

TITLE IX: GENERAL REGULATIONS

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CHAPTER 90: ANIMALS

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GENERAL PROVISIONS**§ 90.001 IMPOUNDING.**

(A) It shall be the duty of the police to capture, secure and remove in a humane manner to the designated animal shelter any animal violating any of the provisions of this chapter. The animals 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 animal shall be kept and maintained at the pound for a period of not less than five calendar days for animals, cats and dogs 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 Police Department within 24 hours after impoundment as public notification of such impoundment. Any animal may be reclaimed by its owner during the period of impoundment by payment of the required impoundment and boarding fees, and any additional fees as charged by the animal shelter or other place of impoundment. The owner shall then be required to comply with the licensing and rabies

vaccination requirements within 72 hours after release. If the animal is not claimed at the end of the required waiting period after public notice has been given, the police may dispose of the animal in accordance with the applicable rules and regulations. If, in the judgment of the police, a suitable home can be found for any such animal, the animal shall be turned over to that person; and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this chapter. The city shall acquire legal title to any unlicensed animal impounded in the designated animal shelter for a period longer than the required waiting period after giving notice. All animals shall be destroyed in the summary and humane manner as prescribed by the Board of Health unless a suitable home can be found for such animal.

(B) The city may contract for humane shelter, spay/neutering and euthanization services with a commercial or non-profit organization through written agreement containing minimum population density standards, hygiene standards, documentation of services and disposal.

(2002 Code, § 14-1) (Ord. 2004-7, passed 9-14-2004)

Statutory reference:

Impoundment of animals authorized, see Neb. RS 16-235, 16-236

§ 90.002 ANIMAL SHELTER.

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

(2002 Code, § 14-2)

Statutory reference:

Authority to maintain an animal pound, see Neb. RS 16-236

§ 90.003 RUNNING AT LARGE.

It shall be unlawful for the owner, keeper or harbinger of any animal, or any person having the charge, custody or control of an animal, to permit a horse, mule, cow, sheep, goat, swine or other animal to be driven or run at large on any of the public ways and property, or upon the property of another.

(2002 Code, § 14-3) Penalty, see § 90.999

Statutory reference:

Authority to regulate and prohibit animals running at large, see Neb. RS 16-235

§ 90.004 KEEPING OF WILD ANIMALS.

No wild animals may be kept within the corporate limits, except under such conditions as shall be fixed by the Council. Such animals kept for exhibition purposes by circuses and educational institutions shall be kept in accordance with special regulations established by the Council.

(2002 Code, § 14-4) Penalty, see § 90.999

§ 90.005 CRUELTY.

No person shall cruelly or unnecessarily beat, overwork or insufficiently shelter or feed any animal within the city. ***SHELTER FOR A DOG*** is defined as a structure having four sides in addition to a roof and floor, with one side having an entrance. The shelter should be small enough so the dog's body heat will keep it warm and yet be large enough for the dog to stand and turn around. It should protect the dog from temperature extremes and precipitation. The shelter should be in good condition with no nails or other protruding objects. Some type of flap should be over the entrance to keep out wind and rain. Bedding material should be of a type that does not hold moisture and be maintained, cleaned and replaced as needed.

(2002 Code, § 14-5) (Ord. 2003-33, passed 12-9-2003; Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

Statutory reference:

Cruelty to animals, see Neb. RS 28-1009

§ 90.006 KILLING AND INJURING.

No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the animal.

(2002 Code, § 14-6) Penalty, see § 90.999

§ 90.007 BANNED FROM THE CITY.

(A) No person shall keep or maintain any animal within the corporate limits of the city, except upon obtaining a special permit from the Council. Such permit shall specify the place where any such animal may be kept. This section shall not apply to the keeping or maintaining of dogs, cats, house birds, gerbils, hamsters, guinea pigs and pet fish.

(B) Further, this section shall not apply to commercial sale barn operators, commercial meat slaughtering or packing plant operators, commercial hatcheries and animal hospitals or clinics operated by licensed veterinarians.

(2002 Code, § 14-7) Penalty, see § 90.999

§ 90.008 PIGEONS BANNED.

No person shall keep, harbor or permit any pigeons to nest or stay upon his or her premises or make their home on his or her premises. Any pigeon found or kept within the city shall be held to constitute a nuisance and may be killed by any police officer.

(2002 Code, § 14-8) Penalty, see § 90.999

§ 90.009 BEEKEEPING BANNED.

No person shall keep any bees on his or her property or in hives under his or her charge. Any bees found or kept within the city shall be held to constitute a nuisance and may be exterminated by any police officer.

(2002 Code, § 14-9) Penalty, see § 90.999

Statutory reference:

Apiary Act, see Neb. RS 81-2,165 et seq.

§ 90.010 ANIMAL WASTE.

It shall be unlawful for the owner of any animal to allow the animal to 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 defecating on said property shall be liable for the damage resulting therefrom.

(2002 Code, § 14-10) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

DOGS

§ 90.025 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

IRRESPONSIBLE ANIMAL OWNER. Any animal owner that has:

(1) Been convicted or plead guilty three times or more for separate incidents that occurred in any 12-month period concerning:

- (a) An animal at large;
- (b) An animal disturbing the peace;
- (c) An unlicensed animal;
- (d) An excessive number of animals; and

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- (e) Unsanitary premises due to animals.
- (2) Been convicted or plead guilty two times or more for separate incidents concerning:
 - (a) Animal cruelty;
 - (b) Animal neglect;
 - (c) Keeping animals covered by § 90.007 of this chapter without obtaining a permit; and
 - (d) An animal declared a vicious animal.

OWNER. Any person possessing or harboring or having the care or custody of a dog.

UNCONFINED. The dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens and structures must be adequately lighted and kept in a clean and sanitary condition.

VICIOUS DOG.

- (1) Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise threaten the safety of human beings or domestic animals;
 - (2) Any dog which because of its size, physical nature or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this subchapter;
 - (3) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;
 - (4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or
 - (5) Any ***PITBULL TERRIER***, which shall be defined as any American Pitbull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of dog which contains as an element of its breeding the breed of American Pitbull Terrier or Staffordshire Bull Terrier, or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pitbull Terrier or Staffordshire Bull Terrier, or American Staffordshire Bull Terrier.
- (2002 Code, § 14-41) (Ord. 2009-7, passed 4-21-2009)

§ 90.026 LICENSE.

Any person or resident who shall own, keep or harbor a dog over the age of six months within the city shall within 30 days after acquisition of the dog, or moving to the city, acquire a license for each dog annually on or before May 1 of each year. Licenses shall be issued by the Chief of Police upon the payment of the current license fee for each dog. This license shall not be transferable; and no refund will be allowed in the case of death, sale or other disposition of the licensed dog. The applicant for a license shall state at the time the application is made, the name and address, and the name, breed, color and sex of each dog owned, kept or harbored. A certificate that the dog has had a rabies shot effective for the year of a license shall be presented with the license application, and no license or tag shall be issued until the certificate is presented to the Chief of Police. The fee shall be delinquent after the expiration of 30 days from May 1 of each year; however, the owner of any dog becoming subject to the city license requirements subsequent to May 1 of each year shall not be subject to a penalty if the license fee is paid and licensed within 30 days of the time the dog became subject to the license. After the 30-day grace period allowed in this section, the current license fee and penalty shall be paid on all annual licenses obtained after the grace period. It shall be unlawful to own, keep or harbor an unlicensed dog.

(2002 Code, § 14-42) Penalty, see § 90.999

Statutory reference:

Authority to license dogs, see Neb. RS 16-206

§ 90.027 KENNEL LICENSING.

All kennels within the corporate limits of the city must be licensed. If the kennel is licensed, the cats or dogs maintained in the kennel shall not be required to be licensed also. At the option of the owner of the kennel, each cat or dog may be licensed separately in lieu of the kennel license. All licensing requirements, deadlines and penalties applicable to cat or dog licenses shall apply to a kennel license; except that, the annual tax for a kennel shall be set by the Council. For purposes of this section, a **KENNEL OPERATOR** shall be any person engaged in the commercial business of owning, breeding, buying, selling or boarding more than four cats or four dogs.

(2002 Code, § 14-43) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.028 LICENSE TAGS.

Upon the payment of the required license fee, the Chief of Police shall issue to the applicant a license certificate and a metallic tag for each cat or dog's license. The metallic tags shall be properly attached to the collar or harness of all cats or dogs so licensed and shall entitle the applicant to keep or harbor the dog in the city until April 30 following such licensing. If a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions in this subchapter, the Chief of Police shall issue a duplicate or new tag for the balance of the year for which the license fee has been paid and shall charge and collect the current license fee 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 Chief of Police to issue tags of a suitable design that are different in appearance each year.

(2002 Code, § 14-44) (Ord. 2004-7, passed 9-14-2004)

§ 90.029 WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper or harbinger of any dog to permit or allow such cat or dog to wear any license, metallic tag or other city identification than that issued for that animal.

(2002 Code, § 14-45) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.030 LIMIT PER HOUSEHOLD; LIABILITY OF PERSON CARING FOR DOG.

The limit of dogs per residence shall be four. Offspring of dogs will be allowed to be nursed and raised until eight weeks of age and at that time must be removed from the household where kept to reduce the total number of dogs over eight weeks of age in the household to the maximum of four. Any person who shall harbor or permit any dog to be, for ten days or more, in or about his or her house, store or enclosure, or to remain to be fed shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties prescribed in this subchapter and for all damages which such dog shall cause.

(2002 Code, § 14-46) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

Statutory reference:

Related provisions, see Neb. RS 54-606

§ 90.031 NON-RESIDENT DOGS.

The licensing requirements of this subchapter shall not apply to any cat or dog belonging to a non-resident of the city and kept within the city for not longer than 30 days; however, all such cats or dogs shall at all times while in the city be kept within a building, enclosure or vehicle or be under restraint by the owner or owner's agent.

(2002 Code, § 14-47) (Ord. 2004-7, passed 9-14-2004)

§ 90.032 DOGS DRINKING FROM PUBLIC WATER SUPPLY.

It shall be unlawful for any person to allow a dog to drink out of a public faucet or fountain other than at a designated dog park.

(2002 Code, § 14-48) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.033 RUNNING AT LARGE.

(A) An animal shall be deemed to be at large when it is off the property of his or her owner and not under control or restraint of a competent person. For purposes of this section, **RESTRAINT** shall mean controlled by leash, at heel beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper. All animals found running at large upon the streets and public grounds of the city are declared a public nuisance. Animals found running at large shall be impounded by the police in the designated animal shelter.

(B) The penalty for violating division (A) of this section shall be \$25 for the first offense, \$100 for the second offense and \$200 for the third or subsequent offense, and may be paid by waiver. (2002 Code, § 14-49) (Ord. 2013-47, passed 9-17-2013; Ord. 2016-9, passed 6-21-2016) Penalty, see § 90.999

Statutory reference:

Penalty for permitting dogs to run at large, see Neb. RS 54-607

§ 90.034 CAPTURE IMPOSSIBLE.

The police shall have the authority to kill any animal showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (2002 Code, § 14-50)

Statutory reference:

When killing dogs permitted, see Neb. RS 54-604

§ 90.035 INTERFERENCE WITH POLICE.

It shall be unlawful for any person to hinder, delay or interfere with any police officer who is performing any duty enjoined upon him or her by the provisions of this subchapter, or to break open, or in any manner directly or indirectly aid, counsel or advise the breaking open of the animal shelter, or other vehicle used for the collecting or conveying animals to the shelter. (2002 Code, § 14-51) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

Statutory reference:

Related provisions, see Neb. RS 28-906

§ 90.036 BARKING AND OFFENSIVE DOGS.

(A) 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. The provisions of this section shall not be construed to apply to the designated animal shelter.

(B) The phrase ***ANNOY OR DISTURB THE NEIGHBORHOOD*** shall include, but not be limited to, the creation of any noise constituting a nuisance by any animal which can be heard by any person, including a law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a three-minute period of time with one minute or less lapse or time between each animal noise during the three-minute period.

(C) The penalty for violating divisions (A) and (B) of this section shall be \$25 for the first offense, \$100 for the second offense and \$200 for the third or subsequent offense, and may be paid by waiver. (2002 Code, § 14-52) (Ord. 2016-8, passed 6-7-2016)

§ 90.037 FEMALE IN SEASON.

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

(2002 Code, § 14-53) Penalty, see § 90.999

§ 90.038 LIABILITY OF OWNER.

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

(2002 Code, § 14-54) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

Statutory reference:

Related provisions, see Neb. RS 54-601

§ 90.039 REMOVAL OF TAGS.

It shall be unlawful for any person to remove or cause to be removed the collar, harness or metallic tag from any licensed cat or dog without the consent of its owner, keeper or possessor.

(2002 Code, § 14-55) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.040 VICIOUS DOGS.

(A) It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person or domestic animal to fail to immediately prevent further bites or injury, and immediately furnish

to the person or person injured, or in the case of a juvenile, the parent or guardian of the juvenile, the owner's name and address and the rabies tag number and dog license number of the dog.
(2002 Code, § 14-71)

(B) (1) Whenever a dog is declared vicious, the owner will immediately release the dog to the Police Department to be impounded. The Police Department shall cause the dog to be permanently removed from the city limits or have the dog humanely destroyed by a veterinarian of the owner's choice. If the dog is to be removed, the owner shall provide an affidavit signed by both the owner and the future caretaker that the dog will be permanently removed from the city limits, listing where it will be taken and who is the caretaker. The Police Department will then contact the caretaker to verify that the dog was given to them. If the dog is to be humanely destroyed, the owner of the dog shall document to the Police Department the arrangement for direct transfer of the dog, at the owner's expense, by the impounding agency to the euthanizing veterinarian of the owner's choice and without any possession by the owner or any agent or representative of the owner. The owner of the dog will then produce to the Police Department a statement from the veterinarian certifying the action taken, or humanely destroyed by the animal shelter at the owner's expense. The notice shall be served whether in person or by mailing such notice by certified mail, return receipt. If the owner shall have failed to destroy such vicious dog after the expiration of 11 days from the receipt of such notice and no appeal is taken by the owner, the Police Department shall have such animal destroyed.

(2) The declaration of a dog as vicious and the determination by the Police Department of whether the dog shall be destroyed or permanently removed under the provisions of this section may be appealed to the Council, who shall hear and render a decision in this matter. Such appeal by the owner to the Council shall be filed in writing with the Police Department within ten days after receipt of notification from the Police Department that the vicious dog shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The dog shall be surrendered by the owner to the custody of the Police Department or designated agency during the appeal process. The decision of the Council shall be final and binding upon the city and upon the owner appellant, and its decision may be appealed as provided by law. The Council shall review the information provided by the Police Department and the owner of the animal and any other interested party and render a decision on the appeal.

(3) The owner of any dog which is impounded and destroyed under this section shall be held responsible for payment and any expenses incurred by the Police Department for impoundment and destruction, and failure to pay such fee to the city within 15 days after the destruction or release of such dog shall constitute a violation of this code.

(2002 Code, § 14-72)

(Ord. 2004-7, passed 9-14-2004; Ord. 2009-7, passed 4-21-2009) Penalty, see § 90.999

CATS**§ 90.055 DEFINITIONS; REGISTRATION.**

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

CONFINED. The cat is restricted to the owner's property or under the control of the owner or a responsible person at all times.

FERAL CAT. An unconfined cat that has no history of domestication and is more closely associated with wildlife than human domestication.

OWNER. Any person possessing or harboring or having the care or custody of a cat.

STRAY CAT. An unconfined cat that has a history of domestication.
(2002 Code, § 14-80)

(B) Any person or resident who shall own, keep or harbor a cat over the age of 16 weeks within the city shall within 30 days after acquisition of the cat, or moving to the city, shall register each cat annually on or before May 1 of each year with the city's Police Department. Registration shall be issued by the Chief of Police upon the payment of the current license fee for each cat. This license shall not be transferable; and no refund will be allowed in the case of death, sale or other disposition of the licensed cat. The applicant for a registration shall state at the time the application is made upon printed forms the name and address, and the name, breed, color and sex of each cat owned, kept or harbored. A certificate that the cat has had a rabies shot effective for the year registration period shall be presented with the registration application, and no registration tag or other identification shall be issued until the certificate is approved by the Chief of Police or his or her designee. The fee shall be delinquent after the expiration of 30 days from May 1 of each year; however, the owner of any cat becoming subject to the city license requirements subsequent to May 1 of each year shall not be subject to a penalty if the registration fee is paid within 30 days of the time the cat became subject to registration. After the 30-day grace period allowed in this section, the current registration fee and penalty shall be paid on all annual registrations after the grace period. It shall be unlawful to own, keep or harbor an unlicensed cat.

(2002 Code, § 14-81)

(Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.056 LIMIT PER HOUSEHOLD.

Any person who shall harbor or permit any cat to be, for ten days or more, in or about his or her house, store or enclosure, or to remain to be fed shall be deemed the owner and possessor of such cat. The limit of cats per residence shall be four. Offspring of cats will be allowed to be nursed and raised

until 16 weeks of age and at that time must be removed from the household where kept to reduce the total number of cats over 16 weeks of age in the household to the maximum of four.
(2002 Code, § 14-82) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.057 KENNEL LICENSING.

All kennels within the corporate limits of the city must be licensed and operated within minimum standards for population density and hygiene established by the city. If the kennel is licensed, the cats maintained in the kennel shall not be required to be registered also. At the option of the owner of the kennel, each cat may be licensed separately in lieu of the kennel license. All registration requirements, deadlines and penalties applicable to cat licenses shall apply to a kennel license.
(2002 Code, § 14-83) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.058 UNAUTHORIZED FEEDING OR TRAPPING.

No feeding or trapping of cats outside or in accessory buildings is permitted at any time within the city limits by any person, with the exception of the city police or their designees, or unless the feeding or trapping is authorized by the Police Chief.
(2002 Code, § 14-84) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.059 CONFINEMENT OF CATS.

Cats shall be kept confined by their owners.
(2002 Code, § 14-85) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.060 REGISTRATION TAGS.

Upon payment of the required registration fee, the Chief of Police shall issue to the applicant a registration certificate and to identify each cat with a collar tag, tattoo, implant, ear tag or other option approved and available to the Police Department, which shall entitle the applicant to keep or harbor the cat in the city until April 30 following such licensing. If an identification tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions in this subchapter, the Chief of Police shall issue the duplicate or new tag for the balance of the year for which the registration fee has been paid and shall charge and collect the current fee for each duplicate or new tag so issued. All fees and collections shall be immediately credited to the General Fund.
(2002 Code, § 14-86) (Ord. 2004-7, passed 9-14-2004)

§ 90.061 WRONGFUL LICENSING.

It shall be unlawful for the owner, keeper or harbinger of any cat to permit or allow such cat to wear any tag or city identification other than that issued for that animal.

(2002 Code, § 14-87) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.062 LIABILITY OF PERSON CARING FOR CAT.

Any person who shall harbor or permit any cat to be for ten days or more in or about his or her house, store or enclosure, or to remain to be fed, shall be deemed the owner and possessor of such cat and shall be deemed to be liable for all penalties prescribed in this subchapter and for all damages which such cat shall cause to any real or personal property of any description belonging to another person. The owner or possessor of any such cat or dog, in addition to the usual judgment upon conviction, shall be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.

(2002 Code, § 14-88) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.063 NON-RESIDENT CATS.

The registration requirements of this subchapter shall not apply to any cat belonging to a non-resident of the city and kept within the city for not longer than 30 days; however, all such cats shall at all times while in the city be kept within a building, enclosure or vehicle or be under restraint by the owner or owner's agent.

(2002 Code, § 14-89) (Ord. 2004-7, passed 9-14-2004)

§ 90.064 INTERFERENCE WITH POLICE.

It shall be unlawful for any person to hinder, delay or interfere with any police officer who is performing any duty enjoined upon him or her by the provisions of this subchapter, or to break open, or in any manner directly or indirectly aid, counsel or advise the breaking open of the animal shelter or other vehicle used for the collecting or conveying of animals to the shelter.

(2002 Code, § 14-91) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.065 CAPTURE IMPOSSIBLE.

The City Police Department shall have the authority to dispose of, in the most expedient manner, any cat that would be deemed dangerous which make capture impossible because of the danger involved.

(2002 Code, § 14-92) (Ord. 2004-7, passed 9-14-2004)

§ 90.066 OFFENSIVE CATS.

(A) It shall be unlawful for any person to own, keep or harbor any cat which by loud, continued or frequent offensive noises shall annoy or disturb any neighborhood or person. The provisions of this section shall not be construed to apply to the designated animal shelter.

(B) The phrase ***ANNOY OR DISTURB THE NEIGHBORHOOD*** shall include, but not be limited to, the creation of any noise constituting a nuisance by any animal which can be heard by any person, including a law enforcement officer, from a location outside of the building or premises where the animal is being kept and which animal noise occurs repeatedly over at least a ten-minute period of time with one minute or less lapse or time between each animal noise during the ten-minute period.
(2002 Code, § 14-93) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

RABIES**§ 90.080 PROCLAMATION.**

It shall be the duty of the Council, whenever, in its opinion, the danger to the public safety from rabid animals is great or imminent, to issue a proclamation ordering all persons owning, keeping or harboring any animal to muzzle the animal, or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation, or until such danger is passed. The animals may be harbored by good and sufficient means in a house, garage or yard on the premises wherein the owner may reside. Upon issuing the proclamation, it shall be the duty of all persons owning, keeping or harboring any animal to confine the same as provided in this subchapter.
(2002 Code, § 14-101) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.081 RABIES SUSPECTED.

Any animal suspected of being afflicted with rabies, or any animal not vaccinated in accordance with the provisions of this subchapter 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 animal 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 unknown owner of a cat or dog, it shall be disposed of in accordance with the provisions in this subchapter. If the owner of the animal 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 animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the animal may be released from confinement.
(2002 Code, § 14-102) (Ord. 2004-7, passed 9-14-2004)

Statutory reference:

Related provisions, see Neb. RS 71-4406

§ 90.082 PROCEDURE WHEN SUSPECTED.

When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Chief of Police shall immediately send the head of such animal to the State Department of Health for pathological examination. The Chief of Police shall notify the proper Health Officer of reports of human contacts and the diagnosis made of the suspected animal. Every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed at the owner's expense.

(2002 Code, § 14-103) (Ord. 2004-7, passed 9-14-2004)

§ 90.083 DESTRUCTION OF ANIMAL.

No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as provided by this subchapter, nor remove such animal from the corporate limits without written permission from the Chief of Police. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Chief of Police. The Chief of Police shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or destruction as required in this subchapter when demand is made by the Chief of Police.

(2002 Code, § 14-104) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

Statutory reference:

Related provisions, see Neb. RS 71-4406

§ 90.084 DUTY TO REPORT.

It shall be the duty of every physician, or other practitioner, to report to the Chief of Police the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control. It shall be the duty of every licensed veterinarian to report to the Chief of Police his or her diagnosis of any animal observed by him or her as a rabies suspect.

(2002 Code, § 14-105) (Ord. 2004-7, passed 9-14-2004) Penalty, see § 90.999

§ 90.999 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code.

(B) (1) Whoever violates any provision of §§ 90.025 through 90.040 of this chapter shall be guilty of a misdemeanor and may be punished in accordance with § 10.99 of this code and will be prohibited from ownership or possession of any dog for a period of one year from the date of the occurrence of this

violation. The penalties in this division (B) shall be accumulative with and in addition to any penalty or forfeiture elsewhere in §§ 90.025 through 90.040 of this chapter.
(2002 Code, § 14-73)

(2) (a) The determination of an “irresponsible animal owner” shall be in accordance with the following procedures.

1. The City Administrator or the City Administrator’s designee, upon being satisfied that an owner is an irresponsible animal owner, shall cause to be served upon the owner a written notice of said determination.

2. The written notice shall contain:

a. A finding that the owner is an irresponsible animal owner;

b. A description of the acts relied upon in determining the owner is an irresponsible animal owner;

c. A copy of this division (B)(2); and

d. A statement advising the owner of the right to request a hearing as provided by § 90.040(B) of this chapter within a stated time which shall be reasonable under the circumstances.

3. Notice shall be by personal service or by certified mail to the owner.

4. Request for hearing and appeal. Any owner advised that the owner is declared an irresponsible animal owner may have, upon request, a hearing with officials making said determination as to whether the owner is an irresponsible animal owner. A request for a hearing must be made in writing and delivered to the office of the City Administrator or the City Administrator’s designee within the time stated in the notice or it will be conclusively presumed that the owner is an irresponsible animal owner.

5. The City Administrator or the City Administrator’s designee will act as Hearing Officer. At the conclusion of the hearing or within three days thereafter, the Hearing Officer shall render a written decision as to whether the owner is an irresponsible animal owner. An appeal from this decision may be had by filing a written notice with the Hearing Officer. This appeal will be heard before the City Council at a time and place fixed by the Council. The findings of the Council shall be conclusive.

(b) If an owner is declared to be an irresponsible animal owner, the owner shall be banned from having animals within the city limits.

(c) The City Administrator or the City Administrator’s designee shall cause the animal to be impounded if an owner has been declared an irresponsible animal owner and is found to have an animal within the city.

(d) The City Administrator or the City Administrator's designee may order the destruction or adoption of any animals impounded under this section.

(2002 Code, § 14-74)

(C) Any owner of a cat or dog over the age of three months who fails to obtain a license within the time period specified in this chapter shall be subject to a fine of \$50 per unlicensed cat or dog.

(2002 Code, § 14-81)

(Ord. 2004-7, passed 9-14-2004; Ord. 2009-7, passed 4-21-2009)