Keeping in proximity to dwellings.

No person, whether as owner, bailee, keeper or custodian, shall keep or maintain any animal, fowl or bird not specifically banned from the City by the terms of this Article closer than two hundred feet from any part of any building used by another as a residence or place of dwelling.

Sec. 5-10. Animals; pitting; definitions.

Bearbaiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dogfighting shall mean the pitting of a dog against another dog. Pitting shall mean bringing animals together in combat.

Sec. 5-11. Animals; pitting; prohibited.

No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell, or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any act as described in this Section to occur on any premises owned or controlled by him or her.

Sec. 5-12. Animals; pitting; spectators prohibited.

No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in Section (5-11).

Sec. 5-13 ~~6.04.310~~ Cruelty to Animals.

Cruelty to animals shall be prohibited within the Beatrice city limits.

(a) Physical Abuse. It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise cruelly set upon any animal.

(b) Physically Mistreat. It shall be unlawful for any person to knowingly, intentionally, or recklessly cause or allow any animal to endure unreasonable or unjustifiable pain, suffering, or injury.

(c) It shall be unlawful for any person to use any live animal including fish and fowl as or for a target or in any cruel or unusual manner.

Sec. 5-14 ~~6.04.313~~ Cruelty; Exemptions.

Section 5-13 ~~6.04.310~~ shall not apply in the following circumstances, except that no animal shall be killed in an inhumane fashion or tortured in any event.

- (1) Care or treatment of an animal by a veterinarian licensed under the Nebraska Veterinary Practice Act;
- (2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;
- (3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131, et seq.;
- (4) Commonly accepted practices of hunting, fishing, or trapping, while lawfully engaged in said activity;
- (5) Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests, while lawfully engaged in said activity;
- (6) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;
- (7) Commonly accepted practices of animal husbandry with respect to farm animals, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;
- (8) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;
- (9) Killing of house or garden pests in one's own house or garden. For purposes of this section, "house or garden pests" shall include moles, voles, mice, rats, bats, gophers, ground squirrels, and the like, but shall not include any animal which is assigned a hunting season by the State of Nebraska or which is subject to any other special protection such as being designated a threatened or endangered species;
- (10) Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; and
- (11) Commonly accepted animal training practices.

Sec. 5-15 6.04.315 Animal Neglect.

(a) Care and maintenance. It shall be unlawful for any person owning, keeping or harboring any animal to fail, refuse, or neglect to provide such animal with adequate food, water, shade, shelter, living environment, or veterinary care as may be necessary for diseased or injured animals. Any animal habitually kept outside or repeatedly left unattended outside shall be provided with a structurally sound, moisture-proof and windproof shelter large enough to accommodate and keep the animal reasonably clean, dry, and comfortable. Adequate food, water, shade, shelter, living environment and care shall mean:

- (1) That each animal shall at suitable intervals, and at least once every twenty-four hours receive a quantity of wholesome foodstuff suitable for the species' physical condition and age, sufficient to maintain an adequate level of nutrition for the animal;
- (2) That each animal shall at all times have access to an adequate supply of clean, fresh

potable water for the species' physical condition and age, and such water shall be provided either free-flowing or in a receptacle. Snow or ice is not an acceptable water source. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;

(3) That each animal shall have convenient access to adequate shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.

(4) That each animal shall receive care and medical treatment for debilitating injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering;

(5) That any animal being confined in any sort of shelter or restrained in any way shall be provided space to walk and lie down in and said space shall have adequate drainage such that the animal shall be free to walk and lie down without coming into contact with standing water;

(6) That if any animal is restrained by a chain, leash, wire cable or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Any tethering device must be attached to a properly fitting collar or harness. Choke chain collars, prong or pinch collars, or any collar devised for training so that it chokes or pinches the animal when pulled is prohibited for the purposes of tethering an animal. The tethering device must be at least ten feet in length but shall not allow the animal to leave the property on which it is tethered.

(7) That if any animal is kept in an enclosure, the enclosure shall be constructed in a manner and of material designed to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside a residence, the following minimum space requirements shall be used:

Size of Dog	Enclosure Size (Sq. Ft.)
Extra Large (over 26 in. at withers or over 75 lbs.)	48
Large (over 20 in. and up to 26 in. at withers/not over 75 lbs)	40
Medium (over 12 in. and up to 20 in. at withers/not over 50 lbs.)	32
Small (12 in. or less at the withers/not over 20 lbs.)	24

An additional sixteen (16) square feet shall be required for each dog sharing a pen with another.

(b) Leaving animals in an unattended vehicle. It shall be unlawful for any person to place or confine an animal or allow an animal to be confined, in a motor vehicle or trailer in such a

manner or under such conditions or for such periods of time as to endanger the health or well-being of the animal, including, but not limited to, extremes of heat or cold, lack of food or water, or any other circumstances which may cause suffering, disability, injury, or death.

(c) Abandonment of animals. It shall be unlawful for any person to abandon any animal within the City of Beatrice. Abandonment shall mean leaving an animal for a period of time in excess of twenty-four hours without appropriate provisions having been made for the feedings, watering, and care of such animal, or leaving an animal unattended with the intent to discontinue care and maintenance of the animal.

(d) Authority to remove and impound. If the Chief of Police, the Animal Control Officer or their designee reasonably believes that a violation of this section exists, the Chief of Police, the Animal Control Officer or their designee is hereby authorized and empowered to enter private property in order to inspect, care for, or impound animals which show signs of animal neglect or abuse.

(e) Owner's cost. Any person or persons violating this section shall bear the full cost and expenses incurred by the City or representative in the recovery, care, medical treatment, impoundment cost, and disposal of said animals, including removal from a motor vehicle or trailer.

(f) Whenever an animal has been seized, the release or disposition of the animal shall be within the sound discretion of the Chief of Police, the Animal Control Officer, or their designee. The Chief of Police, the Animal Control Officer, or their designee may, order that the animal be destroyed in a humane fashion, and any such impoundment or disposal costs incurred by the City or representative shall be taxable to the person so convicted.

~~Sec. 5-6 5-4. Animal fights.~~

~~It shall be unlawful for any person within the city to set dogs or other animals or fowl to fighting, by agreement or otherwise, or in any manner urge, forward or encourage the same.
(Ord. No. 86-6, § 4, 3-17-86)~~

~~Sec. 5-16 5-5. Animals running at large.~~

~~It shall be unlawful for the owner or keeper of any animal or cattle, hogs, horses, mules, sheep or goats to permit the same to run at large within the city at any time.
(Code 1971, § 7-2; Ord. No. 86-6, § 5, 3-17-86)~~

~~Sec. 5-8 5-6. Fowl running at large.~~

~~It shall be unlawful for the owner or keeper of fowl to permit the same to run at large within the city at any time.
(Code 1971, § 7-3; Ord. No. 86-6, § 6, 3-17-86)~~

~~Sec. 5-8. Dead animals.~~

~~All dead animals shall be immediately removed and buried by the owner of such animals. If the owner of a dead animal cannot be found within two (2) hours after discovery of the same,~~

~~such animal shall be removed and buried by and at the expense of the city.~~
(Code 1971, § 7-4; Ord. No. 86-6, § 8, 3-17-86)

Cross References: Solid waste, Ch. 22.

State Law References: Power of city to compel the removal of carcasses, R.R.S. 1943, § 16-231.

Sec. 5-17 ~~6.04.250~~ Dead Animals; Duty to Remove.

Except as permitted by subsection (b) of Section 5-18 ~~6.04.260~~ of this code, if any animal or fowl shall die in the possession of any person in this city, it shall be the duty of the owner of such animal or fowl to cause the same to be at once removed to a site approved by the Chief of Police, the Animal Control Officer or their designee and buried or otherwise disposed of. In case the owner or person having charge of any such animal or fowl shall neglect or refuse to remove such dead animal or fowl within twenty-four hours after its death, then the Chief of Police, the Animal Control Officer or their designee shall cause the same to be removed at the expense of such owner or person having charge of the same, such expenditure to be recovered in a civil action. Whenever the owner or other person having charge of any dead animal or fowl cannot be found, it shall be the duty of the Chief of Police, the Animal Control Officer or their designee to cause such animal to be removed and buried at the expense of the city. Dead animals shall not be buried within the corporate limits of the city, nor within two (2) miles thereof, nor in or above the course of groundwater that is used for drinking purposes by the inhabitants, except in a pet cemetery approved as such by the city council, or in the city sanitary landfill site.

Sec. 5-18 ~~6.04.260~~ Dead Animals; Unlawful Acts.

(a) Except as permitted by subsection (b) below, it shall be unlawful for any person to deposit or bury on any of the streets or alleys or other places within the corporate limits of the city, or cause to be buried, any carcass of any dead animal or fowl of any kind, and it shall be unlawful for the owner or person having possession of any animal that shall die to allow the carcass of any such animal to remain within the corporate limits of said city for more than twenty-four hours after the death of said animal or fowl except under the direction of the Chief of Police, the Animal Control Officer or their designee. In no event shall diseased dead animals or fowl be used for food for other animals.

(b) Nothing in this section shall prevent burial of any dog, cat, or other animal on the residential premises of the owner of such animal if such animal weighs less than 150 pounds and such animal is a household pet and is an animal permitted in Section 5-3. Any such animal shall be buried within twenty-four hours after its death, and all parts of any such animal shall be covered by at least two feet of fine soil.

Sec. 5-19 ~~5-7~~. Animal wastes.

The owner of every animal **and fowl** shall be responsible for the immediate removal and proper disposal of any excreta deposited by his animals **or fowl** on public walks, recreation areas or private property.
(Ord. No. 86-6, § 7, 3-17-86)

Sec. 5-20 ~~6.04.270~~ Offensive Odors From Enclosures in Which Animals are Kept.

It shall be unlawful for any person or persons to keep any animal or fowl in any pen, shed, or yard within the city from which any deleterious or offensive odor shall be emitted; and

the maintaining of any of the above-mentioned animals or fowl in such condition shall of itself constitute a nuisance.

Sec. 5-21 6.04.050 Sanitary Regulations.

The owner of any animal or fowl shall keep all pens, cages, sheds, yard, shelter structures, or any other area or enclosure for the confinement of animals or fowl, wherein such animals or fowl are kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any animal or fowl shall not allow offal, manure, and waste material of such animal to accumulate or remain in the pens, cages, sheds, yard, shelter areas, or any other area or enclosure, upon which such animal or fowl resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The maintenance or permitting of any of the foregoing conditions on any such lot or parcel of ground is hereby declared to be a public nuisance. The owner of any animal or fowl shall in a sanitary manner remove or dispose of all offal, manure, and waste material accumulating from such animal or fowl at least once every five days.

Sec. 5-22. Animal waste.

It shall be unlawful for the owner of any animal to allow the animal to urinate or defecate off of the property of the owner, or on any public property, unless the animal owner immediately collects and removes the animal waste from the property. It shall be unlawful for any person to dispose of any pet or animal waste by dumping or abandoning said waste on property located within the city limits. The owner of any animal that damages property by urinating or defecating on said property shall be liable for the damage resulting therefrom.

Sec. 5-23 6.04.280 Storage of Hides.

No salted or green hides shall be stored in any warehouse or other building or other place within the city so that odors arising from said hides shall annoy or disturb the occupants of the premises in the vicinity thereof; and the maintaining of such hides in such condition shall of itself constitute a public nuisance.

Sec. 5-24. Methods of fishing.

It shall be unlawful to take or to attempt to take any fish from any public lake or stream within the City in any manner other than by use of hook and line. Snagging and spearing of fish is hereby expressly prohibited.

Sec. 5-25. Animal officer -- Powers and duties.

(1) For the purposes of this chapter, the term “animal officer” shall be deemed to include any person who is employed by the City of Beatrice, and who holds the position of animal officer or animal control officer.

Additionally, all police officers of the City of Beatrice shall have all of the authority which is hereby conferred upon animal officers, and any authority conferred in this chapter upon any “animal officer” shall be deemed to also be conferred upon every police officer of the City of Beatrice.

(2) It shall be the duty of the animal officer to enforce the provisions of this article and any other article pertaining to the control of animals, birds, or fowl. For the purpose of discharging the duties imposed by this article and to enforce its provisions, the animal officer is empowered to enter upon any premises upon which a dog or cat is kept or harbored and to demand the exhibition by the owner of such dog or cat of the license for such dog or cat. It is further provided that the animal officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and to confiscate such animal, when in his opinion, it is being cruelly or inhumanely treated. No such officer shall enter upon any premises for the purposes described in this Chapter, in violation of the statutory and constitutional rights of the owner or occupant thereof.

(3) Upon receiving any dog or cat, the animal officer shall make a complete registry entering the breed, color, and sex of each dog or cat and whether licensed. If licensed, he or she shall enter the name and address of the owner and the number of the licensed dog or cat. It shall further be the duty of the animal officer to assist the City Clerk in dog and cat tax collections by taking a dog and cat census affected by personal visitation to dog and cat owners, harborers, or keepers. The animal officer shall also enforce the provisions of any other article pertaining to the control of animal, birds, or fowl. The animal officer shall inform the Chief of Police, the Animal Control Officer or their or her representative immediately upon receipt of an animal suspected of having rabies and shall not release any such animal without permission from the Chief of Police.

Sec. 5-26. Contracting for animal control services.

The Mayor and City Council, in lieu of utilizing City employees, may contract with humane societies or others for the performance of all or a part of the services required to carry out and enforce the provisions of this Chapter. During such time as such services are under contract, then to the extent said services are contracted:

1. The Humane Society or other contractor shall generally perform the duties prescribed by ordinance to be performed by the City Humane Officer.
2. Said Humane Society or other contractor shall be authorized to issue animal licenses, collect license fees, maintain licensing records and to perform such other duties as are prescribed by ordinance to be performed by the City Clerk in connection with the control of animals and the licensing thereof.
3. Mayor and City Council may by resolution specially deputize the employees of such Humane Society or other contractor for the limited purpose of issuing complaints and citations for the violation of provisions of this Chapter; Provided, however, such deputization shall not include the authority to make arrests of persons for such violations and any such arrests shall be made by regular law enforcement officers.

~~Sec. 5-25 5-23. Exemption.~~

~~Any livestock auction market licensed by the state department of agricultural is exempt from this article.~~

Sec. 5-27. Animals; abandonment, neglect, and cruelty; law enforcement officer; powers; immunity.

A. Any Law Enforcement Officer or Animal Control Officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may enter upon private property to inspect, care for, or impound the animal.

B. Any Law Enforcement Officer or Animal Control Officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed by law.

C. Any Law Enforcement Officer or Animal Control 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.

Sec. 5-28. Dogs and cats; capture impossible.

Any Law Enforcement Officers, Animal Control Officers or their designee shall have the authority to kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible.

Sec. 5-29. Dogs and cats; strays.

No person shall allow any stray dog or cat to habitually remain or to be lodged or fed within his house, yard, enclosure or place but shall turn such dog or cat over to the Animal Hospital or Shelter for observation for a period of seventy-two (72) hours, after which time shall be handled the same as an impounded dog or cat.

Sec. 5-30 5-21. Stockyards.

(a) It shall be unlawful for any person to erect, keep or maintain any stockyard for the purpose of keeping or feeding meat cattle, sheep or swine therein within the city; and it shall be unlawful for any person to keep or feed, or cause to be kept or feed, or procure any other person or persons to keep or feed, any meat cattle, sheep or swine in any such stockyard. The provisions of this section shall not, however, be construed to apply to the stockyard of any railroad company or owner that is used solely for the temporary retention and loading, not to exceed forty-eight (48) hours, of stock for shipment.

(b) A stockyard within the meaning of this section is defined to be a pen, shed or other enclosure in which are kept or fed ten (10) or more head of meat cattle, swine or sheep. (Code 1971, § 7-15)

Sec. 5-31 5-23. Exemption.

Any livestock auction market licensed by the state department of agricultural is exempt from this article. (Code 1971, § 7-17)

Sec. 5-32. Limitation on number of dogs or cats.

a) It shall be unlawful and a public nuisance for any person in charge of a residence or dwelling to keep or allow to be kept more than three (3) dogs, cats or any combination of such animals exceeding three (3) in number, over the age of ninety (90) days, at such residence or dwelling.

b) No owner of any dogs shall keep, harbor, or maintain in, about, or upon the premises occupied by such owner as his or her residence, more than three (3) dogs or cats at any one time. Provided however, the offspring of any dog shall not count toward the maximum number of dogs allowed, for a period of four (4) months after the birth of said offspring. It being the intention of this ordinance to limit the number of dogs to three (3) per household.

c) Any person who keeps, harbors, or maintains more than three (3) dogs, cats or any combination of such animals as of July 1, 2009, at their residence in Beatrice, Nebraska may retain the additional dogs or cats if the person can prove that they owned the dogs or cats prior to July 1, 2009.

Sec. 5-33. When person deemed owner.

Every person who shall harbor about his or her premises a dog or cat for a period of seven (7) days or has licensed the animal under his or her name, shall be presumed to be the owner of such animal. Such person shall be liable for all damages which such animal shall commit. Such person shall be answerable for any violation of city ordinances related to the ownership of said animal.

Sec. 5-34. Animals; public nuisances; excretion; disturbing the peace.

It shall be unlawful for any person owning, possessing, harboring or keeping any animal to do any of the following:

1. Permit an animal to defecate on any privately owned or occupied property other than that of the owner or the person having control of the animal without immediately cleaning or removing the excrement;
2. Permit an animal to defecate on public property, including designated off-leash dog parks, without immediately cleaning or removing the excrement;
3. Permit an animal, whether restrained by a leash or not, to be present at any time upon the playing surface of any baseball or softball diamond, including foul territory thereof, or upon any football or soccer field. This provision shall apply to any such diamond or field owned or maintained by any political subdivision.
4. Permit an animal to unreasonably obstruct the use and enjoyment of property held by others in the community by allowing such animal to habitually bark, howl, yelp, bay or make other noise which by loudness or frequency causes a breach of the peace; provided, however, this section shall not apply to the animal shelter, veterinarians, and medical laboratories.
5. Permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin or otherwise threaten the public health and safety;
6. Permit an animal to engage in menacing behavior including but not limited to the chasing of vehicles or the molesting or frightening of passersby or neighbors.

An animal control officer or police officer may abate any of the above nuisances, either through issuance of a citation or impounding the animal, if no owner or agent can be found at the time of the nuisance.

Sec. 5-35 ~~6-08.320~~ Enforcement.

The enforcement of the provisions of this chapter shall be under the direction of the Chief of Police, the Animal Control Officer or their designee. For the purpose of enforcing this chapter or abating any nuisance existing hereunder, any animal control officer or police officer may enter private premises.

Sec. 5-36. Issuance of citations.

The animal officer shall be vested with the power to issue to any person violating any of the provisions of this Chapter, a Complaint and Citation in Lieu of Arrest on forms by or similar to forms approved for use in the State of Nebraska.

Sec. 5-37. Trapping Permits.

Any owner, occupant, or tenant of any piece of ground in the city may apply for a trapping permit from the city. The Chief of Police, Animal Control Officer, or their designee shall review and approve the trapping permit. If a trapping is approved, only Law Enforcement Officers, or the Animal Control Officer shall perform the trapping. A ten (\$10.00) dollar fee shall be paid to the City for a trapping permit.

Sec. 5-38. ~~6-12.270~~ Animal Control Violation; Citation.

Whenever a Law Enforcement Officer or Animal Control officer of the City of Beatrice shall observe any violation of this chapter or has probable cause to believe that a violation of this chapter has occurred, it shall be the officer's duty to issue an animal control citation to the appropriate person.

At the time of the commission of the alleged violation, the accused may be served with a printed notice requiring the accused to make such appearance on or before the date specified thereon and advising whether execution of waiver of appearance and plea of guilty has been made available by the court for such violation. Said notice shall further apprise the accused that upon direct refusal or failure to so appear, a warrant shall be issued for the accuser's arrest that the accused shall appear at said court during the hours fixed by the judges of the county court as shown on said notice.

~~ARTICLE II.~~

~~KEEPING REGULATIONS~~

Sec. 5-22. Distance from dwellings.

~~It shall be unlawful for any person to keep any cattle, hogs, horses, ponies, mules, sheep or goats within the city at any place or pen within two hundred (200) feet of a dwelling occupied by anyone other than the owner of such animal or animals.~~

~~(Code 1971, § 7-16)~~

~~Sec. 5-24. Enforcement.~~

~~No prosecution under this article shall arise until a complaint, in writing, by an abutting property owner or resident who resides within two hundred (200) feet of the animal pen or shelter has been filed with the police department and the owner of such domestic animal or animals has been notified by personal service or certified mail by the city attorney of such complaint, and fifteen (15) days have elapsed since such notification and such animal or animals remain in such location. No prosecution hereunder shall be impaired by a person moving such animal or animals off of his property for a limited period of time, and one (1) notice shall be sufficient for any one (1) described property. If any person moves such animal or animals onto premises after one (1) notice has been issued, then prosecution will lie against the person keeping such animal or animals.~~
(Code 1971, § 7-18)

~~Secs. 5-25--5-35. Reserved.~~

ARTICLE III II.

**DOGS
~~DIVISION 1.~~**

GENERALLY

~~Sec. 5-36. Dogs running at large.~~

~~It shall be unlawful for any person owning, keeping or harboring any animal of the dog species to permit such animal to run at large. It shall also be unlawful for any person to take any animal of the dog species on a walking leash which exceed eight (8) feet in length off the property owned or occupied by the owner of the dog.~~
(Code 1971, § 7-29)

State Law References: Running at large of dogs and other animals, R.R.S. 1943, § 16-206.

Sec. 5-40 6.08.130 Dogs Running at Large.

It shall be unlawful for the owner of any dog to let such dog run at large, whether licensed or not, at any time within the city, and any dog found to be running at large may be impounded by the Chief of Police, the Animal Control Officer or their.

The Chief of Police, the Animal Control Officer or their designee shall not release any such dog from being impounded until the owner of said dog shall have obtained a license as provided in this chapter.

Sec. 5-41 5-37. Mistreatment of police dogs.

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any dog used by the police department of the city, or the sheriff, in the performance of the functions or duties of such department or office or to interfere

with or meddle with any such dog while being used by such department or any officer or member.

(Code 1971, § 7-30)

Sec. 5-42 5-38. Nuisance dogs.

It shall be unlawful for any person owning, keeping or harboring a dog to fail to exercise proper care and control of such dog or to allow it to become a public nuisance. A public nuisance is defined as any animal that:

- (1) Attacks passersby or passing vehicles;
- (2) Attacks other animals while at large;
- (3) Is repeatedly at large;
- (4) Damages property;
- (5) Barks, whines or howls in a continuous or frequent manner disturbing the comfort or repose of the residents of any residential neighborhood.

(Code 1971, § 7-31)

Cross References: Nuisances and offensive conditions, § 17-181 et seq.

State Law References: Destruction of animals by dogs, R.R.S. 1943, § 54-601 et seq.

Sec. 5-43 6.08.020 Vaccination Against Rabies Required; Vaccination Tag.

Any person within the city owning a dog shall have such dog vaccinated against rabies with a licensed vaccine as approved by the Nebraska State Department of Health. All dogs 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 dogs acquired or moved into the City of Beatrice 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 dog, 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 dog.

Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter.

~~Sec. 5-39. Dangerous, vicious dogs--Confinement.~~

~~It shall be unlawful for any person to own, keep or harbor any dog of a dangerous, vicious or fierce disposition as manifested by biting, habitual snapping or otherwise acting so as to endanger the public, without such dog being confined within a building or secure enclosure. Further, it shall be unlawful for any person owning, keeping or harboring a dog of dangerous,~~

~~vicious or fierce disposition to fail to securely muzzle or cage the animal whenever off that person's premises. A part of the judgment of conviction of this section may include an order that the chief of police forthwith put the dog to death.~~
(Code 1971, § 7-32)

Sec. 5-44 6.08.140 Poisoning or Injuring Dogs.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any dog, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy the property of another, or to place any poison or poisoned food where the same is accessible to any dog.

Sec. 5-45 6.08.155 Disposal of Dog Waste.

Any person having custody or control of any dog shall have the responsibility for disposing of dog feces or manure of the dog in a sanitary manner. The provisions of this section shall not apply to law enforcement officers while using the dog to perform law enforcement functions or rescue activity.

It shall be unlawful for any person having custody or control of any dog to place, deposit, discard, or dispose of feces or manure on public property or private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of the private property.

Sec. 5-46 6.08.160 Barking, Howling, or Yelping Dogs.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person, or persons. Provided, however, this section shall not apply to the humane society or the business premises of licensed veterinarians.

Any person convicted of violating this provision shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not to exceed three months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter.

Sec. 5-47 6.08.170 Dogs 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 dog 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.

Sec. 5-48 6.08.182 Commercial Breeding Kennel: Permit Required.

It shall be unlawful for any person to have or maintain a commercial breeding kennel within the City of Beatrice without first having obtained such a permit from the City. Any person wanting to operate a commercial breeding kennel shall make application to the City for a Commercial Breeding Kennel Permit. The following shall be submitted with the application:

- (a) Proof of current licenses, rabies vaccination, and registration with a nationally recognized registration organization for each dog to be kept or harbored on the premises.
- (b) A drawing or plan showing the location and dimensions of the premises, dog runs or pens, and distances to neighboring properties.
- (c) The permit fee shall be \$100.00 in addition to required licensing fees for each dog as required in this Chapter.

Upon a finding by the City that the premises are in compliance with the terms of the permit and the law, said permit will be issued. Only one permit per premise shall be issued.

Sec. 5-49 6.08.184 Commercial Breeding Kennel: Terms and Requirements.

- (a) Permit is not transferable to another person or premise
- (b) The permits shall expire December 31st of each calendar year for which issued. All permits shall be renewed by January 1st of the following year.
- (c) A permit holder shall notify the City of any changes in ownership or death of dogs, property, or any other changes which may affect the status of said permit and shall keep the City apprised of any change in name or location of the permit holder's kennel.
- (d) The commercial breeding kennel permit holders shall limit dog reproduction to no more than one litter of offspring per license year per adult female dog.
- (e) It shall be unlawful for any commercial breeding kennel permit holder to keep or harbor more than ten dogs over six months of age on the premises.
- (f) All dogs shall be kept confined on the permit holder's premises.
- (g) The minimum lot size shall be one acre for any premises in which a multi-dog household or a commercial breeding kennel is to be located. The permit holder shall be allowed to maintain a commercial breeding kennel permit until such premises are completely or partially sold or a change of ownership occurs, or termination of the permit.
- (h) It shall be unlawful to have indoor or outdoor housing facilities, pens, enclosures, or shelter closer than seventy-five feet to a neighboring residence and closer than ten feet to a neighboring property line. The City may require additional setbacks, fencing, screening or soundproofing requirements as deemed necessary to ensure the compatibility of the commercial breeding kennel with the surrounding neighborhood. Factors to be considered in determining such capability are as follows:
 - (1) Statements regarding approval/disapproval of surrounding neighbors relative to maintenance of a commercial breeding kennel at the address applied for;
 - (2) Past history of animal control complaints relating to the dogs of the applicant at the address for which the commercial breeding kennel is applied for;
 - (3) Facility specifications/dimensions in which the dogs are to be maintained;
 - (4) Animal size, type and characteristics of breed.
- (i) Noise or barking from the dogs shall not interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.
- (j) Any odor or unsanitary conditions caused by the dogs shall not interfere with an

adjoining property owner's use and peaceful enjoyment of his/her property.

(k) It shall be unlawful for the owner, proprietor, employee, or volunteer of any commercial breeding kennel to knowingly sell or offer for sale an ill dog or misrepresent the breed or sex of a dog to any buyer or consumer.

(l) It shall be unlawful to operate a commercial breeding kennel thereof in an area within the City of Beatrice that kennels are not allowed by law.

(m) No dog shall be kept under conditions or circumstances by which a violation of Sections 5-3, Cruelty to Animals, or 5-5, Animal Neglect, shall be occurring or has occurred.

(n) Failure to maintain the premises in compliance with the law, or failure to make payment of the permit fee, or failure to maintain proof showing that each dog has been properly licensed or vaccinated against rabies may result in the immediate termination of the commercial breeding kennel permit by the City.

(o) Permit holder shall allow a Law Enforcement Officer or Animal Control Officer to inspect or investigate premises. Failure to permit a Law Enforcement Officer or Animal Control Officer to investigate or inspect may result in the termination of the multi-dog or commercial breeding kennel permit.

Sec. 5-50 ~~6.08.240~~ Duty of Owner in Case of Dog Bite or Injury to Another Person.

It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person to fail to immediately prevent further bites or injury, and immediately furnish to the other person or persons injured, or, in case of juvenile, the parent or guardians of said juvenile, the owner's name and address and the rabies tag number or license tag number of the dog.

Sec. 5-51 ~~6.08.300~~ Interference with Capture of Dogs.

It shall be unlawful for any person to hinder, delay, interfere with or obstruct any Law Enforcement Officer or Animal Control Officer, while engaged in capturing, securing or taking to the animal shelter, any dog or dogs subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon or other vehicle used for the collecting or conveying of dogs to the shelter.

Sec. 5-52 ~~6.08.330~~ False Information.

It shall be unlawful for the owner of any dog to make a false or misleading statement or representation, to any Law Enforcement Officer or Animal Control Officer regarding the ownership or control of a dog or licensing of a dog, or regarding the ownership of a dog claimed from, surrendered to, or impounded.

Sec. 5-53 ~~5-41~~. Requests for destruction; fee.

Any person owning, keeping or harboring a dog which he wishes killed may turn the same over to the Chief of Police, the Animal Control Officer or their designee. Such person shall pay a fee of ten dollars (\$10.00) for such destruction of the dog.
(Code 1971, § 7-34)

Sec. 5-54 ~~6.08.340~~ Animal Control Violation; Citation.

Whenever a police officer or animal control officer of the City of Beatrice shall observe or has probable cause to believe that a violation of this chapter has occurred, it shall be the officer's duty to issue an animal control citation to the appropriate person.

Sec. 5-55. Dogs; exceptions to limits.

No person shall own, keep, harbor or maintain any dog or dogs in, about or upon premises not occupied by such owner as a residence, unless such premises is a clinic operated by a licensed veterinarian, or a pet shop licensed by the City or a kennel licensed by the City, provided however, any person may have no more than two dogs upon his or her business for protection purposes during evening hours, so long as said animals are secured for the safety of the public.

Sec. 5-56. Dogs – Killing permitted.

Any Law Enforcement Officer, the Animal Control Officer, or their designee shall have the right to kill any dog found in the act of attacking any person, domestic animal, or livestock.

Sec. 5-57. Dogs; Uncollared.

All dogs found running at large upon the streets and public grounds of the City without a collar or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded in the Animal Shelter.

Sec. 5-59. Dogs; Liability of Owner.

It shall be unlawful for any person to allow a 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.

ARTICLE IV – DANGEROUS DOGS

Sec. 5-70 ~~6.10.020~~ Dangerous and Potentially Dangerous Dogs; Prohibited.

It shall be unlawful for any person after being notified as provided herein to keep or harbor a dangerous or a potentially dangerous dog within the City of Beatrice without first having complied with the provisions of this article.

Sec. 5-71 ~~6.10.030~~ Dangerous and Potentially Dangerous Dogs; Procedure.

Whenever it shall come to the attention of the Chief of Police, the Animal Control Officer or their designee that any person within the City of Beatrice is keeping or harboring a dangerous dog or a potentially dangerous dog as defined in this article, the Chief of Police, the Animal Control Officer or their designee shall notify the owner of such animal in writing that such dog must be registered as a dangerous or potentially dangerous dog within ten days after the receipt of such written notice. Said notice shall be served either in person or by mailing such notice by certified or registered mail.

Sec. 5-72 6.10.040 Registration Requirements; Dangerous Dogs.

(a) The owner of any dangerous dog shall register such dog with the City and upon registration shall provide the following:

- (1) The name, address and telephone number of the owner;
- (2) A written description and representation indicating the owner has and will continue to comply with the confinement provisions of this chapter;
- (3) Written evidence from a licensed veterinarian that the dog is currently neutered or spayed;
- (4) A written acknowledgment that the owner shall notify the City immediately if said dog is known by the owner to be running at large, unconfined, or when the owner has any knowledge or belief that the dog has bitten or is alleged to have bitten a human being or another animal;
- (5) A written acknowledgment that the owner of said dog shall notify the City of any changes in material recorded as a part of the registration within twenty-four hours of said change. Changes in material recorded as part of the registration shall include information that the dog has been sold, given away, or otherwise transferred to any other person, and in that event the registered owner shall provide the director with the name, address, and telephone number of such person; and
- (6) A non-refundable yearly registration fee of thirty-five (\$35.00) dollars, which fee shall be in addition to any other license fee required by this title.

(b) Upon satisfactory completion of all the requirements of this section the Chief of Police, the Animal Control Officer or their designee shall issue a registration certificate which shall be used to assign the dog a permanent number. At the time of registration the Chief of Police, the Animal Control Officer or their designee shall either order the owner to have any dangerous dog tattooed by a licensed veterinarian permanently marking the number assigned herein by tattoo upon the inner side of the dangerous dog's right ear or order the owner to have a microchip inserted in any dangerous dog by a licensed veterinarian within thirty days of the date of registration. The owner shall provide the Chief of Police, the Animal Control Officer or their designee with the animal's microchip number within thirty days of the date of the registration. It shall be unlawful for any owner of such dangerous dog to fail to so mark, tattoo, or microchip such dangerous dog as provided herein. It shall be unlawful for any person other than a licensed veterinarian to remove any tattoo, microchip, or any other marking used for identification.

(c) The registration requirements including the notification requirements acknowledged therein shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section.

(d) It shall be unlawful for any person registering a dog to falsify or misrepresent material recorded as a part of the registration.

Sec. 5-73 6.10.050 Registration Requirements; Potentially Dangerous Dogs.

(a) The owner of any potentially dangerous dog shall register such dog with the City and upon registration shall provide the following:

- (1) The name, address and telephone number of the owner;
- (2) A written acknowledgment that the owner shall notify the City immediately or when the owner has any knowledge or belief that the dog has bitten or is alleged to have bitten a human being or another animal;

(3) A written acknowledgment that the owner of said dog shall notify the City of any changes in material recorded as a part of the registration within twenty-four hours of said change. Changes in material recorded as part of the registration shall include information that the dog has been sold, given away, or otherwise transferred to any other person, and in that event the registered owner shall provide the director with the name, address, and telephone number of such person; and

(4) A non-refundable registration fee of twenty-five dollars (\$25.00), which fee shall be in addition to any other license fee required by this chapter.

(b) Upon satisfactory completion of all the requirements of this section the City shall issue a registration certificate which shall be used to assign the dog a permanent number.

(c) The registration requirements including the notification requirements acknowledged therein shall be construed as affirmative duties upon the owner, failure of which shall constitute a violation of this section.

(d) It shall be unlawful for any person registering a dog to falsify or misrepresent material recorded as a part of the registration.

Sec. 5-74 6.10.060 Dangerous Dogs; Securely Confined.

(a) It shall be unlawful for the owner of a dangerous dog to fail, neglect, or refuse to securely confine such dog, 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. For materials used to provide a securely enclosed and locked pen or structure as required herein, such materials shall, at a minimum, comply with the following:

(1) Any fencing material used shall not have openings with a diameter of more than two inches, or in the case of wooden fence materials, gaps of more than two inches wide;

(2) Any gates within such pen or structure shall be lockable or of such design to prevent the entry of children or the escape of the dog.

(b) The required pen or structure shall have secure sides and a secure top. Any top provided shall be a fence outrigger on the top of the fencing material or an equivalently secured 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.

(c) The owner of a dangerous dog shall securely restrain such dog by chain or leash when moving the dog to or from such pen or structure.

Sec. 5-75 6.10.070 Dangerous Dogs; Leash Required.

It shall be unlawful for any owner of a dangerous dog to permit such dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash and properly muzzled to reasonably prevent the dog from biting.

Sec. 5-76 6.10.080 Dangerous Dogs; Warning Signs.

The owner of a dangerous dog shall display signs ~~provided by Animal Control~~ warning that there is a dangerous dog on the property. These signs shall be placed ~~under the supervision and direction of the Chief Animal Control Officer~~ so as to be readily discernible and clearly visible from the public sidewalk or property line at any actual or customary point of entry to the

premises. An additional sign ~~to be provided by Animal Control~~ shall be conspicuously displayed on any pen or structure provided for such dangerous dog.

Sec. 5-77 ~~6.10.090~~ Dangerous Dogs; Confiscation.

Any dangerous dog may be immediately confiscated by the Chief of Police, the Animal Control Officer or their designee if in violation of this chapter. The owner shall be responsible for the reasonable costs incurred for the care of a dangerous dog confiscated or for the destruction of any dangerous dog as authorized herein. In addition to any other penalty, a court may order the Chief of Police, the Animal Control Officer or their designee to dispose of a dangerous dog in an expeditious and humane manner.

Sec. 5-78 ~~6.10.100~~ Bites Unlawful.

It shall be unlawful for the owner of any dangerous or potentially dangerous dog required to be registered under this chapter to permit or allow such dog to kill, bite, chase, attack, injure, wound, or endanger in such a way that the dog may be considered either a dangerous dog or a potentially dangerous dog as defined in this chapter. In addition, any such dangerous dog required to be registered under this chapter shall be immediately confiscated by the Chief of Police, the Animal Control Officer or their designee, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Sec. 5-79 ~~6.10.110~~ Appeals.

The determination that any dog is dangerous or potentially dangerous as defined herein shall be deemed to have been made upon notice to the owner of such dog as provided in Section 5-71 ~~6.10.030~~. Upon such notification and after the expiration of eleven days from the date of such notice, the determination shall be final and binding upon the city and upon the owner unless within ten days after notice, the owner requests, in writing, a review of the determination by the Chief of Police, the Animal Control Officer, or their designee. At such review the owner may present any written statements or documentary evidence relevant to the determination by the Chief of Police, the Animal Control Officer or their designee. The Chief of Police, the Animal Control Officer or their designee shall make a final and binding determination after such review within fifteen days of the date of review. The owner may appeal any final determination to the district court as provided by law.

Sec. 5-80 ~~6.10.120~~ Penalty.

Any person who shall violate any of the provisions of Section 5-74 ~~6.10.060~~, 5-75 ~~6.10.070~~, or 5-78 ~~6.10.100~~ shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or be fined in a sum not to exceed \$500.00 and not less than \$200.00 recoverable with costs, or by both such fine and imprisonment.

Any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter for which a penalty is not specifically provided, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or be fined in a sum not to exceed \$500.00 and not less than \$50.00 for the first offense and not less than \$75.00 for a second offense, and not less than \$100.00 for the third

offense and each offense thereafter, recoverable with costs, or by both such fine and imprisonment.

In addition to the penalties for all violations herein provided, the court may order such person to reimburse the city, and/or a public or private agency for expenses incurred in the care, medical treatment, impoundment, and disposal of any animal involved in or connected with the incident for which the complaint was filed.

A court, upon finding a person guilty of any violation of this title, may in addition to fines, imprisonment, costs, or otherwise, order such convicted person to make restitution to any persons for damage or injury to such person or such person's property.

Each day that a violation of this chapter continues shall be punishable as a separate offense. The penalty herein provided shall be cumulative and in addition to revocation, cancellation, or forfeiture of any license, permit, or right granted by this chapter or elsewhere.

Sec. 5-81. Dangerous animals; inspections.

Prior to the annual renewal of any special permit issued under this Chapter, and at least once if not more than six (6) months after the issuance of any special permit or after its renewal, the Chief of Police, the Animal Control Officer or their designee shall inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this Chapter. If the Chief of Police, the Animal Control Officer or their designee determines during any such inspection that any of the conditions therein specified are being violated, he shall refuse to renew any such special permit, or he shall revoke any such special permit in the event that such violation is not corrected within a reasonable time as shall be directed by the Chief of Police or City Council. A fee of thirty-five (\$35.00) dollars shall be charged for each such semiannual inspection.

Sec. 5-82. Dangerous animals; limit on number.

In no event shall a permit be issued for the keeping of more than three (3) dangerous animals at any single location.

Sec. 5-83. Confinement.

No person owning or harboring or having the care of a dangerous dog or other dangerous animal shall permit such animal to go unconfined on the premises of such person. A dangerous dog or other dangerous animal is unconfined as the term is used in this section if such dog or other animal is not:

- a. Confined indoors; or
- b. Confined outdoors in an enclosed and locked pen or structure upon the premises of the person described above; provided the existence of such a pen or structure is permitted by zoning regulations. Maintenance of a dangerous dog or other dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, such pen or structure shall be at least two (2) lengths of the dog or animal wide, four (4) lengths of the dog or other animal long, and two (2) lengths of the dog or other animal high, and must be constructed with chain link fencing for all four (4) sides and top. If the pen or structure has not bottom secured to the side, the sides must be imbedded in the ground no less than one foot (1'), or have a concrete pad for the bottom. The pen or structure shall be set back at least ten feet (10') from the nearest property line.

Sec. 5-84. Leashing.

No person, owning, harboring, or having the care of a dangerous dog or other dangerous animal shall permit such dog or other animal to be out of confinement (as defined in this Chapter), on or off the premises of the person, unless such dog or other animal is securely leashed with a leash of a fixed length no longer than four (4) feet, and muzzled. "Muzzled" for the purposes of this section shall mean that the jaws of the dangerous dog or other animal are confined by a device that prevents it from biting.

Sec. 5-85. Proof of Insurance.

Any person owning or harboring a dog or other animal within the City of Beatrice, that has been determined to be a dangerous dog or dangerous animal by a court determination must, within ten (10) days of said court determination, present written proof of public liability insurance, covering any damage or injury that may be caused by said dog or animal, of not less than one hundred thousand dollars (\$100,000.00), to the City Clerk. The policy shall contain a provision requiring the insurance company to provide written notice to the City not less than fifteen (15) days prior to any cancellation, termination, or expiration of said policy.

Sec. 5-40. Same--Destruction.

~~Any dangerous, vicious or fierce dog or any dog having dangerous, vicious or fierce propensities or tendencies found at large within the city after the owner, harborer or keeper thereof has previous knowledge or notice that such dog is dangerous, vicious or fierce or has dangerous, vicious or fierce propensities or tendencies, may be killed by any police officer of the city without such officer having to catch or impound such dog.
(Code 1971, § 7-33)~~

ARTICLE IV – CATS

Sec. 5-90 6.12.020 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 Beatrice must be vaccinated within thirty days after purchase or arrival, unless under three months of age. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the cat.

Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter.

Sec. 5-91 5-42. Nuisance cats.

It shall be unlawful for any person owning, keeping or harboring a cat to fail to exercise proper care and control of such cat to allow it to become a public nuisance. A nuisance is defined as any cat that:

- (1) Goes upon any sidewalk, park or private lands or premises without the permission of the owner of such premises and breaks, bruises, tears up or crushes any lawn, flower bed, plant, shrub, tree or garden whatsoever or defecates thereon;
- (2) Habitually cries or howls to the discomfort of the peace and quiet of the residents of any residential neighborhood; or
- (3) Is repeatedly at large.

No prosecution under subsection (3) above shall arise until at least one (1) complaint in writing has been filed with the police department by any person.

(Ord. No. 86-17, § 2, 5-19-86)

Cross References: Public properties, Ch. 19; streets and sidewalks, Ch. 23.

Sec. 5-43. Reserved.

~~Editors Note: Ord. No. 95-17, § 3, adopted April 3, 1995, repealed § 5-43. Prior to repeal, such section pertained to required rabies shot for cats as derived from Ord. No. 86-17, § 3, adopted May 19, 1986.~~

Sec. 5-92 5-44. Cats running at large.

It shall be unlawful for any person owning, keeping or harboring any animal of the cat species to permit such animal to run at large. ~~No prosecution under this section shall arise until at least one (1) complaint in writing has been filed with the police department by any person.~~

~~Cross References: Health, Ch. 10.~~

Sec. 5-96. 6-12-050 Information Required; Receipt; Tag.

Application for such license shall be made to the City, and the following information, including presentation of a valid rabies certificate showing that the cat has been immunized for rabies shall be furnished:

- (a) Name and address of the owner or harbinger of such cat;
- (b) Such description of the cat as may be required for the purpose of identification; and
- (c) The license number of the tag issued.

The City shall furnish to the owner upon payment of the license fees as hereinafter required a license receipt showing thereon such information and metallic tag bearing the tag number and the license year for which issued.

Sec. 5-98. 6-12-190 Poisoning or Injuring Cats.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any cat, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to

mistreat, injure, maim, or destroy a cat of another, or to place any poison or poisoned food where the same is accessible to any cat.

Sec. 5-99. ~~6.12.280~~ Interference with Capture of Cats.

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct any Law Enforcement Officer or Animal Control Officer, while engaged in capturing, securing, or taking to the animal shelter, any cat or cats subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon or other vehicle used for the collecting or conveying of cats to the shelter.

**DIVISION 2.
ARTICLE V - LICENSES**

LICENSES*

Sec. 5-56. ~~Required.~~

~~Any person who shall own, keep or harbor any dog or cat over the age of six (6) months within the city shall acquire a license for each dog [or cat] annually.
(Code 1971, § 7-40; Ord. No. 99-75, § 1, 11-19-99)~~

Sec. 5-111. ~~6.08.030~~ License Required – Dog and Cats

It shall be unlawful for any person within the city to own a dog or cat over six months of age without procuring a license for such dog as provided in this chapter. Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. Each day that this violation continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture in this chapter.

Any person within the city owning a dog or cat shall have such dog or cat vaccinated against rabies with a licensed vaccine as approved by the Nebraska State Department of Health. All dogs and cats shall be vaccinated against rabies commencing at three (3) months of age and the vaccination shall be repeated at fifteen (15) months; and a booster vaccination shall be given triennially thereafter. Unvaccinated dogs and cats acquired or moved into the City of Beatrice must be vaccinated within thirty (30) days after purchase or arrival, unless under three (3) months of age. It shall be the duty of the veterinarian, at the time of vaccinating any dog or cat, to provide a rabies vaccination tag to the owner.
(Ord. No. 95-17, § 2, 4-3-95)

Sec. 5-112. ~~Sec. 5-57.~~ Rabies shot prerequisite.

A certificate that a dog or cat to be licensed under the provisions of this division has had a rabies shot effective for the license year shall be presented when the license is applied for. Such certificate shall state that such rabies shot was administered to the dog or cat in accordance with state law.

(Code 1971, § 7-41; Ord. No. 99-75, § 2, 11-19-99)

Cross References: Health, Ch. 10.

State Law References: Certificate of rabies vaccination, R.R.S. 1943, § 71-4403; furnishing of certificate prior to issuance of license, R.R.S. 1943, § 71-4412.

Sec. 5-113. ~~6-12-040~~ License Tag.

It shall be unlawful for the owner of any animal to permit or allow such animal to wear any other license tag than the identical one issued for such animal and for the license year for which issued.

Sec. 5-114. ~~6-08-050~~ Period for Which Valid.

All licenses issued under the provisions of this division shall expire on the first day of January following the date of issuance thereof. No license shall be assignable or transferable from one owner to another owner or from one dog to another dog.

Sec. 5-115. ~~Sec. 5-58.~~ Fee.

Before any license is issued under this division, the applicant therefore shall pay to the city treasurer for each dog or cat to be licensed a fee as follows:

Each spayed female or neutered male dog \$5.00

All other dogs over the age of six (6) months 20.00

Each spayed female or neutered male cat 3.00

All other cats over the age of six (6) months 10.00

All authorized veterinarians issuing licenses on behalf of the City shall retain a fee of \$1.00 per license issued by such veterinarian to cover the cost of issuing said licenses. The owner of a guide dog, hearing aid dog or service dog that is a graduate of a recognized training school for guide dogs, hearing aid dogs or service dogs shall not be required to pay the license fee set forth in this section; provided that upon the retirement or discontinuance of the dog as a guide dog, hearing aid dog or service dog, the owner of the dog shall be liable for the payment of the license fee set forth in this section.

(Code 1971, § 7-42; Ord. No. 86-41, § 32, 10-6-86; Ord. No. 99-71, § 2, 11-1-99; Ord. No. 99-75, § 3, 11-19-99)

Sec. 5-116. ~~Sec. 5-59.~~ Issuance, contents.

Upon the payment of the required fee, and upon presentation of the certificate of

vaccination against rabies, the city clerk or an authorized veterinarian shall issue to the person applying for the same a license which shall contain a brief description of the sex, color, breed, size and age of the dog or cat for which the license is applied. Such license shall be dated, numbered and signed by the city clerk or an authorized veterinarian.
(Code 1971, § 7-43; Ord. No. 86-41, § 33, 10-6-86; Ord. No. 99-75, § 4, 11-19-99)

Sec. 5-117. ~~Sec. 5-60.~~ Tag.

Along with the license, the city clerk, or an authorized veterinarian shall issue to each person obtaining a license under this division a metallic tag with the number of the license and year of payment stamped thereon. Such tag shall be attached to a collar by the person obtaining such license and shall be worn at all times by the dog or cat for which the same was issued.
(Code 1971, § 7-44; Ord. No. 86-41, § 34, 10-6-86; Ord. No. 99-75, § 5, 11-19-99)

Sec. 5-118. ~~Sec. 5-62.~~ Kennel tax in lieu of license.

The owner or harbinger of any dogs who shall keep dogs confined on a leash at all times may, in lieu of the other provisions of this division, pay a kennel tax of ten dollars (\$10.00) to the city clerk with certificates of rabies shots of each dog in the kennel effective for the year of the license, and the city clerk shall issue him a license to keep penned up any number of dogs not exceeding six (6); in such event, individual tags shall not be required. The kennel license shall expire on the first day of the next January following the date of issuance thereof.
(Code 1971, § 7-46; Ord. No. 86-24, § 2, 6-2-86; Ord. No. 86-41, § 35, 10-6-86)

Sec. 5-119. ~~Sec. 5-63.~~ Records.

The city clerk shall keep a memorandum, on stubs provided for that purpose, showing the date and number of each license issued under this division, the name of the person to whom issued, the amount of the fee paid by him and the number of the certificate of rabies shot, and may record the name and address of the doctor issuing such certificate.
(Code 1971, § 7-47; Ord. No. 86-41, § 36, 10-6-86)

Sec. 5-120. ~~5-64.~~ Revocation.

The city may revoke or refuse to issue a dog license or cat license for a one-year period to any person who has been convicted of five (5) or more violations of this article during any twelve-month period. The chief of police, the Animal Control Officer or their designee may impound any dog or cat owned by such person and dispose of such dog or cat according to the provisions of this chapter, except that the person under the order of revocation shall not be allowed to redeem the dog or cat.
(Ord. No. 86-6, § 9, 3-17-86; Ord. No. 86-17, § 4, 5-19-86; Ord. No. 99-75, § 6, 11-19-99)

Sec. 5-121. ~~6-08.080~~ Wearing of Collars; Removal of License Tag.

Every dog and cat within the city shall wear a collar or harness at all times. It shall be unlawful for any person to remove, or cause to be removed the collar, harness, or metallic license tag, or rabies vaccination tag from any licensed dog or cat.

ARTICLE IV.

IMPOUNDMENT

Sec. 130 5-76. Reasons for impoundment.

(a) It shall be the duty of the Chief of Police, the Animal Control Officer or their designee to take up and impound every animal found in violation of any provision of this chapter within the city.

(b) Any person owning an animal shall immediately place the animal under the care and observation of the Chief of Police, the Animal Control Officer, or a licensed veterinarian within the city when the owner has received notification or has knowledge that the animal has bitten or attacked a person, causing an abrasion, penetration, or puncture of the skin of such person or that the animal has been bitten by a rabid animal. If the owner does not immediately submit the animal to the Chief of Police, the Animal Control Officer, or their designee, or a veterinarian, the chief of police, the Animal Control Officer or their designee shall impound the animal for care and observation. Expenses of such care and observation shall be the responsibility of the owner. The Chief of Police, the Animal Control Officer or their designee, or licensed veterinarian shall impound said animal for care and observation for a period of at least ten (10) days or for such other period as required by Neb. Rev. Stat. 71-4401 et seq. (Reiss. 1985), and the amendments thereto. It shall be lawful for the chief of police, the Animal Control Officer or their designee to destroy in a humane manner any animal that has been (1) impounded for observation after the period of observation has expired unless the owner shall, within five (5) days after the notice has been given, redeem such animal by paying such expense incident to such impounding, observation, or treatment, (2) determined by the chief of police or the Animal Control Officer to have rabies, or (3) determined by the chief of police or the Animal Control Officer to present a danger to the public health, safety, and welfare. It shall be unlawful for any person to release any animal held for observation to any person prior to expiration of the observation period. Before any such animal shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such animal does not have rabies and has been properly inoculated for rabies.

(c) Whenever any person has been bitten or has an abrasion of the skin caused by an animal which animal has been licensed in accordance with section of this chapter or if such injury to a person is caused by an owned animal determined by the State of Nebraska Department of Health to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the chief of police or the Animal Control Officer may allow the owner or other responsible person to confine such animal at his or her residence within the city for a period of at least ten (10) days. The chief of police or the Animal Control Officer shall only allow such confinement if such confinement is in accordance with rules and regulations

established by the city council by resolution. The animal shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement, and the owner shall deliver a written report of such examination prepared by the veterinarian to the chief of police within five (5) days after such examination.

(Code 1971, § 7-53; Ord. No. 88-37, § 2, 10-3-88; Ord. No. 99-71, § 4, 11-1-99)

Sec. 5-131. Right of entry for enforcement.

The **Chief of Police, the Animal Control Officer and their designee** are hereby authorized to enter upon private premises in the city for the purpose of taking up and impounding any dog, cat, or other animal in violation of the provisions of this article.

(Code 1971, § 7-54; Ord. No. 88-37, § 3, 10-3-88; Ord. No. 99-71, § 5, 11-1-99)

Sec. 5-132. Animal shelter.

(a) The city shall provide an animal shelter. The mayor may, when necessary, employ or appoint a manager of the animal shelter and such other assistants as may be necessary.

(b) The city shall have the authority to enter into a contract with any humane society or any like institution for the purpose of carrying out the provisions for an animal shelter. The manager of the animal shelter shall receive all orders from the chief of police **or his designee** and shall make all necessary reports requested by the chief of police **or his designee**, and shall operate the shelter in conformance with procedures established by the chief of police **or his designee**.

(Code 1971, § 7-55; Ord. No. 88-37, § 3, 10-3-88; Ord. No. 99-71, § 6, 11-1-99)

Sec. 5-133. Notice of owner of dog or cat impounded.

The **Chief of Police, the Animal Control Officer or their designee** ~~or the agent of the chief of police~~ shall notify the owner of any ~~dog, cat, or~~ **animal or fowl** impounded, regardless of reason for impounding, if such owner's identity and address can be ascertained by the **Chief of Police, the Animal Control Officer or their designee** upon reasonable investigation, within twenty-four (24) hours after such animal **or fowl** is impounded under any of the provisions of this article. The notice shall inform the owner that the **animal or fowl** has been impounded and the purpose or reason for such impounding. Notice of impoundment of any animal **or fowl**, including any significant marks of identification, shall be posted at the Animal Shelter within twenty-four (24) hours after such animal is impounded, as public notification of impoundment.

Not later than five days after the impounding of any animal, the owner shall be notified or if the owner of the animal is unknown, written notice shall be posted for seventy-two (72) hours at the Animal Shelter describing the animal. The owner of any animal so impounded may reclaim such animal upon payment of all costs and charges incurred by the City for impounding and maintenance of the animal. The charges therefore, as set forth in the most recent Council fee resolution, shall be paid to the City Clerk or his representative.

The owner of any animal so impounded, shall be responsible for the payment of these charges, not to exceed the keeping charge of fourteen days, whether the owner reclaims any such animal or not.

(Code 1971, § 7-56; Ord. No. 88-37, § 5, 10-3-88; Ord. No. 99-71, § 7, 11-1-99)

Sec. ~~5-80~~ 5-134. Holding impounded ~~Animals dogs and cats.~~

(a) Except as otherwise provided in this article, any **animal dog or cat** impounded under the provisions of this article shall be held by the chief of police or the Animal Control Officer for not less than seventy-two (72) hours, unless sooner redeemed or released as hereinafter provided; and if not so redeemed or released at the expiration of the time limit of seventy-two (72) hours, may be destroyed in a humane manner unless in the judgment of the chief of police a suitable home may be found for such **animal dog [or cat]**.

(b) All **animals dogs or cats** impounded for the lack of a valid rabies vaccination tag only shall be held by the City for not less than one hundred twenty (120) hours, unless sooner redeemed or released as hereinafter provided, and if not so redeemed or released at the expiration of the time limit of one hundred twenty (120) hours may be destroyed in a humane manner, unless in the judgment of the chief of police or the Animal Control Officer a suitable home may be found for such **animal dog [or cat]**.

(c) In the event the chief of police shall find a suitable home for such **an impounded dog or cat dog or cat** within the corporate limits of the city, the person taking such dog or cat shall first present to the chief of police, **the Animal Control Officer or their designee** ~~or an agent of the chief of police~~ a license and metallic tag for that particular dog or cat as provided for hereinbefore in this chapter, and shall also furnish proof of inoculation for rabies as provided in this chapter.

(d) The humane society, or like institution with whom the city council has contracted to enforce the provisions of this article, may hold any **animal dog or cat** impounded in the animal shelter after the expiration of the time limit as set by this section for the purpose of finding a suitable home for such **animal dog or cat**. **At no time shall any animal impounded in the animal shelter remain at the animal shelter in excess of fifteen (15) days.** No ~~such~~ dog or cat shall be released until the new owner has procured a license and metallic tag for such dog or cat under the provisions of this chapter. The proceeds of any sale of any such dog or cat may be retained by the **animal shelter** ~~humane society~~.

(e) The owner of any **animal dog or cat** which is impounded and destroyed under this article shall be held responsible for payment of the fees set out in section **5-135** ~~5-81~~ and failure to pay such fee or expense to the **City chief of police** within fifteen (15) days after destruction of such **animal dog or cat** shall constitute a violation of this article.

(Code 1971, § 7-57; Ord. No. 88-37, § 6, 10-3-88; Ord. No. 99-71, § 8, 11-1-99; Ord. No. 99-75, § 7, 11-19-99)

Sec. ~~5-81~~ 5-135. Shelter fee; Release from shelter.

(a) Except as provided in subsection (b) of this section, any **animal dog or cat** held or

impounded in the animal shelter because of a violation of any of the provisions of this chapter by its owner shall be released to the owner thereof by the chief of police, the Animal Control Officer or their designee upon presentation of the following:

- (1) Proof of ownership of such **animal** ~~dog or cat~~;
- (2) Payment of the daily boarding cost plus the impoundment fee as set out below:

Daily boarding cost	\$35.00;
First violation per animal	\$15.00;
Second violation per animal	\$25.00;
Third violation per animal	\$30.00;
Fourth and all ensuing violations per animal	\$40.00.

If said impounded animal is a dog or cat, in addition to the requirements set forth above in numbers 1 and 2, the owner must also present the following information to the Chief of Police or the Animal Control Officer before the dog or cat is released.

- (3) A license for the current year showing that such dog or cat has been properly licensed;
- (4) Proof either in the form of a certificate issued and signed by a licensed veterinarian, or other person authorized by law to administer rabies inoculations, that such dog or cat has been properly inoculated for rabies as required by this chapter, or by depositing a rabies vaccination fee with the City to be forwarded to the veterinarian upon presentation of a valid rabies vaccination certificate for such dog or cat, in which case the owner's failure to obtain a valid rabies vaccination certificate and tag within five (5) days shall constitute a violation of this section; and

The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All dogs or cats which have remained in the shelter seventy-two (72) hours without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided.

(b) The owner of any animal that is impounded with the Chief of Police or **the Animal Control Officer** pursuant to subsection 5-130(b) ~~5-76(b)~~ shall pay the expenses of care and observation of such animal plus an impoundment fee of thirty-five dollars (\$35.00). If the owner elects to have the animal boarded with a licensed veterinarian, the expense of such boarding shall be borne by the owner, together with any costs incurred for the examination of the animal for rabies.

(Code 1971, § 7-58; Ord. No. 86-41, § 37, 10-6-86; Ord. No. 88-37, § 7, 10-3-88; Ord. No. 95-17, § 1, 4-3-95; Ord. No. 99-71, § 9, 11-1-99; Ord. No. 99-75, § 8, 11-19-99)

Sec. ~~5-82~~ 5-136. Shelter records and reports; Registration of persons delivering animals dogs or cats to shelter.

(a) The manager of any animal shelter under this chapter shall keep an accurate account of all dogs and cats received at the shelter and released to the owner or purchaser, showing the date and from whom received, the description of the animal dog or cat, the name and address of the person or persons releasing or purchasing. The shelter manager shall keep a like accurate account and description of all animals dogs and cats destroyed. On the last day of each month, the shelter manager shall forward to the Chief of Police or the Animal Control Officer an accurate and complete account of all monies received during the month under the provisions of this chapter, together with a statement of the number of animals dogs and cats in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, the number on hand at the end of the month and other information as required by the Chief of Police or the Animal Control Officer.

(b) The Chief of Police, the Animal Control Officer, or shelter manager shall not receive an animal dog or cat into the shelter from any person unless such person shall give their full name and place of residence which shall be registered in a proper book kept by the shelter manager. It shall be unlawful for any person delivering to or receiving any animal dog or cat from said shelter to give any false information concerning the same.

(Code 1971, 7-59; Ord. No. 88-37, § 8, 10-3-88; Ord. No. 99-71, § 10, 11-1-99)

State Law References: Power of city to destroy dogs running at large, R.R.S. 1943, § 16-206; power of city to sell dogs running at large, R.R.S. 1943, § 16-235.

Sec. 5-83. Reserved.

Editors Note: Section 12 of Ord. No. 99-71, adopted Nov. 1, 1999, repealed § 5-83, which derived from the code of 1971 § 7-61, and pertained to the sale of unredeemed dogs.

Sec. 5-137. ~~5-84.~~ Voluntary impoundment by owner.

Any person living outside the city may cause any dog or cat owned by him to be impounded in the city animal shelter for destruction or adoption by any other person. Such owner shall pay a ten-dollar (\$10.00) fee for such impoundment.

(Code 1971, § 7-60)

Sec. 5-138. Failure to surrender animal.

Any person who fails to surrender an animal to a person identifiable as a Law Enforcement Officer or an Animal Control Officer upon their demand, so that the animal can be impounded as provided for by this chapter, commits an offense.