

ORDINANCE NO. 1297

AN ORDINANCE to amend Articles 1 - 7, of Chapter 6, entitled Dogs and Animals of Ordinance No. 1000, being the Municipal Code of the City of Chadron, Nebraska, as amended by Ordinance Nos. 1036, 1209, 1210, 1265, and 1266; to repeal said sections and all Ordinances and parts of Ordinances in conflict herewith; directing the publication of this Ordinance and prescribing the time when this Ordinance shall be in full force and effect.

Article 1. Definitions

6-101. DEFINITIONS. As used in this Chapter, the following words and phrases are hereby defined as follows:

- (1) **Animal Control Authority:** An entity authorized to enforce the animal control laws of the City of Chadron, Nebraska.
- (2) **Animal Control Officer:** Any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of Chapter 6 of the Municipal Code of the City of Chadron, Nebraska or any other law or Ordinance relating to the licensure of animals, control animals, or seizure and impoundment of animals and shall include any state or local law enforcement officer or other employee whose duties in whole or in part include assignment that involves the seizure and impoundment of any animal.
- (3) **Animal Shelter:** Any premises designated by the City for the purpose of impounding and caring for all dogs and animals found running at large.
- (4) **At Large:** Any dog not confined by an adequate fence or on a leash either tied to a stationary object or held by a competent person on public or private property.
- (5) **Bite:** Wherever the work “bite” or “bites” is used in this Ordinance under Chapter 6, Dogs and Animals, it shall mean to cut, tear, puncture or lacerate skin with the teeth of an animal.
- (6) **Dangerous Dog:** Any dog that, according to the record of an animal control authority: (a) has killed or inflicted severe injury on a human being on a 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 by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Nebraska Statutes, Sections 20-203, 28-520 or 28-521, or any other tort upon the property of the owner of the dog, or who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused or assaulted the dog, or who has committing or attempting to commit a crime.

- (7) Dog: Any canine over the age of six months.
- (8) Domestic Animal: Any cat, or dog, or livestock.
- (9) Domesticated Animal: Domesticated shall mean a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.
- (10) Exposed to Rabies: A dog or any other animal has been exposed to rabies if it has been bitten by, or exposed to any animal known to have been infected with rabies.
- (11) Habitually Running at Large: Any dog or other animal that has been impounded in the City animal shelter or a warning or citation issued to the owner more than two (2) times in any twelve (12) month period and is again found running at large shall be considered to be habitually running at large within the City. All dogs or other animals owned by the same owner shall be considered collectively for designation as habitually running at large, and where any and all dogs or other animals owned by the same owner have been impounded in the City animal shelter or have caused a warning or citation to be issued more than two (2) times in any twelve (12) month period, all other dogs or other animals of the same owner that are found running at large shall be considered to be habitually running at large within the City.
- (12) Kennel: Any person, firm or corporation harboring, keeping or

- owning more than three dogs ant any one time.
- (13) Licensed Veterinarians: Any person practicing veterinary medicine and licensed under the Nebraska Veterinary Practice Act.
 - (14) Officer: Any police officer, Special Services Officer or person employed by the City to enforce this Chapter.
 - (15) Owner: Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.
 - (16) Potentially Dangerous Dog: Any dog that, (a) when unprovoked, (i) inflicts a non-severe injury on a human or injures a domestic animal either on public or private property or (ii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or (b) is known to have a propensity, tendency, or disposition to attack, when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.
 - (17) Residential Unit or Dwelling Unit: Any apartment, duplex, house, or other structure that serves as a place of permanent or temporary residence. Residential Unit and Dwelling Unit shall be treated as one in the same and are interchangeable for purposes of this Chapter.
 - (18) Restraint: A dog or any other animal is under restraint within the meaning of this Chapter if it is controlled by a leash or if it is on or within a vehicle being driven or pared on the streets, or within an adequate fence on the property limits of its owner or keeper.
 - (19) Severe Injury: Any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.
 - (20) Vicious Dogs: Any dog that constitutes a physical threat to human beings or other animals is hereby declared to be a vicious dog.

(AMENDED BY ORD1036, 06/21/1982)

Article 2. Dogs

6-201. DOG LICENSE; APPLICATION; IMMUNIZATION REQUIRED. No person shall own, keep or harbor any dog over the age of six months, within the City limits, unless such dog is licensed as herein provided. Application for such license shall be made within 30 days after obtaining such dog, or such dog becomes six months old, and within 30 days after the beginning of each calendar year thereafter, and shall state the name and address of the owner; the name, breed, color, age and sex of the dog. At the time of the application for such license the owner shall present to the City a certificate of a licensed veterinarian showing that the dog has been immunized against rabies for the calendar year.

6-202. DOG LICENSE; YEAR, ANNUAL FEE. The license year for all dog licenses shall be the calendar year and the annual license fee shall be as follows:

- (1) male dog, not neutered. \$10.00
- (2) male dog, neutered \$2.00
- (3) female dog, not spayed \$10.00
- (4) female dog, spayed \$2.00

(AMENDED BY ORD1209, 12/16/1996)

6-203. DOG TAG, IDENTIFICATION; DUPLICATE. Upon payment of the license fee, there shall be issued to the owner a numbered metallic tag, stamped with the number and the year for which issued, which should be securely fastened to the dog's choke chain, collar or harness for identification purposes. In the event that the license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon payment of one-half the annual fee.

6-204. RESTRAINT; OWNER'S DUTY. The owner shall keep his/her dog under restraint and shall not permit such dog to be at large. (AMENDED BY ORD1036, 06/21/1982)

6-205. RUNNING AT LARGE; OWNER'S DUTY. It shall be unlawful for the owner of any dog or the owner of any property where a dog resides within the City to allow said dog to run at large within the City. (AMENDED BY ORD1036, 06/21/1982)

6-205(a). HABITUALLY RUNNING AT LARGE; OWNER'S DUTY. It shall be unlawful for the owner of any dog or the owner of any property where a dog resides within the City to allow said dog to habitually run at large within the City.

6-206. IMPOUNDMENT; NOTIFY OWNERS. Unlicensed dogs, or dogs found running at large shall be picked up by the City and impounded in the City animal shelter, and there confined in a humane manner until disposed of in the manner provided by Article 6-403 of this Chapter. (AMENDED BY ORD1036, 06/21/1982)

6-207. CONFINEMENT OF VICIOUS DOGS AND FEMALE DOGS IN HEAT. The owner shall confine within a building or secure enclosure, every vicious and dangerous dog and shall not take such dog out of such building or secure enclosure unless the dog is muzzled. The owner shall confine every female dog in heat within a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog cannot come in contact with another animal, except for breeding purposes.

6-208. HOWLING AND YELPING DOGS, NUISANCE. 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 any licensed veterinarian.

6-209. POISONING DOGS, UNLAWFUL. It shall be unlawful for any person to administer poison to any dog or to knowingly place or leave any poisonous substance of any kind or ground glass in any place with intent to injure or kill any dog, provided that nothing herein contained shall prohibit an owner from mercifully putting to death his/her own dog or delivering it to the animal shelter for disposition.

6-209(a). MAXIMUM DOGS ALLOWED. It shall be unlawful for more than three (3) dogs to be harbored, kept, possessed or owned at any one time per residential or dwelling unit within the City of Chadron irrespective of the owner of said dog. Any owner of a residential or dwelling unit wishing to exceed the maximum limit of three dogs per residential or dwelling unit shall obtain a kennel license as provided in 6-210 and 6-211. Fostering a pregnant dog and her eventual litter is a temporary exception to this rule. Litters may be kept a maximum of six (6) months under this exception, after which the animals are considered individual dogs and must comply with the licensing and limitations requirements of this Article. Hospitals, clinics, and licensed veterinarians are exempt from this rule.

6-210. KENNEL, APPLICATION; IMMUNIZATION REQUIRED, INSPECTION. Every person, firm or corporation engaged in the operation of a kennel shall pay an annual license fee as hereinafter provided. Application for such license shall be made within 30 days after the commencement of such operation and within 30 days after the beginning of each calendar year thereafter, and shall state the name and address of the operator, and the name, breed, color, sex and age of six months immunized against rabies, and a certificate of such shall be kept on the premises available for inspection, at any reasonable hour, by the City. (AMENDED BY ORD1036, 06/21/1982)

6-211. KENNEL, LICENSE YEAR, ANNUAL FEE. The license year for all kennels shall be the calendar year and the annual license fee shall be as follows:

- (1) kennel housing less than 10 dogs \$10.00
- (2) kennel housing 10 or more, but
less than 50 dogs \$25.00

6-212. LICENSE REQUIREMENTS, EXCEPTION. The licensing requirements of this Article shall not apply to hospitals, clinics, and licensed veterinarians, or to any dog belonging to a nonresident of the City and kept within the City for not longer than 30 days, provided all such dogs shall at all times while in the City be kept within a building enclosure or vehicle, or be under restraint.

Article 3. Animals

6-301. ANIMAL CARE; OWNER'S DUTY. It shall be unlawful for the owner of any animal within the City to:

- (1) fail to provide such animal with sufficient good and wholesome food and water, proper shelter and protection from the weather or veterinary care when needed to prevent suffering; or
- (2) beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, or other combat between animals, or animals and humans; or
- (3) abandon such animal.

6-302. ANIMAL POISON, UNLAWFUL. It shall be unlawful for any person to knowingly expose any know poisonous substance, whether mixed with food or not, so that same shall be liable to be eaten by any animal, except for such person to expose on his/her own property, common rat poison mixed only with vegetable substances.

6-303. ANIMAL WASTE, UNLAWFUL. It shall be unlawful for the owner of every animal to fail to remove any excreta deposited by his/her animals on public walks, recreation areas, or private property.

6-304. WILD ANIMAL, UNLAWFUL TO KEEP, EXCEPTIONS. It shall be unlawful for any person, firm or corporation to keep or permit to be kept on his/her premises, any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee, except zoological parks, performing animal exhibitions, or circuses.

6-305. WILD ANIMAL, EXHIBITIONS, UNLAWFUL. It shall be unlawful for any person, firm or corporation to maintain or have an animal exhibition or circus which shall permit or in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

Article 4. Impoundment

6-401. IMPOUNDMENT, NOTICE. Unrestrained dogs and nuisance animals found to be running at large shall be taken by an officer and impounded in the City animal shelter and there confined in a humane manner. If by a license tag or other means, the owner of an impounded animal can be identified, the officer shall immediately upon impoundment notify the owner by telephone or mail.

6-402. IMPOUNDMENT, FEES. The owner reclaiming an impounded, licensed animal shall pay a fee and a per day boarding charge for each day the animal has been impounded. Upon proof that the animal is properly licensed, the City shall waive the fee for the animal's first impoundment. In the event such animal is unlicensed, the owner shall pay the proper license fee and show proof of a current rabies shot, and, if unable to show such proof, the animal shall receive a rabies shot at the cost of the owner before being removed from impoundment. The impoundment fee and boarding charge shall be determined by the City Council, and each time such animal is impounded thereafter within any twelve (12) month period, the owner shall be required to pay an increased fee as set by the City Council and the set per day boarding charge.

(AMENDED BY ORD1036, 06/21/1982; ORD1098, 11/02/1987; ORD1210, 12/16/1996)

6-403. IMPOUNDMENT, FIVE DAYS. Any animal not reclaimed by its owner within five working days shall become the property of the City, and shall be placed for adoption in a suitable home or humanely euthanized.

6-404. CITY ANIMAL SHELTER, PROHIBITED ACTS. It shall be unlawful for any person to break and enter and retrieve or attempt to break and enter to retrieve, an impounded animal from the City animal shelter or transporting vehicle.

Article 5. Rabies Control

6-501. ANIMAL BITE; QUARANTINE. Every animal which bites a person or another domesticated animal shall be promptly reported to the Police Department, and shall thereupon be securely quarantined at the direction of the Police Chief for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Police Chief. In the case where an animal bites a person or another domesticated animal while on the owner's premises, the location of the quarantine shall be at the discretion of the Police Chief and may be on the premises of the owner, at the shelter designated as the City Animal Shelter, or at the owner's option and expense, in a veterinary hospital of his/her choice. In the case where an animal bites a person or another domesticated animal while not on the owner's premises, the location of the quarantine shall be at the shelter designated as the City Animal Shelter, or at the owner's expense, in a veterinary hospital. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter. The owner upon demand made by the Police Chief, shall forthwith surrender any animal which has bitten a human, or another domesticated animal, or which is suspected as having been exposed to rabies, for supervised

quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies.

6-502. ANIMAL UNDER QUARANTINE, RABID PROCEDURE. When an animal under quarantine has been diagnosed as being rabid, or suspected by a veterinarian as being rabid, and dies while under observation, the Police Chief shall immediately send the head of such animal to the appropriate approved testing laboratory for pathological examination, and shall notify the proper public health officer of reports of human contacts, and the diagnosis made of the suspected animal; and shall proceed as follows:

- (1) When on or both reports give a positive diagnosis of rabies the Chief of Police may recommend a City-wide quarantine, for a period of 30 days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantined;
- (2) During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under 30 days of quarantine by the owner in the same manner as other animals are quarantined;
- (3) In the event there are additional positive cases or rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six months.

6-503. RABIES CONTROL, OTHER REGULATIONS. For the purposes of rabies control, the City hereby adopts the following regulations:

- (1) No person shall kill, or cause to be killed, any rabid animal; any animal suspected of or having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove the same from the City limits without permission from the Chief of Police. This provision does not apply to any licensed veterinarian.
- (2) The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Chief of Police.
- (3) The Chief of Police shall direct the disposition of any animal found to be infected with rabies.

- (4) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Chief of Police.
- (5) It shall be the duty of every physician to report to the Chief of Police the names and addresses of person treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.
- (6) It shall be the duty of every licensed veterinarian to report to the Chief of Police his/her diagnosis of any animal that has tested positive for rabies.

6-504. EUTHANIZATION; PROCEDURE.

- (1) The owner or owners of every animal who has been quarantined as provided under the Ordinance of this City shall be notified in writing by the Chief of Police that said animal will be euthanized by the City after a hearing before the Chief of Police, City Manager and a medical physician.
- (2) Said euthanization shall occur after the second quarantine period resulting from bite cases.
- (3) The notice herein required will be given five (5) days prior to said hearing.
- (4) The owner or owners may appear at said hearing to submit any evidence to show cause why said animal should not be euthanized.
- (5) The Board, after hearing, shall enter a finding that said animal is a nuisance and should be euthanized, or enter a finding that said animal does not constitute a nuisance and should therefore not be euthanized.
- (6) Any person aggrieved from the finding of the hearing as herein set out shall give immediate Notice of Appeal, and said appeal shall be thereafter perfected in the District Court of Dawes County, Nebraska, within ten (10) days from the date of hearing and/or required by law.
- (7) Any and all costs incurred in said hearing or appeal shall be at the cost of the owner or owners and paid within ten (10) days.

- (8) Any and all costs incurred under this Article, such as the quarantining and euthanization procedures, shall be at the cost of the owner or owners. No quarantined animal shall be released until all costs associated with that animal have been paid in full. The owner or owners of an animal that has been euthanized must pay all costs associated with that animal.

(ENACTED BY ORD1036, 06/21/1982)

Article 6. Dangerous Dogs

6-601. DANGEROUS DOGS; RESTRAINT REQUIRED. No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

6-602. DANGEROUS DOGS; CONFINEMENT REQUIRED; WARNING SIGN. While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has not bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs person that a dangerous dog is on the property.

6-603. DANGEROUS DOGS; CONFISCATION; WHEN; COSTS. Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of Sections 6-701 to 6-707. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog, confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated Sections 6-701 to 6-707.

Article 7. Violation, Penalty

7-101. VIOLATIONS, PENALTIES. For the purposes of animal control, the City hereby adopts the following sanctions and penalties to enforce Chapter 6 of the Municipal Code of the City of Chadron Nebraska:

- (1) Any person who shall violate Section 6-201 of this Article, shall be fined in the sum of Ten Dollars (\$10.00) for each such offense.

- (2) Any person who shall violate Section 6-205 of this Chapter shall be fined in the sum of Twenty-Five Dollars (\$25.00). Any person who shall violate Section 6-205(a) of this Chapter shall be fined in the sum of One Hundred Dollars (\$100.00) for the first offense and Two Hundred and Fifty Dollars (\$250.00) for each and every subsequent offense thereafter during the same twelve (12) month period. Said fines for violations of Section 6-205 and 6-205(a) shall be assessed against the owner of the property where the dog resides and the fines shall increase accordingly even though subsequent violations involve a different dog residing at the property.
- (3) Any person who shall violate Section 6-209(a) of this Chapter shall be fined in the sum of Fifty Dollars (\$50.00) for the first such offense, One Hundred Dollars (\$100.00) for the second such offense in any twelve (12) month period and Two Hundred and Fifty Dollars (\$250.00) for each and every subsequent offense thereafter during the same twelve (12) month period. Said fine shall be assessed against the owner of the property where the dog resides and the fine shall increase accordingly even though subsequent violations involve a different dog residing at the property.
- (4) Any person who shall violate Section 6-210 of this Chapter shall be fined in the sum of One Hundred Dollars (\$100.00) for each offense.
- (5) Any person who shall violate Section 6-404 shall be fined in the sum of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00) for each such offense, and shall pay the costs of prosecution.
- (6) Any person who violates Sections 6-601 to 6-603 shall be guilty of a misdemeanor and shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) and shall pay the costs of prosecution.
- (7) If a dangerous dog of an owner with a prior conviction under Sections 6-601 to 6-603 attacks or bites a person or another domestic animal, the owner shall be guilty of a misdemeanor and shall be fined the sum of One Hundred Dollars (\$100.00) and pay the costs of prosecution. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
- (8) Each and every violation shall be deemed continuing for each day's violation and shall be deemed a separate violation. All penalties provided herein shall be in addition to any court costs.
- (9) Any person violating any of the provisions of any of the Sections in this Chapter, where penalty is not elsewhere provided therein, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding One Hundred Dollars (\$100.00) and shall pay the costs of prosecution.

- (10) In addition to any other penalty, a court may order the authority to dispose of a dangerous dog in an expeditious and humane manner.

Section 2. That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Passed, approved, and ordered published this 7th day of May, 2007.

CITY OF CHADRON

Mayor

ATTEST:

City Clerk

(S E A L)

