

CHAPTER 6 – POLICE REGULATIONS

ARTICLE 1. DOGS

- 6-101 LICENSE
- 6-102 LICENSE TAGS
- 6-103 WRONGFUL LICENSING
- 6-104 OWNER DEFINED
- 6-105 RUNNING AT LARGE
- 6-106 BARKING AND OFFENSIVE
- 6-107 LIABILITY OF OWNER
- 6-108 IMPOUNDING
- 6-109 RABIES SUSPECTED
- 6-110 DANGEROUS ANIMALS; DEFINITIONS
- 6-111 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS;
REQUIREMENTS
- 6-112 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; SPAYING
OR NEUTERING AND LICENSE REQUIRED
- 6-113 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; CLASSES
REQUIRED
- 6-114 DANGEROUS ANIMALS; WARNING SIGNS REQUIRED
- 6-115 DANGEROUS ANIMALS; CONFINEMENT
- 6-116 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; LEASH
AND HARNESS REQUIRED
- 6-117 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS AND PIT
BULLS; PROOF OF INSURANCE
- 6-118 DANGEROUS AND POTENTIALLY DANGEROUS ANIMALS;
IMPOUNDMENT
- 6-119 DANGEROUS ANIMALS AT LARGE; DESTRUCTION
- 6-120 DANGEROUS ANIMALS; REGISTRY
- 6-121 PIT BULLS; LEASH AND MUZZLE REQUIRED
- 6-122 DANGEROUS ANIMAL; RECLAIMING
- 6-123 UNCLAIMED ANIMALS; PROPERTY OF THE ANIMAL CONTROL
AUTHORITY
- 6-124 IMPOUNDMENT FEES
- 6-125 PENALTIES; FAILURE TO COMPLY

ARTICLE 2. ANIMALS GENERALLY

- 6-201 BANNED FROM CITY
- 6-202 ABANDONMENT, NEGLECT, AND CRUELTY; DEFINITIONS
- 6-203 ABANDONMENT, NEGLECT, AND CRUELTY; LAW ENFORCEMENT
OFFICER; POWERS; IMMUNITY
- 6-204 ABANDONMENT, NEGLECT, AND CRUELTY; PENALTY

ARTICLE 3. GENERAL OFFENSES

- 6-301 CRIMINAL MISCHIEF
- 6-302 MAINTAINING A NUISANCE
- 6-303 APPLIANCES IN YARD
- 6-304 WEEDS, LITTER, STAGNANT WATER
- 6-305 DISCHARGE OF FIREARMS
- 6-306 SLINGSHOTS, AIR GUNS, BB GUNS
- 6-307 ABANDONED AUTOMOBILES
- 6-308 UNLICENSED OR INOPERABLE VEHICLES
- 6-309 CURFEW
- 6-310 CURFEW VIOLATION; PARENTAL LIABILITY
- 6-311 CURFEW; ENFORCEMENT; POLICE AUTHORIZATION
- 6-312 DISORDERLY CONDUCT
- 6-313 NOISE CONTROL
- 6-314 SEXUAL PREDATOR RESIDENCY RESTRICTIONS

ARTICLE 4. PENAL PROVISION

- 6-401 VIOLATION; PENALTY

CHAPTER 6 – POLICE REGULATIONS

Article 1. Dogs

§6-101 DOGS; LICENSE.

A. Any person who currently owns, keeps or harbors a dog or dogs over the age of six months within the City shall for 1997 acquire a license for each such dog beginning the first day of February, 1997 and said tax shall be delinquent from and after February 28, 1997. Thereafter, any such person shall acquire a license for each such dog annually beginning the first day of January of each year and said tax shall be delinquent from and after January 31 of each year.

B. Any person who owns, keeps or harbors a dog or dogs over the age of six months within the City after the effective date of this section shall acquire a license for each such dog immediately after beginning to own, keep or harbor said dog or dogs and said tax shall be delinquent from and after the 30th day that such person began to own, keep or harbor said dog or dogs. Thereafter, and such person shall acquire a license for each such dog annually beginning the first day of January of each year and said tax shall be delinquent from and after the last business day of January of each year.

C. Any person who has not previously licensed a dog or dogs with the City shall, upon licensing said dog or dogs pursuant to this section, present documentation showing the date said person began to own, keep or harbor the dog or dogs never licensed with the City, and if such documentation is not provided, then said tax shall automatically be deemed delinquent.

D. Licenses shall be issued by the City Clerk upon the payment of a license fee; provided, if said tax is delinquent, then the license shall only be issued by the City Clerk upon the payment which shall include the amount covering the license fee and a penalty charge. Such fees shall be established from time to time by the City Council and placed on file in the office of the Clerk for public inspection.

E. Such license shall not be transferable and no refund will be allowed in case of death, sale or other disposition of the licensed dog. At the time the application is made upon printed forms provided for such purpose, the owner shall state his/her name and address and the name, breed, color, and sex of each dog owned and kept by him/her. A certificate that the dog has had rabies shot effective for the ensuing year of the license shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Am. by Ord. Nos. 506, 1/13/97; 656, 12/13/10)

§6-102 DOGS; LICENSE TAGS.

Upon the payment of the license fee, the City Clerk shall issue to the dog owner a license certificate and a metallic tag for each dog so licensed. Each metallic tag shall be properly attached to the collar or harness of any dog so licensed and shall entitle the owner to keep or harbor the said dog until the 31st day of December following such licensing. In the event that a

license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Clerk to issue tags of a suitable design that are different in appearance each year. (Ref. 17-526, 54-603 RS Neb.)

§6-103 DOGS; WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other city identification than that issued by the City Clerk for dogs, nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. (Ref. 17-526, 54-603 RS Neb.)

§6-104 DOGS; OWNER DEFINED.

Any person who shall harbor or permit any dog to remain for ten days or more in or about his or her house, store, or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Neb.)

§6-105 DOGS; RUNNING AT LARGE.

A. "Uncollared" shall mean all dogs found running at large upon the streets and public grounds of the City without a collar, license, or harness are hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded by the City Police at the expense of the dog's owner.

B. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the incorporated limits of the City.

C. Whenever any dog is seen and identified as running at large and when said dog cannot be caught, the owner of any such dog shall be fined according to whether it is the first, second, third or subsequent offense. Such fines shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

(Amended by Ord. No. 580, 11/12/02; 665, 6/11/12)

§6-106 DOGS; BARKING AND OFFENSIVE.

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 or person or which habitually barks at or chases pedestrians, drivers, or owners of horses or vehicles while

they are on any public sidewalks, streets, or alleys in the City. Upon the written complaint of two or more affected persons from different households that any dog owned by the person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of this section, filed within any 30-day period with the City Clerk, the City Police shall investigate the complaint and if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. The provisions of this section shall not be construed to apply to the city dog shelter. (Ref. 17-526 RS Neb.)

§6-107 DOGS; LIABILITY OF OWNER.

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

§6-108 DOGS; IMPOUNDING.

It shall be the duty of the City Police to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Dogs so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than seven days after public notice has been given, unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the City Clerk within 24 hours after impoundment as public notification of such impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and on file in the office of the City Clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the dog is not claimed at the end of required waiting period after public notice has been given, the City Police may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home can be found for any such dog within the City, in the judgment of the City Police, the said dog shall be turned over to the new owner, who shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article. The City shall acquire legal title to any unlicensed dog impounded in the animal shelter for a period longer than the required waiting period after giving notice. All dogs shall be destroyed and buried in a summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such dog. (Ref. 17-548, 71-4408 RS Neb.)

§6-109 DOGS; RABIES SUSPECTED.

Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If, upon examination by a veterinarian, the dog has no clinical signs

of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Ref. 71-4406 RS Neb.)

§6-110 DANGEROUS ANIMALS; DEFINITIONS.

"Animal Control Authority" shall mean an entity authorized to enforce the animal control laws of the City.

"Animal control officer" shall mean any individual employed, appointed or authorized by the Animal Control Authority for the purpose of aiding in the enforcement of this article or any other law or ordinance relating to the licensing, control, 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 involve the seizure and impounding of any animal.

"Dangerous animal" shall mean any animal that, according to the records of the Animal Control Authority: (1) has killed a human being; (2) has inflicted injury on a human being that requires medical treatment; (3) has killed a domestic animal without provocation; (4) has been previously determined to be a potentially dangerous animal by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the animal inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals; (5) attacks, snaps at, bites, or has a history of attacking a human being or other domestic animal one or more times, without provocation; or (6) engages in or is found to have been trained to engage in exhibitions of fighting.

An animal shall not be defined as a dangerous animal if the injury, damage or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28520, or 28-521, was committing any other tort upon the property of the owner of the animal, was tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have tormented, abused or assaulted the animal or was committing or attempting to commit a crime.

An animal shall not be defined as a dangerous animal if the animal is used in connection with lawful activities of law enforcement officials.

"Domestic animal" means a cat, a dog or livestock. "Livestock" includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area or nature center intended to be on exhibit.

"Medical treatment" means treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

"Owner" means any person, firm, corporation, organization, political subdivision or depart-

ment possessing, harboring, keeping or having control or custody of an animal.

"Potentially dangerous animal" shall mean (A) any animal that when unprovoked (1) inflicts an injury on a human being that does not require medical treatment, (2) injures a domestic animal, or (3) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (B) any specific animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(Ref. 54-617 RS Neb.) (Am. by Ord. No. 658(2), 8/8/11)

**§6-111 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS;
REQUIREMENTS.**

No person shall own, keep, harbor, or allow to be in or upon any premises occupied by him or under his charge or control any dangerous animal or potentially dangerous animal without complying with the requirements of this article. (Am. by Ord. No. 658(2), 8/8/11)

**§6-112 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; SPAYING OR
NEUTERING AND LICENSE REQUIRED.**

Any animal judicially or administratively determined to be dangerous or potentially dangerous shall be spayed or neutered by a licensed veterinarian at the owner's expense no less than 30 days after such determination is entered, with written proof of spaying or neutering. In addition, such dangerous or potentially dangerous animal shall be required to be licensed as a dangerous or potentially dangerous dog within 30 days of the determination. (Am. by Ord. No. 658(2), 8/8/11)

**§6-113 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; CLASSES
REQUIRED.**

The owner of any animal judicially or administratively determined to be dangerous or potentially dangerous shall be required to attend, within 90 days after such determination is entered, at the owner's expense, a responsible pet ownership class approved by the Animal Control Authority and, at the discretion and direction of the Animal Control Authority, a dog behavior class provided or approved by the Animal Control Authority. (Am. by Ord. No. 658(2), 8/8/11)

§6-114 DANGEROUS ANIMALS; WARNING SIGNS REQUIRED.

Any property wherein a dangerous animal is kept, harbored or confined shall be posted with warning signs visible from all areas of public access. The warning signs must:

A. Be no less than 10 inches by 12 inches in size;

B. Contain the words "Warning: Dangerous Animal" in high contrast lettering on a black background, in English; and

C. Lettering must be no less than 3 inches in height.
(Ord. No. 658(2), 8/8/11)

§6-115 DANGEROUS ANIMALS; CONFINEMENT.

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

1. Confined indoors; or
2. 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 animal is not permitted in areas where such structures or pens are not authorized by zoning regulations. If permitted, the size of such pen or structure shall be:

Size of Animal	Sq. ft. of Pen or Structure
Extra large (over 26 inches at withers or over 75 pounds)	48
Large (over 20 inches and up to 26 inches at withers or not over 75 pounds)	40
Medium (over 12 inches and up to 20 inches at withers or not over 50 pounds)	32
Small (12 inches or less at withers or not over 20 pounds)	24

B. The pen or structure must be constructed with chain link fencing for all four sides and the top and must be suitably designed to prevent the entry of young children and to prevent the animal from escaping. If the pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than one foot or have a concrete pad for the bottom.

C. The pen or structure shall be set back at least 10 feet from the nearest property line. After completion, the owner must contact the Animal Control Authority and allow inspection.
(Ord. No. 658(2), 8/8/11)

§6-116 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; LEASH AND HARNESS REQUIRED.

It shall be unlawful for any person owning, harboring or having the care of a dangerous or potentially dangerous animal to permit such animal to be beyond the property of such person unless the animal is under the control of a person 19 years of age or older and restrained securely by a harness and leash no longer than 6 feet and properly muzzled to reasonably prevent the animal from biting. (Ord. No. 658(2), 8/8/11)

§6-117 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS AND PIT BULLS; PROOF OF INSURANCE.

Any animal that has been judicially or administratively determined to be a dangerous animal or potentially dangerous animal and any pit bull, as defined in Section 6-121, that is required to be licensed under this article cannot be licensed unless the person having custody, ownership or control of such dog or other animal first presents written proof of public liability insurance of not less than \$100,000.00 to the Animal Control Authority. Such insurance shall be maintained in effect for the period such dangerous or potentially dangerous animal is so designated, provided that insurance for a pit bull, as defined in Section 6-121, shall be maintained in effect for the life of the pit bull. (Ord. No. 658(2), 8/8/11)

§6-118 DANGEROUS OR POTENTIALLY DANGEROUS ANIMALS; IMPOUNDMENT.

Any animal that has been judicially or administratively determined to be a dangerous animal or a potentially dangerous animal may be immediately impounded by an animal control officer if in violation of this article. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous animal. (Ord. No. 658(2), 8/8/11)

§6-119 DANGEROUS ANIMALS AT LARGE; DESTRUCTION.

In the event that an animal that has been judicially or administratively determined to be dangerous, as defined in Section 6-110, is found at large and unattended upon public property, park property or a public right-of-way or upon the property of someone other than its owner, thereby creating a hazard to person or property, such animal may, in the discretion of the Chief of Police or authorized designee, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large nor shall it have a duty to notify the owner of such animal prior to its destruction. (Ord. No. 658(2), 8/8/11)

§6-120 DANGEROUS ANIMALS; REGISTRY.

A. The owner of any animal that has been judicially or administratively determined to be dangerous, as defined in Section 6-110, or previously determined to be dangerous under this article, shall register such animal with the Animal Control Authority within 30 days of such determination or within 30 days of enactment of this section if previously determined to be dangerous. Such registration shall include the following information:

1. The name of the current owner of the animal;
2. The address where the animal is harbored;
3. A description of the animal, including name, breed, sex, and coloring;
4. The current license number for the animal; and
5. The carrier and policy number for public liability insurance as required in Section 6-117.

B. At least once per calendar year, the Animal Control Authority shall publish in the local newspaper a list of animals on the above registry, providing the name of the owner, the address where the animal is harbored and a description of the animal, including name and breed.

C. Any person who has registered an animal pursuant to this section shall have a continuing obligation to provide updated registration information to the Animal Control Authority and shall, within 30 days of the sale or transfer of such animal, provide to the Animal Control Authority the date of such sale or transfer, the name of the new owner and the address where the animal will be harbored. The owner shall also provide information to the Animal Control Authority if he or she changes residences within the jurisdiction.

(Ord. No. 658(2), 8/8/11)

§6-121 PIT BULLS; LEASH AND MUZZLE REQUIRED.

A. It shall be unlawful for any person owning, harboring, or having the care of a pit bull to permit such animal to be outdoors unless confined in a securely fenced yard or unless the animal is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than 6 feet and property muzzled to reasonably prevent the animal from biting.

B. For purposes of this section, "pit bull" shall be defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Dogo Argentina, Presa Canario, Cane Corso, American Bulldog, or any dog displaying the majority of physical traits of any one or more of the above breeds (more so than any other breed) or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C. and U.K.C. standards for the above breeds are on file in the office of the Animal Control Authority.

C. A pit bull which is a participant in an organized dog event approved by the Animal Control Authority shall not be required to be leashed and muzzled while outdoors and while being shown or otherwise actively competing in such event.

(Ord. No. 658(2), 8/8/11)

§6-122 DANGEROUS ANIMALS; RECLAIMING.

A person may reclaim an animal in the custody of the Animal Control Authority upon providing the following:

A. Proof of ownership;

B. Payment of or proof of payment to a third party for impoundment and board fees and any other service/medical fees, as approved by the Animal Control Authority.

(Ord. No. 658(2), 8/8/11)

§6-123 UNCLAIMED ANIMALS; PROPERTY OF THE ANIMAL CONTROL AUTHORITY.

The Animal Control Authority shall hold any stray or at-large animal for 72 hours from the time of its impoundment. If such animal remains unclaimed at the end of the 72-hour period, then the animal becomes the property of the Animal Control Authority. (Ord. No. 658(2), 8/8/11)

§6-124 IMPOUNDMENT FEES.

A. An impoundment fee shall be charged for the impoundment of any animal under the provisions of this article. The fees shall be adjusted accordingly for altered or unaltered animals and whether the redemption is the first or subsequent time. Said fees shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

B. If proof of sterilization and microchipping is presented to the Animal Control Authority within 90 days of the date of redemption of an unaltered animal, the fee will be reimbursed accordingly if it is the first, second or third redemption. Said redemption fees shall be set by the City Council and shall be on file in the office of the city clerk for public inspection.

C. Whenever any animal is impounded, an additional fee shall be charged for each day or fraction thereof of impoundment for feeding and caring for such animal. Such additional fee shall be pursuant to a schedule of fees provided by the Animal Control Authority and approved by the chief of police.

D. If the owner holds a valid breeder's permit at the time of redemption, the charge shall be the same as for an altered animal.
(Ord. No. 658(2), 8/8/11)

§6-125 PENALTIES; FAILURE TO COMPLY.

In addition to the penalty, fine or judgment generally provided in §6-401 or elsewhere for the violation of any provisions of this article, a court may order the Animal Control Authority to forthwith put the animal to death by removing the same to the animal shelter for such purpose. In addition, any person violating the provisions of this article shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the animal, boarding and veterinary expenses necessitated by the seizure of any animal for the protection of the public and such other expenses as may be required for the destruction of any such animal.
(Ord. No. 658(2), 8/8/11)

