

## EXHIBIT "A"

### Chapter 6

#### POLICE REGULATIONS

##### Article 1. Dogs and Cats / Dangerous Dogs

**Sec. 6-101 OWNER DEFINED.** Any person who shall harbor or permit any dog or cat to be present for 10 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 or cat shall be deemed to be liable for all such penalties herein prescribed. (Neb. Rev. Stat. §17-526, 54-606, 71-4401)

**Sec. 6-102 MAXIMUM NUMBER ALLOWED.** It shall be unlawful for any person to own, keep, or harbor at any time more than 3 adult dogs or 3 adult cats per residential or dwelling unit in the City. The total number of adult dogs or adult cats per residential or dwelling unit in the City shall not exceed 4 adult animals. For the purpose of this section, an adult dog or cat is a dog or cat that is more than 4 months old. Provisions of this section shall not apply to catteries, kennels and pet stores, which have been licensed by the City. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-103 LICENSES.**

- (1) Any person who shall own, keep or harbor a dog or cat over the age of 6 months within the City shall, within 10 days after acquisition of said dog or cat, acquire a license for each such dog or cat annually by or before January 1 of each year. The license fee shall be delinquent from and after March 15; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the license fee levied herein and such fee shall be delinquent if not paid within 10 days thereafter. Licenses shall be issued by the City. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog or cat.
- (2) The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by him or her. A certificate that the dog or cat has had a 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.
- (3) License fees for dogs and cats shall be set by ordinance of the City Council and shall be on file in the City office, where they shall be available for inspection by the public during office hours.

(Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-104 LICENSE TAGS.** Upon payment of the required license fee, the City shall issue a numbered receipt and tag as necessary to the owner for the dog or cat licensed. Tags shall be

issued annually, or at another interval determined by the City. The City may recognize a microchip identification number as the license number, and the microchip shall substitute for the physical tag. (Neb. Rev. Stat. §17-526, 54-603)

**Sec. 6-105 DOG GUIDES, HEARING AID DOGS AND SERVICE DOGS; EXEMPT FROM LICENSE TAX.** Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required, but no license fee shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license fee. (Neb. Rev. Stat. §54-603)

**Sec. 6-106 WRONGFUL LICENSING.** It shall be unlawful for the owner, keeper, or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other city identification than that issued by the city clerk for dogs or cats. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-107 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 dog or cat without the consent of the owner, keeper, or possessor thereof. (Neb. Rev. Stat. §17-526)

**Sec. 6-108 UNLICENSED DOGS AND CATS; RUNNING AT LARGE.** All dogs and cats found to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City, without a collar or harness with a metal tag affixed as aforesaid, are hereby declared to be a public nuisance. It shall be unlawful for any person or persons to have any dog or cat which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him/her or under his, her or their control, to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City; and it shall be unlawful for such person or persons to own, keep, or harbor, or to have in or upon the premises occupied by him/her or under his, her or their control, any dog or cat, unless said dog or cat is securely fastened by a chain or otherwise confined in or upon said premises in some enclosure. However, when a dog or cat is away from the occupied premises there is no violation of this section if the dog or cat is on a secure leash and under control of the owner or other person. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-109 VIOLENCE ON OR INTERFERENCE WITH A SERVICE DOG.**

- (1) A person commits the offense of violence on a service dog when he or she intentionally injures, harasses, or threatens to injure or harass or attempts intentionally to injure, harass, or threaten a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.
- (2) A person commits the offense of interference with a service dog when he or she

intentionally impedes, interferes, or threatens to impede or interfere or attempts intentionally to impede, interfere, or threaten to impede or interfere with a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

(3) Evidence that the defendant initiated or continued conduct toward a dog as described in subsection (1) or (2) of this section after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf, hearing-impaired, or physically limited person being served or assisted by the dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.

(4) For purposes of this section:

“Blind person” shall mean a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech, or readers;

“Deaf person” shall mean a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading;

“Hearing impaired person” shall mean a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear;

“Physically impaired person” shall mean a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and

“Visually impaired person” shall mean a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20°. (Neb. Rev. Stat. §28-1009.01)

**Sec. 6-110 KILLING AND POISONING.** It shall be unlawful to kill or to administer, or cause to be administered, poison of any sort to a dog or cat, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy any dog or cat that is the property of another person, or to place any poison, or poisoned food where the same is accessible to a dog or cat; provided, that this section shall not apply to the City and/or its agents acting within the its power and duty. (Neb. Rev. Stat. §28-1002)

**Sec. 6-111 BARKING AND OFFENSIVE 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, or person, or which habitually barks at or chases pedestrians, drivers, or owners of vehicles while they are on any public sidewalks, streets, or alleys in the City. Upon the complaint of two or more affected persons from different households, filed within any 30-day period with the City Clerk and/or the Chief of Police or his/her designee, that any

dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section a City law enforcement officer shall investigate the complaint, and if in the City law enforcement officer's opinion the situation warrants, shall notify the owner to silence and restrain such dog. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-112 OFFENSIVE CATS.** It shall be unlawful for any person to own, keep, or harbor any cat which shall annoy or disturb any neighborhood or person. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the City Clerk and/or Chief of Police or his/her designee that any cat owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section any City law enforcement officer shall investigate the complaint and, if in the City law enforcement officer's opinion the situation warrants, shall notify the owner to restrain such cat. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-113 DOGS; CONFINEMENT OF FEMALE DOGS DURING PERIOD OF FERTILITY.** Any person who owns, harbors, or in any way sustains a female dog shall confine the same in an enclosed area during the female dog's entire period of fertility, commonly referred to as the period during which the dog is in season. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-114 FIGHTING.** It shall be unlawful for any person, by agreement or otherwise, to set dogs or cats to fighting, or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526)

**Sec. 6-115 LIABILITY OF OWNER; DAMAGE TO PROPERTY OF OTHERS.** It shall be unlawful for any person to allow a dog or cat 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 or cat, 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. (Neb. Rev. Stat. §17-526, 54-601, 54-602)

**Sec. 6-116 RECKLESS OWNER.**

(1) The City shall initiate administrative proceedings to declare an owner, who has been convicted of one (1) or more violations of this chapter on two (2) separate occasions in a 24-month period or whose animal(s) has been determined to be dangerous or potentially dangerous and who has not complied with the requirements of this chapter pertaining to dangerous or potentially dangerous animal(s), a reckless owner, and to revoke all pet license(s) associated with said animal(s) issued to such person. Such proceedings shall be instituted by service of a notice in writing upon such owner either by certified mail and regular mail to the owner's last known address or upon the owner personally. The notice shall contain:

(a) The name and address of the owner who is subject to such declaration and revocation decision;

- (b) The name(s), description(s) and license number(s) of any animal(s) associated with such violations licensed to the owner;
  - (c) A description of the violations or requirements which form the basis of such declaration and revocation decision, including the case numbers, if any;
  - (d) A summary of the effects of such declaration, including the revocation of said pet license(s) and surrender of said animal(s);
  - (e) The date of proposed entry of the declaration and revocation decision which shall be not less than ten days after the date of mailing or personal service of the notice; and
  - (f) Notification of the availability of an appeal, if the owner objects to such declaration and revocation decision, within 10 days of the date of mailing or personal service of the notice.
- (2) Upon entry of such declaration and revocation decision, unless an appeal of such is filed with the City in accordance with this section, such reckless owner shall be required to surrender said animal(s) to any City law enforcement officer within 24 hours. Failure to surrender such animal(s) shall result in immediate impoundment by the City. Such surrendered or impounded animal(s) shall immediately become the property of the City and may be disposed of by the City as they deem appropriate.
  - (3) An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any additional animal(s) in the City for a period of 48 months from the date of entry of the declaration and revocation decision.
  - (4) An appeal of such declaration and revocation decision shall be heard by the City Council Police Committee which shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation decision. The filing fee for each appeal shall be \$200.00 payable to the City at the time of the filing of said appeal. A determination to affirm or reverse such decision shall be determined by the City Council Police Committee.

**Sec. 6-117 RABIES CONTROL; DEFINITIONS.** For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Cat” shall mean any feline animal, male or female, sexed or neutered.

“Dog” shall mean any canine animal, male or female, sexed or neutered.

“Own” unless otherwise specified, shall mean to possess, keep, harbor or have control of, charge of or custody of a dog or cat. “Own” shall not apply to dogs or cats owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of no more than 30 days.

“Owner” shall mean any person possessing, keeping, harboring or having charge or control of, or permitting any dog or cat to habitually be or remain on, or be lodged or fed within, such person's house, yard or premises. Owner shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs or cats owned by other persons for a period of not more than 60 days.

“Rabies control authority” shall mean any City law enforcement officer or other officer designated by the mayor.

“Vaccination against rabies” shall mean the inoculation of a dog and cat with a rabies vaccine licensed by the U. S. Department of Agriculture on the effective date of this code. Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the state.

**Sec. 6-118 RABIES CONTROL; VACCINATION REQUIRED.** Every dog and cat four months of age and older shall be vaccinated against rabies. Young dogs or cats shall be vaccinated within 10 days after they have reached four months of age. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within 10 days after purchase or arrival, unless under four months of age, as specified above. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-119 RABIES CONTROL; REVACCINATION.** Every dog or cat shall be revaccinated following a period of not more than 36 months since its last vaccination with chick embryo, LEP (low egg passage), durry vaccine or following a period of not more than 24 months since its last vaccination with killed or inactivated vaccine. The intervals of any other anti-rabies vaccine shall be set by the state veterinarian, and he/she shall follow the latest recommendations of the U. S. Public Health Service. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

**Sec. 6-120 RABIES CONTROL; PERSON BITTEN BY DOGS OR CATS; PROCEDURE.**

- (1) Any dog or cat suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the regulations herein which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the City and impounded under the supervision of a licensed veterinarian or a public health authority for a period of not less than 10 days. If upon examination by a veterinarian, the dog or cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable law.
- (2) Any dog or cat vaccinated in accordance with the provisions herein which has bitten any person(s) shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days, at which time the dog or cat shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or cat may be released from confinement.

**Sec. 6-121 RABIES CONTROL; PROCLAMATION.** It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle the same 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 dogs or cats may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

**Sec. 6-122 INTERFERENCE WITH CITY LAW ENFORCEMENT OFFICER PERFORMING ANIMAL CONTROL DUTIES.** It shall be unlawful for any person to hinder, delay, or interfere with any City law enforcement officer who is performing any animal control duty enjoined upon him/her by the provisions of this article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the animal shelter. (Neb. Rev. Stat. §28-906)

**Sec. 6-123 IMPOUNDING.**

- (1) It shall be the duty of any City law enforcement officer to capture, secure, and remove in a humane manner to the animal shelter any dog or cat violating any of the provisions of this chapter. The dogs or cats 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 licensed dog or cat shall be kept and maintained at the animal shelter for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. However, any impounded unlicensed animal that is sick or injured and the treatment for such animal exceeds the costs of \$50.00 and the City is not aware of the identity of the owner of such animal, then such animal may be destroyed in a humane manner at the discretion of the Chief of Police or his/her designee. Notice of impoundment of all animal(s), including any significant marks or identifications, shall be posted at the office of the animal shelter within 24 hours after impoundment as public notification of such impoundment.
- (2) Any dog or cat eligible to be reclaimed may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the City. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the dog or cat is not claimed at the end of required waiting period after public notice has been given, the City may dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the City, a suitable home can be found for any such dog or cat, the said dog or cat 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 article.
- (3) The City shall acquire legal title to any unlicensed dog or cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. (Neb. Rev. Stat. §17-526, 17-548)

**Sec. 6-124 ANIMAL SHELTER.** The animal shelter shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs and cats. The said shelter shall be sanitary, ventilated, and lighted. (Neb. Rev. Stat. §17-548)

**Sec. 6-125 CAPTURE IMPOSSIBLE.** Any City law enforcement officer shall have the authority to kill any dog, cat showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger and risk involved. (Neb. Rev. Stat. §17-526)

**Sec. 6-126 DANGEROUS DOGS; DEFINITIONS.**

- (1) No person shall own, keep, or harbor or allow to be in or upon any premises occupied by him or under his charge or control any dangerous or potentially dangerous dog without said dog being confined so as to protect the public from injury. Any City law enforcement officer or other authority designated by the Mayor and City Council is authorized to kill such dog if found running at large. The prudent use of firearms by any such officer for this purposes or for any purpose required by this section shall not be considered a violation of this code or other ordinances of the City.
- (2) “Dangerous dog” shall be defined as one who meets one or more of the following conditions:
  - (a) Any dog which attacks, snaps at, bites, causes severe injury or has a history of attacking a human being or other domestic animal(s) one or more times without provocation.
  - (b) Any dog engaging in or found to have been trained to engage in exhibitions of fighting.
  - (c) Any dog which by breeding, training, disposition, or behavior may pose a potential risk of attacking and inflicting injury without provocation upon people or other animal(s).
- (3) “Potentially dangerous dog” shall be defined as one who meets one or more of the following conditions:
  - (a) Any dog that, when unprovoked:
    - (1) Inflicts an injury on a human that does not require medical treatment, or injures a domestic animal(s) either on public or private property, or
    - (2) 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 dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animal(s).
- (4) No dog may be declared dangerous or potentially dangerous if it inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner or lessee of the dog or committing or attempting to commit a crime. No dog may be declared dangerous or potentially dangerous for taking action to defend or protect a human being within the immediate vicinity of the dog from an unjustified attack or assault. No dog used in lawful activities of any law enforcement officer shall be declared a dangerous or potentially dangerous dog.
- (5) Definitions for the purpose of this section  
“Law enforcement officer” for the purpose of this chapter, shall mean a person authorized to enforce the animal control laws of a city including any active police officer or animal control officer and the duties of said law enforcement officers shall include the control of animal(s), or seizure and impoundment of animal(s) and shall include any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal(s).

“Domestic animal” shall mean a cat, a dog, or livestock.

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

“Severe injury” shall mean any physical injury that results in disfiguring lacerations requiring medical treatment or one or more broken bones or that creates a potential danger to the life or health of the victim.

**Sec. 6-127 JUDICIALLY EXCLUDED DOGS.** It shall be unlawful for any person to bring any dog into the City which has, in another jurisdiction, been judicially determined to be dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings.

**Sec. 6-128 IMPOUNDMENT OF DOGS DURING ENFORCEMENT PROCEEDINGS.**

- (1) If there is reasonable cause shown that the offending dog under Section 6-126 may constitute a hazard to the safety of the public at large during the pendency of any action commenced thereunder, the court may order such dog impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains, or controls any dog involved in such impoundment shall pay all expenses to the City, including shelter, food, veterinary expenses, boarding, or other expenses necessitated by the impoundment of the dog for the protection of the public and other expenses as may be required. The City may require such person, prior to expiration of 10 days after the date of impoundment, to pay an amount sufficient to pay all reasonable expenses incurred in caring and providing for the dog, including estimated medical care, for 30 days, inclusive of the date on which the dog was impounded. If such payment is not made prior to expiration of such 10-day period, the dog shall become the property of the City to be disposed of as the City deems appropriate. Such payment shall be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the dog shall become the property of the City to be disposed of as the City deems appropriate.
- (2) The amount of the payment shall be determined by the City based on the current rate for board at the animal shelter and the condition of the dog after its examination by a veterinarian acting for the City. Any such payment received by the City in excess of the amount determined by the City to be due for the board and care of the dog shall be refunded by the City upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty in any legal proceeding brought under this Section, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the City to be due.
- (3) Notwithstanding the foregoing, if it is determined by a veterinarian acting for the City that such dog is diseased or disabled beyond any useful purpose, the dog shall immediately become the property of the City to be humanely disposed of as the City deems appropriate.

**Sec. 6-129 DANGEROUS OR POTENTIALLY DANGEROUS DOGS; SPAYING OR NEUTERING; MICROCHIP IDENTIFICATION AND LICENSE REQUIRED.** Any dog judicially determined to be dangerous or administratively determined to be potentially dangerous shall be spayed or neutered and implanted with microchip identification 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 and the microchip identification number being provided to the City within 72 hours of completion of the procedure. In addition, such dangerous or potentially dangerous dog shall be required to be licensed as a dangerous or potentially dangerous dog within 30 days of the determination.

**Sec. 6-130 DANGEROUS OR POTENTIALLY DANGEROUS DOGS; CLASSES REQUIRED.** The owner of any dog judicially determined to be dangerous or administratively determined to be potentially dangerous shall be required to attend, at the owner's expense, within 90 days after such determination is entered, a responsible pet ownership class approved by the City and, at the discretion and direction of the City.

**Sec. 6-131 DANGEROUS OR POTENTIALLY DANGEROUS DOGS; RESTRAINED.** It shall be unlawful for any person owning, harboring, or having the care of a dangerous or potentially dangerous dog to permit such dog to go beyond the property of such person unless the dog 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 as to reasonably prevent the dog from biting.

**Sec. 6-132 PIT BULLS; LEASH AND MUZZLE REQUIRED.** It shall be unlawful for any persons owning, harboring or having the care of a pit bull to permit such dog to be outdoors unless confined in a securely fenced yard or unless the dog is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than six feet and properly muzzled to reasonably prevent the dog from biting.

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 such 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 at the City office.

**Sec. 6-133 DANGEROUS DOGS; CONFINED.** No person owning, harboring, or having the care of a dangerous dog shall permit such dog to go unconfined while unattended on the premises of such person. 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, if allowed by zoning regulations, shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground no less than one foot or have a concrete pad with sides secured to the concrete pad. 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 so that the sign is clearly visible at all times and inform the public that a dangerous dog is on the property.

**Sec. 6-134 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; PROOF OF INSURANCE.** Any dog that has been determined to be a dangerous dog by a court determination or any dog administratively determined to be a potentially dangerous dog cannot be licensed unless the person having custody, ownership or control of such dog first presents written proof of public liability insurance of not less than \$100,000.00 to the City. Such insurance shall be maintained in effect for the period such dangerous or potentially dangerous dog is so designated.

**Sec. 6-135 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; IMPOUNDMENT.** Any dog that has been determined to be a dangerous dog or a potentially dangerous dog that bites a human being without provocation shall be immediately impounded by any City law enforcement officer. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous dog and the dog may be destroyed upon determination by the court.

**Sec. 6-136 DANGEROUS DOGS AT LARGE; DESTRUCTION.** Any dog that has been determined to be a dangerous dog as defined in Section 6-126 and 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, may, in the discretion of the chief of police or his authorized designee, or any City law enforcement officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to confine or capture a dangerous dog found at large nor shall it have a duty to notify the owner of such dog prior to its destruction.

**Sec. 6-137 DANGEROUS DOGS; FAILURE TO COMPLY.** Any dangerous dog may be immediately confiscated by any City law enforcement officer if the owner is in violation of this article. The owner shall be responsible for the reasonable costs incurred by the City for the care of such confiscated dangerous dog or for the destruction of any dangerous dog. In addition to any other penalty, a court may order the City to dispose of a dangerous dog in an expeditious and humane manner.

**Sec. 6-138 POTENTIALLY DANGEROUS DOG; DETERMINATION.**

- (1) The City shall initiate administrative proceedings to determine a dog to be a potentially dangerous dog if it meets the definition of “potentially dangerous dog” under Section 6-126. The City shall provide written notice of such determination to the dog’s owner either by certified or regular mail to the owner’s last known address or to the owner personally. The notice shall contain:
  - (a) The name and address of the owner whose dog is subject to such determination;
  - (b) The name, description and license number of the dog that is subject to such determination;
  - (c) A description of the facts which form the basis of such determination;
  - (d) A copy of Sections 6-101 through 6-139 and state that noncompliance will

- result in an owner being declared a reckless owner by the City;
- (e) The date of proposed entry of the determination, which shall be not less than ten days after the date of mailing or personal service of the notice; and
  - (f) Notification of the availability of an appeal if the owner objects to such determination, within ten days of the date of mailing or personal service of the notice.
- (2) An owner whose dog is determined to be a potentially dangerous dog shall be required to comply with Section 6-131 immediately; Sections 6-129 and 6-134 within 30 days of the date of entry of the determination; and Section 6-130 within 90 days of the date of entry of the determination, unless a notice of appeal is filed with the City; provided, noncompliance with any of the sections set forth above in this paragraph shall result in the owner being declared a reckless owner by the City under Section 6-116.
  - (3) An appeal of such a determination shall be heard at a hearing by the City Council Police Committee within 10 days of the date of the filing of a written notice of appeal and shall provide an opportunity for the owner to appear and offer evidence to dispute the determination. The filing fee for each notice of appeal shall be \$200.00 paid to the City at the time of filing the appeal. A decision to affirm or reverse such decision shall be entered within 10 days of the date of the hearing.
  - (4) An owner may request termination of the determination if there are no incidents of the type specified in Section 6-126(3) for at least 48 months following the date of the determination. Such request for termination shall be made in writing and shall be heard by the City Council Police Committee within 30 days of the date of the filing of the written request for termination. Said hearing shall provide an opportunity for the owner to appear and offer evidence to support termination of the determination. The owner must provide written documented evidence that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factors. The filing fee for each request for termination shall be \$200.00 and shall be paid to the City at the time of the filing of the written request for termination. A decision to continue or terminate such determination shall be entered within 10 days of the date of the hearing.

**Sec. 6-139 DANGEROUS DOGS; ADDITIONAL REGULATIONS.** Nothing in this article shall be construed to restrict or prohibit the City Council from establishing and enforcing other laws or ordinances that are at least as stringent as the provisions of this article.

## **Article 2. Animals and Fowls**

**Sec. 6-205 OTHER ANIMALS; RABIES SUSPECTED.** Any animal (other than a dog or cat which is covered in § 6-117 et. seq.), suspected of being afflicted with rabies or any 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 (10) days. If upon examination by a veterinarian, suspected animal has no clinical signs of rabies at the end of such

impoundment, it may be released to the owner, or it shall be disposed of in accordance with the provisions herein. If the owner of the said animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days, at which time said animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, said animal may be released from confinement, only after payment of all impoundment fees during the period of confinement. (Ref. 71-4406 RS Neb.)

#### **Article 4. Violations Bureau / Penal Provision**

**Sec. 6-401 VIOLATIONS; PENALTY.** It shall be unlawful for any person to fail to comply with the provisions herein, and every person failing to comply with, or violating any of the provisions of this Chapter shall, unless specifically provided otherwise, be deemed to be guilty of a Class III misdemeanor as defined by the Statutes of the State of Nebraska, Section 28-106, and upon conviction thereof shall be fined and/or jailed accordingly as well as any other penalty as provided for in the applicable ordinance.

**Sec. 6-402 VIOLATIONS BUREAU.** A Violations Bureau for the City of Blair is hereby created pursuant to Section 18-1729 R.R.S. Neb. for the purpose of collecting penalties for city code violation.

Any person accused of a violation as established by Sections 6-102, 6-103, 6-106, 6-108, 6-111, 6-112, 6-113, 6-118, 6-119, inclusive, Sections 6-201 through 6-203, inclusive, Sections 6-207, 6-304, 6-310, 6-314, 6-318 and Sections 6-319.01 through 6-319.09, inclusive, Sections 6-320, 6-321, 6-322, 6-325, 6-326, 6-326.02, 6-326.04, 6-326.05, 6-328, 6-333, 6-334 and 6-338 may, within ten (10) days after the issuance of a citation of the violation and before the appearance date thereon, dispose of the citation by appearing at the office of the City Clerk of the City of Blair and remitting full payment of the penalty assessed for the specific violation.

Any person may plead not guilty to the citation and he or she may appear before the County Court of Washington County, Nebraska, on the date and at the time specified on the citation.

At the time of the commission of the alleged violation, the accused shall be served with printed notice informing the accused of his or her options in disposing of the citation as noted hereinabove.

If the accused fails to appear at the office of the City Clerk of the City of Blair or before the County Court of Washington County, Nebraska, on or before the date specified on the citation, a warrant for his or her arrest shall be issued by the County Court of Washington County, Nebraska.

**Sec. 6-403 PENALTIES.** A conviction for violation of Sections 6-102, 6-103, 6-106, 6-108, 6-111, 6-112, 6-113, 6-118, 6-119, 6-132 inclusive, Sections 6-201 through 6-203, inclusive, Sections 6-207, 6-304, 6-314, 6-318, Sections 6-319.01 through 6-319.09, inclusive, Sections 6-320, 6-321, 6-322, 6-325, 6-326, 6-326.02, 6-326.04, 6-326.05, 6-328, 6-334, 6-338 shall result in a fine for the first offense in any one calendar year of the sum of Fifty dollars (\$50.00), for the second offense in any one calendar year the sum of One Hundred dollars (\$100.00), and for the third or subsequent offenses in any one calendar year the sum of One Hundred Fifty dollars (\$150.00). A conviction for violation of Section 6-310 and 6-333 shall result in a fine for the

first offense in any one calendar year of the sum of One Hundred dollars (\$100.00), for the second offense in any one calendar year the sum of One Hundred Fifty dollars (\$150.00), and for the third offense and subsequent offenses in any one calendar year the sum of Two Hundred dollars (\$200.00).