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POLICE REGULATIONS
Article 1. Animals Generally

Article 1 was amended by Ordinance 1971, April 19, 2016.

§6-101 ANIMAL REGULATIONS; MUNICIPAL AUTHORITY.

The City may adopt and enforce ordinances for the protection of the public, public health, and animals within the Municipality. (Ref. 16-206, 16-235, 16-240, 16-246, 28-1,014, 54-624 RS Neb.) (Amended by Ord. Nos. 985, 1100, 11/21/89; Ord. 1767, 09/21/10; Ord. 1827, 6/19/12)

§6-102 ANIMAL CONTROL AUTHORITY; ESTABLISHED.

The City Police Department shall be the Animal Control Authority of the Municipality. (Ref. 54-617[1] RS Neb.) (Amended by Ord. 1827, 6/19/12)

§6-102.01 ANIMAL CONTROL AUTHORITY; RESPONSIBILITIES.

The Animal Control Authority shall be responsible for (1) enforcing the animal control laws and regulations of the Municipality and the state within the corporate City Limits; (2) issuing tickets for violations of animal control laws and regulations of the Municipality and collecting fines established by the Municipality for such violations; (3) processing applications as described in this Article; (4) issuing licenses for domestic dogs, domestic cats, dangerous dogs; (5) collecting taxes established by the Municipality for such licenses and applications; (6) impounding animals as described within this Article (7) collecting fees and fines established by the Municipality; (8) coordinating with the local veterinarian(s) for the confinement, care, release or the expeditious and humane disposal of impounded animals; and (9) the maintenance of related records.

§6-102.02 ANIMAL CONTROL AUTHORITY, ANIMAL CONTROL OFFICERS.

Police officers and community service officers employed by the City shall have the responsibilities and authorities of animal control officers within the Municipality. All animal control officers, as described within this Article, shall also have the authority to enforce any provisions within this Article. (Ref. 16-240, 16-246, 28-1,014, 54-617[1][2], 81-829.65 RS Neb.) (Amended by Ord. 1938, 08/04/15; 2014, 9/5/17)

§6-102.03 ANIMAL CONTROL AUTHORITY; BUREAU OF VIOLATIONS.

There is hereby created the Bureau of Violations within the powers and duties of the Animal Control Authority. A copy of each ticket issued for violations of Municipal animal control laws and regulations shall be deposited with the Administrative Assistant at the Municipal police station whose duty it shall be

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to collect all fines and fees and to maintain appropriate and accurate records of all such fines and fees. All fines and fees, approved by the City Council as prescribed within this Article, shall be payable at the Municipal police station. (Amended by Ord. 1938, 08/04/15)

§6-102.04 ANIMAL CONTROL AUTHORITY; MUNICIPAL ANIMAL POUND.

The City shall enter into a cooperative agreement with a licensed veterinarian within 2 miles of the corporate City Limits for the establishment and operation of the Municipal Animal Pound. (Ref. 71-4408 RS Neb.)

§6-102.05 ANIMAL CONTROL AUTHORITY; FEES, COSTS, AND EXPENSES; RESPONSIBILITY; PAYMENT PRIOR TO RELEASE.

- (1) The City Council approves and establishes the following fees:
 - (a) Impound:
 - (i) domestic dog, domestic cat, or domestic animal: Twenty dollars (\$20.00) or forty dollars (\$40.00) for any subsequent impound,
 - (ii) livestock animal: Seventy five dollars (\$75.00) or one hundred and fifty dollars (\$150.00) for any subsequent impound,
 - (iii) dangerous dog or prohibited animal: Two hundred dollars (\$200.00) or three hundred dollars (\$300.00) for any subsequent impound;
 - (b) Care: As billed by the Municipal Animal Pound or competent authority;
 - (c) Boarding: As billed by the Municipal Animal Pound or competent authority; and
 - (d) Euthanasia: As billed by the Municipal Animal Pound or competent authority.
- (2) Owners are responsible for all fees, costs, and expenses associated with the impounding, care, keeping, and euthanasia of any animal impounded by any animal control officer regardless of the disposition of the animal. Owners shall pay such fees, costs, and expenses prior to the release of such animal.

§6-102.06 ANIMAL CONTROL AUTHORITY; FINES.

- (1) The City Council approves and establishes the following fines for violations of this Article to be payable at the Municipal police station:
 - (a) Possession of a prohibited animal (§6-104): Four hundred dollars (\$400.00);
 - (b) Prohibited animal running-at-large (§6-105): Four hundred

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- dollars (\$400.00);
- (c) Possession of a dangerous dog in violation of any provision of this Article (§6-108) other than those listed within this Section: Three hundred dollars (\$300.00);
 - (d) Dangerous dog running-at-large (§6-108.09): Three hundred dollars (\$300.00);
 - (e) No collar on dangerous dog (§6-108.10): Twenty five dollars (\$25.00).
 - (f) No metallic plate (e.g. rabies vaccination or dangerous dog license or name of owner) on collar of dangerous dog (§6-108.10): Twenty five dollars (\$25.00) each.
 - (g) Failure to secure and maintain liability insurance for dangerous dog (§6-108.12): Two hundred dollars (\$200.00);
 - (h) Dangerous dog bite or attack (§6-108.13): Four hundred dollars (\$400.00);
 - (i) Failure to license domestic dog or cat (§6-109): Fifty dollars (\$50.00);
 - (j) No collar on domestic dog or cat (§6-109.04): Ten dollars (\$10.00).
 - (k) No metallic plate (e.g. rabies vaccination or domestic dog or cat license or name of owner) on collar of domestic dog or cat (§6-109.04): Ten dollars (\$10.00) each.
 - (l) Domestic dog or cat running-at-large (§6-110): Twenty five (\$25.00);
 - (m) Domestic dog inflict injury on human or domestic dog, domestic cat, or domestic animal (§6-111): One hundred dollars (\$100.00).
 - (n) Interference with service or police animal (§6-112.02): Four hundred dollars (\$400.00);
 - (o) No rabies vaccination (§6-113.02): One hundred dollars (\$100.00);
 - (p) Torture, poison, slaughter, or injure of any animal (§6-116): Five hundred dollars (\$500.00);
 - (q) Animal cruelty (§6-117): Three hundred dollars (\$300.00);
 - (r) Offensive noise (§6-118): Fifty dollars (\$50.00);
 - (s) Animal fighting (§6-119): Five hundred dollars (\$500.00);
 - (t) Public nuisance animal enclosure (§6-120): Fifty dollars (\$50.00);
 - (u) Destruction of ticket (§6-121): Fifty dollars (\$50.00);
and
 - (v) Interference with officer, trap, or vehicle (§6-122): Four hundred dollars (\$400.00).
- (2) All money collected by the Municipal Police under this

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section shall be transferred to the Municipal Treasurer.

(3) Should any fine not be paid within ten (10) days from the date of offense or issuance of citation or if no fine is identified for a particular offense, the Municipal Police shall forward all necessary information to the Municipal Attorney. The Municipal Attorney may file a complaint in the appropriate Court.

(4) Payment of any fine is an admission of guilt for said offense;

This fine schedule notwithstanding, the Court may assess and impose a fine up to and including five hundred dollars (\$500.00) for any violation identified within this Article. (Ref. 16-235 and 16-246 RS Neb.) *(Amended by Ord. 1938, 08/04/15)*

§6-102.07 ANIMAL CONTROL AUTHORITY; MUNICIPAL ANIMAL POUND; EUTHENASIA OF SEVERELY INJURED OR ILL IMPOUNDED ANIMALS.

The Municipal Pound may immediately euthanize any impounded animal when the animal is deemed to be suffering due to severe injury or illness and the ownership of the animal is unknown. No action shall be maintained against any animal control officer, the Municipal Pound, or any employee of the Municipal Pound for such euthanasia.

§6-103 ANIMAL REGULATIONS; TERMS; DEFINED.

For the purposes of this Article, the following words and phrases shall have the following meanings respectively ascribed to them unless the context otherwise requires:

- (1) **Abandon:** To leave any animal or livestock in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health. (Ref. 28-1008[1], 54-902[1] RS Neb.)
- (2) **Alpaca:** Any domesticated species of South American camel.
- (3) **Animal:** All vertebrate members of the animal kingdom except humans or wild animals at large. (Ref. 54-701.03[2] RS Neb.)
- (4) **Animal Control Authority:** The Crete Police Department. (Ref. 54-617[1] RS Neb.)
- (5) **Animal Control Officer:** Any police officer and community service officer employed by the City and assigned to the Animal Control Authority and any State, county or local law

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enforcement officer or other City employee whose temporary or full-time duties, in whole or in part, include the enforcement of any provisions within this Article. (Ref. 16-240, 16-246, 28-1,014, 54-617[2], 81-829.65 RS Neb.) (Amended by Ord. No. 2014, 9/5/17)

- (6) **Birds of Prey:** Any buzzard, caracaras, eagle, falcon, harrier, kite, osprey, owl, secretary bird, or vulture.
- (7) **Bovine:** Any cow, ox, or bison. (Ref. 54-902[3] RS Neb.)
- (8) **Care:** The act of providing medical examination and/or treatment for any impounded animal by any veterinarian.
- (9) **Cervine:** Any elk, deer, moose, caribou, or other member of the Family Cervidae.
- (10) **Cruelly Mistreat:** To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal. (Ref. 28-1008 [3] RS Neb.)
- (11) **Cruelly Neglect:** To fail to provide any animal in one's care, whether as owner or custodian, with food, water, shelter or other care as is reasonably necessary for the animal's health. (Ref. 28-1008[4] RS Neb.)
- (12) **Dangerous Dog:**
 - (a) Dangerous dog shall mean any dog that:
 - (i) has killed a human being;
 - (ii) has inflicted injury on a human being that required medical treatment;
 - (iii) has killed a domestic animal without provocation; or
 - (iv) has been previously determined to be a potentially dangerous dog by the Animal Control Authority or by another animal control authority, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of a human being or domestic animal.
 - (b) Exceptions:
 - (i) If the dog was not running-at-large, a dog shall not be defined as a dangerous dog under subsection (a)(ii) of this section if the human being was tormenting, abusing, or assaulting the dog at the time of the

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injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

(ii) If the dog was not running-at-large, a dog shall not be defined as a dangerous dog under subsection (a)(iv) of this section if the injury, damage, or threat was sustained by a human being who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521; was committing any other tort upon the property of the owner of the dog; was tormenting, abusing, or assaulting the dog; or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(iii) A dog shall not be defined as a dangerous dog under subsection (a) of this section if the dog is a police animal as defined in Neb. Rev. Stat. §28-1008. (Ref. 54-617, 54-624 RS Neb.)

- (13) **Destroy/Destruction:** The humane killing of an animal.
- (14) **Domestic Animal:** Any animal, other than domestic dogs or cats, not defined as a dangerous dog or prohibited animal within this section, which is kept as a household pet for the purpose of companionship. Domestic animals include:
- (a) **Aquarium Fish:** Any nonlethal fish maintained in an indoor aquarium;
 - (b) **Domestic Amphibians:** Any animal of the Lissamphibia subclass such as a: frog, toad, salamander or newt;
 - (c) **Domestic Bird:** Any parrot, cockatoo, parakeet, canary, mynah, or lovebird;
 - (d) **Domestic Rabbit:** Any rabbit or bunny from the family Leporidae living indoors or in an enclosed outside hutch;
 - (e) **Domestic Reptile:** Any nonvenomous lizard or turtle, or any non-constricting or nonvenomous snake less than four 4 feet in length;
 - (f) **Domestic Rodent:** Any animal belonging to the Rodentia Order such as a gerbil, guinea pig, hamster, mouse, or rat living indoors.
 - (g) **Domestic ferret.**
(Ref. 29-818, 54-626[15] RS Neb.)
- (15) **Domestic Cat (Cat):** Any animal which is wholly or in part of the Felis domesticus species which is harbored as a

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household pet for the purpose of companionship. This definition does not include feral cats or prohibited animals as defined within this section. (Ref. 54- 626[5], [15] and 71-4401[1] RS Neb.)

- (16) **Domestic Dog (Dog):** Any animal which is wholly or in part of the *Canis familiaris* sub-species which is harbored as a household pet for the purpose of companionship. This definition does not include dangerous dogs or prohibited animals as defined within this section. (Ref 54-624, 54-626[10], [15] RS Neb.)
- (17) **Equine:** Any horse, pony, donkey, mule, hinny, or llama. (Ref. 54-902[6] RS Neb.)
- (18) **Euthanasia:** The destruction of any animal by commonly accepted veterinary practices. (Ref. 54-902[7] RS Neb.)
- (19) **Exotic Animal:** Any animal which is not commonly sold through licensed livestock auction markets. Such animals shall include, but not be limited to, miniature cattle, miniature horses, miniature donkeys, Barbary sheep, Dall's sheep, alpacas, llamas, pot-bellied pigs, and small mammals not including domestic dogs or cats. The term also includes birds and poultry. The term does not include beef and dairy cattle, calves, swine, bison, sheep sold for wool or food, goats sold for dairy, food, or fiber, and domesticated cervine animals. (Ref. 54-701.03[8] RS Neb.)
- (20) **Feral Animal:** Any dog or cat found at large within the Municipality without a collar, license tag, or identification tag.
- (21) **Hybrid Animal:** Any animal that is the product of the breeding of a domestic dog with a nondomestic canine species. (Ref. 54-624, 71-4401[5] RS Neb.)
- (22) **Humane killing:** The destruction of an animal by a method which causes the animal a minimum of pain and suffering. (Ref. 28-1008[5] RS Neb.)
- (23) **Impound:** The act of capturing and arranging the temporary confinement of any animal by any animal control officer.
- (24) **Keep:** The act of providing confinement and/or shelter

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and/or supplying water and/or nourishment to any animal.

- (25) **Law Enforcement Officer:** Any police officers employed by the Municipality and all deputy sheriffs, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency, and all other persons with similar authority to make arrests. (Ref. 49-801[15] RS Neb.)
- (26) **Livestock Animal:** Any bovine, equine, porcine, sheep, goat, cervine, ratite bird, or poultry. (Ref 54-701.03[13], 54-902[9] RS Neb.)
- (27) **Medical Treatment:** Treatment administered by a physician or other licensed health care professional resulting in the use of sutures or surgery or treatment for one or more broken bones.
(Ref 54-617[5] RS Neb.)
- (28) **Municipal Animal Pound:** The licensed veterinarian and/or veterinary clinic which, through cooperative agreement with the City, provides proper care, treatment, and confinement of impounded animals. (Ref. 71-4408 RS Neb.)
- (29) **Own:** To possess, keep; harbor; or have control of, charge of, custody of any dangerous dog; or domestic or livestock animal. This term does not apply to domestic dogs or cats temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than thirty (30} days. (Ref. 71-4401[6] RS Neb.) (Amended Ord. 1915, 9/16/14)
- (30) **Owner:** Any person, firm, corporation, organization, political subdivision possessing, harboring, keeping, or having control or custody of any domestic dog, domestic cat, dangerous dog, domestic animal, exotic animal, or livestock animal or permitting any domestic dog, domestic cat, dangerous dog, domestic animal, exotic animal, or livestock animal to habitually be or remain on or be lodged or fed within any structure, grounds, or premises of such person, firm, corporation, organization, or political subdivision. This term does not apply to veterinarians, kennel operators, or livestock market representatives temporarily maintaining on their premises animals owned by other persons. (Ref. 71-

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4401[7] RS Neb.)

- (31) **Police Animal:** Any horse or dog owned or controlled by the Municipality, Saline County, State of Nebraska, or agency of the federal government especially trained for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties. (Ref. 28-1008[8] RS Neb.)
- (32) **Porcine:** Any pig, swine, or hog.
- (33) **Potentially Dangerous Dog:**
- (a) Any dog that when unprovoked
 - (i) inflicts an injury on a human being that does not require medical treatment,
 - (ii) injures a domestic animal, or
 - (iii) 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 animals. (Ref. 54-617[7] RS Neb.)
- (34) **Prohibited animal:** Any species or mix of any species prohibited by the State of Nebraska by statute or by the Municipality by ordinance to include but not limited to any:
- (a) Non-domesticated wild animal;
 - (b) Coyote, wolf, or hybrid animal;
 - (c) Venomous or constricting snake, alligator, crocodile, Gila monster, or Komodo dragon;
 - (d) Nonvenomous snake four (4) feet in length;
 - (e) Wild bird or bird of prey such as condors, falcons, hawks, eagles, and vultures;
 - (f) Skunk;
 - (g) Animal of the family Felidae other than a domestic cat such as tigers, lions, leopards, mountain lions, pumas, lynx, cheetahs, jaguars and ocelots;
 - (h) Animal of the family Ursidae including American black bears, brown bears, panda bears and polar bears;
 - (i) Marsupial such as kangaroos, wallabies, koalas, and possums;
 - (j) Primate such as baboons, lemurs, chimpanzees, monkeys, orangutans, and gorillas;
 - (k) Lethal or invasive fish such as snakehead or piranha;

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- (l) Bees;
- (m) Livestock animal;
- (n) Exotic animal; or
- (o) Animal which reasonably poses or may pose a threat to the life or health of any human.

Prohibited animals do not include any domestic dog, domestic cat, domestic animal or dangerous dog. (Ref. 37-477 RS Neb.)
(Amended Ord. 1915, 9/16/14)

- (35) **Poultry:** Any domesticated bird that serves as a source of eggs or meat and includes, but is not limited to, chickens, turkeys, ducks, and geese. (Ref. 54-701.03[14] RS Neb.)
- (36) **Rabies Control Authority:** The Crete Police Department.
(Ref. 71-4401[8] RS Neb.)
- (37) **Ratite Bird:** Any ostrich, emu, cassowary, rhea, or kiwi.
- (38) **Service Animal:** Dogs that are individually trained to do work or perform tasks for people with disabilities.
- (39) **Slaughter:** The purposeful killing of any animal in preparation for consumption and/or as part of a ceremonial ritual.
- (40) **Torture:** Intentionally subjecting an animal to extreme pain, suffering, or agony. Torture does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices. (Ref. 28- 1008 [11] RS Neb.)
- (41) **Transfer:** The lawful disposition of any animal to a licensed humane society or individual from the Animal Control Authority.
- (42) **Veterinarian:** Any accredited veterinarian approved by the deputy administrator of the United States Department of Agriculture in accordance with 9 C.F.R. part 161, as such regulation existed on January 1, 2006.
- (43) **Wild Animal:** Any species of mammals native to, migrating to or through, or having established free-ranging populations in the State of Nebraska except the fallow deer, the

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house mouse, the Norway rat, the black rat, the feral domestic dog, and the feral domestic cat. (Ref. 37- 246 RS Neb.) (Amended Ord. 1827, 6/19/12)

§6-104 PROHIBITED ANIMAL; POSESSION UNLAWFUL; SEIZURE; DISPOSITION.

(1) It shall be unlawful for any owner to possess, harbor, keep, or maintain control or custody of any prohibited animal within the Municipality.

(2) The Animal Control Authority may seize and impound any prohibited animal found in the Municipality. If such seizure or impound is deemed unsafe, an animal control officer may kill such animal. No action shall be maintained against any animal control officer for killing a prohibited animal.

(3) The Animal Control Authority may sell or transfer an impounded prohibited animal to competent authority or order the euthanasia of such animal. (Ref. 16-235, 37-477 RS Neb.) (Amended Ord. 1827, 6/19/12)

§6-105 PROHIBITED ANIMAL; RUNNING-AT-LARGE UNLAWFUL; SEIZURE; DISPOSITION.

(1) It shall be unlawful for any owner to permit any prohibited animal to run-at-large within the Municipality.

(2) The Animal Control Authority may seize and impound any prohibited animal found in the Municipality. If such seizure or impound is deemed unsafe, an animal control officer may kill such animal. No action shall be maintained against any animal control officer for killing a prohibited animal.

(3) At the direction of the Chief of Police, the Animal Control Authority may sell or transfer an impounded prohibited animal to competent authority or order the euthanasia of such animal. (Ref. 16-235, 37-477 RS Neb.)

§6-106 LIVESTOCK; PROHIBITED; EXCEPTION.

It shall be unlawful for any owner to possess, harbor, keep, or maintain control or custody of livestock in the Municipality. Exceptions include:

(1) The expedient transportation of such animals through the City or to destinations described within this section;

(2) Livestock animals temporarily held for sale upon commercially zoned lots with State license to sell such livestock;

(3) Livestock animals temporarily held within the confines of Tuxedo Park associated with events approved by the City Council to include, but not limited to, the Saline County Fair, rodeos, circuses, demonstrations, and shows;

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(4) Horses participating in parades approved by the City Council; and

(5) Birds of the family Anatidae owned by and harbored upon properties owned by Doane College. (*Amended Ord. 1827, 6/19/12*)

§6-107 EXOTIC ANIMAL; PROHIBITED; EXCEPTION.

It shall be unlawful for any owner to possess, harbor, keep, or maintain control or custody of any exotic animal in the Municipality except for the expedient transportation of such animals through the City. (*Amended Ord. 1827, 6/19/12*)

§6-108 DANGEROUS DOGS; PROHIBITED.

It shall be unlawful for any person, after being notified as provided herein, to keep, harbor or have control or custody of a dangerous dog within the Municipality without first having complied with the provisions of this Article. (Ref.54-624 RS Neb.) (*Amended Ord. 1827, 6/19/12*)

§6-108.01 DANGEROUS DOGS; DECLARATION.

The Court, Chief of Police, or the animal control authority of any state, county, city, or village may declare a dog to be dangerous as defined within this Article. Upon such declaration, such dog shall be considered a dangerous dog as defined within this Article. (Ref. 54-617 RS Neb.)

§6-108.02 DANGEROUS DOGS; POSSESSION; RELOCATION INTO MUNICIPALITY.

It shall be unlawful for any owner to possess, harbor, keep, maintain control or custody of, or relocate any dangerous dog within the Municipality without having first licensed the dog with the Animal Control Authority. (Ref. 54-618[4], 54-624 RS Neb.)

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§6-108.03 DANGEROUS DOGS; LICENSE; APPLICATION.

The owner of any dangerous dog shall make application for a dangerous dog license at the Municipal police station and shall renew said license annually for the life of the animal, as described within this Article. (Ref. 16-206, 54-603, 54-624, 71-4412 RS Neb.) (Amended by Ord. 1938, 08/04/15)

§6-108.04 DANGEROUS DOGS; LICENSE; APPLICATION INFORMATION; PHOTOGRAPH; INSURANCE; MICROCHIP IMPLANT; RABIES VACCINATION; ENCLOSURE; INSPECTION.

(1) The owner of a dangerous dog shall provide, at the time the application and upon printed forms provided by the City Police Department for such purpose, the following:

- (a) His or her name;
- (b) address;
- (c) telephone number;

(2)

- (a) The name (If any) of the dangerous dog;
- (b) breed;
- (c) color(s);
- (d) gender; and
- (e) the City lot upon which the dangerous dog shall be harbored.

(3) The owner shall also provide

- (a) a color photograph of the dangerous dog (no smaller than 5"x7");
- (b) verifiable written certification from an insurance carrier, licensed within the State, of liability insurance coverage, including the City of Crete as a co-insured, in an amount of no less than \$100,000;
- (c) verifiable certification of the implant of a microchip by a licensed veterinarian;
- (d) verifiable certification that the dangerous dog has been spayed or neutered
- (e) a veterinarian's certificate verifying the dangerous dog has been vaccinated for rabies for the ensuing period of the license.

(4) The owner shall also permit an animal control officer to inspect the enclosure required for the dangerous dog as described within this Article.

(5) The Animal Control Authority shall not issue a dangerous dog license or metallic plates until such information and certifications are provided and a subsequent inspection

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demonstrates the owner maintains a proper enclosure for the animal. (Ref. 54-618, 54-619, 54-624 RS Neb.)

§6-108.05 DANGEROUS DOGS; LICENSE; TAX.

The Municipal tax for an individual dangerous dog license shall be fifty dollars (\$50.00) per year. The Animal Control Authority will not accept, process, or approve the license application or issue tags for any dangerous dog license until such payment is received. (Ref. 16-206, 54-603 RS Neb.)

§6-108.06 DANGEROUS DOGS; LICENSE; TRANSFER; REFUND PROHIBITED.

The transfer of a dangerous dog license from one animal to another or from one owner to another is prohibited. No refund shall be made in case of death, sale, or other disposition of the permitted animal or if the license application is denied for any reason. (Ref. 54-624 RS Neb.)

§6-108.07 DANGEROUS DOGS; LICENSE; METALLIC PLATE.

Upon accepting the license application from the owner of a dangerous dog, the Animal Control Authority shall make record of the license and issue a metallic plate to the owner bearing the municipal license identification number and "CRETE NEBRASKA DANGEROUS DOG LICENSE". (Ref. 16-206, 54-603 RS Neb.)

§6-108.08 DANGEROUS DOGS; LICENSE; FAILURE TO PAY TAX; IMMEDIATE CONFISCATION; PERMITTED; COSTS; NOTICE; DESTRUCTION.

(1) The Animal Control Authority may immediately confiscate any dangerous dog for which the owner shall refuse or neglect to make application for or pay the dangerous dog license tax.

(2) The Animal Control Authority shall notify the owner in writing of such confiscation by personal service or certified mail.

(3) The owner of any such dangerous dog shall be responsible for fees and costs and make appropriate application for a dangerous dog license prior to the release of the animal.

(4) If, after ten (10) days from notification, the owner refuses or neglects to pay related fees and costs and/or make appropriate application for a dangerous dog license, the Animal Control Authority shall arrange for the humane destruction of the dangerous dog. (Ref. 16-206, 54-620 RS Neb.)

§6-108.09 DANGEROUS DOGS; RUNNING-AT-LARGE; DESTRUCTION PERMITTED.

No owner may permit a dangerous dog to run at large. The Animal Control Authority may kill any dangerous dog when found running-at-large. Animal control officers need not attempt capture of a dangerous dog running-at-large. (Ref.

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16-206, 54-624 RS Neb.)

§6-108.10 DANGEROUS DOGS; COLLAR; METALLIC PLATES REQUIRED.

It shall be the duty of every owner of any dangerous dog to securely place upon the neck of such dangerous dog a good and sufficient collar affixed thereon:

- (1) a metallic plate issued by a veterinarian signifying current rabies vaccination;
- (2) a metallic plate issued by the Animal Control Authority signifying appropriate licensure; and
- (3) a separate metallic plate or the reverse of one of the aforementioned metallic plates plainly inscribed with the name of such owner. (Ref. 54-605 RS Neb.)

§6-108.11 DANGEROUS DOGS; ACTIONS REQUIRED; CONFINEMENT; COSTS; LIMITATIONS ON TRANSPORT; PERMANENT RELOCATION; PROCEDURE.

- (1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the Animal Control Authority after the procedures are completed.
- (2) No owner of a dangerous dog shall permit the dangerous dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash and fitted with a muzzle.
- (3) Except as provided in subsection (4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.
- (4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the dangerous dog if the owner has obtained written permission prior to such relocation from the Municipal Animal Control and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides.
- (5) The Animal Control Authority shall monitor the owner and such dog for a period of at least thirty days but not to exceed

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ninety days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this subsection shall permit the Animal Control Authority to rescind any previous declaration of a dangerous dog.

- (6) While unattended on the owner's property, as identified on the dangerous dog license application, the 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 dangerous dog from escaping.
- (a) Maintenance of a dangerous dog or other dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations.
- (b) If permitted by zoning regulations, such pen or structure shall be at least two (2) lengths of the dangerous dog wide, four (4) lengths of the dangerous dog long, and two (2) lengths of the dangerous dog high, and must be constructed with chain link fencing and securely fastened on all four (4) sides and top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot.
- (c) The pen or structure shall also protect the dangerous dog from the elements.
- (d) The pen or structure shall be at least ten feet from any property line of the owner.
- (e) The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.
- (Ref. 54-618, 54-619, 54-624 RS Neb.)

§6-108.12 DANGEROUS DOGS; INSURANCE; RESPONSIBILITY.

The owner of any dangerous dog shall secure and maintain liability insurance, including the City of Crete as a co-insured, in an amount of no less than \$100,000 and display verifiable written certification of said insurance upon demand by any animal control officer. (Ref. 54-601, 54-624 RS Neb.)

§6-108.13 DANGEROUS DOGS; ATTACK OR BITE; IMMEDIATE CONFISCATION.

(1) It shall be unlawful for any owner to permit a dangerous dog to attack or bite a human, domestic dog, domestic cat,

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domestic animal, or livestock animal.

(2) If a dangerous dog of an owner with a prior conviction or payment of fine(s) under Sections 6-108 to 6-108.13, attacks or bites a human or domestic dog, domestic cat, domestic animal; the Animal Control Authority shall immediately confiscate the dangerous dog, place in quarantine for the proper length of time, and thereafter, arrange for the expeditious and humane destruction of the dangerous dog. (Ref. 54-623, 54-624 RS Neb.)

§6-108.14 DANGEROUS DOGS; VIOLATION; CONFISCATION; COSTS.

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of Sections 6-108 to 6-108.13. The owner shall be responsible for the reasonable costs incurred by the Animal Control Authority for the care of a dangerous dog confiscated by any animal control officer or for the destruction of any dangerous dog if the action by the Animal Control Authority is pursuant to law and if the owner violated Sections 6-108 to 6-108.13. (Ref. 54-620, 54-623, 54-624 RS Neb.)

§6-108.15 DANGEROUS DOGS; DISPOSAL BY COURT ORDER.

In addition to any other penalty, a court may order the Animal Control Authority to dispose of a dangerous dog in an expeditious and humane manner. (Ref. 54-621 RS Neb.)

§6-108.16 DANGEROUS DOGS; POTENTIALLY DANGEROUS DOG; DECLARATION; NOTIFICATION.

The Chief of Police, or designee, may declare a dog to be potentially dangerous, as defined within this Article, by notifying the animal owner by certified mail or by conspicuous posting of the declaration on the property upon which the dog is harbored. Notification shall include the description of the incident(s) requiring such declaration. (Ref. 54-617[7] RS Neb.)

§6-109 DOMESTIC DOGS AND CATS; LICENSE.

Any owner of any domestic dog or cat shall, after the animal is four (4) months in age and within thirty (30) days after acquiring said animal, obtain a license from the Animal Control Authority and annually renew said license for the life of the animal. (Ref. 16-206, 54-603, 71-4,402, 71-4,412 RS Neb.) (Amended Ord. 1827, 6/16/12)

§6-109.01 DOMESTIC DOGS AND CATS; LICENSE; APPLICATION INFORMATION AND RABIES VACCINATION.

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The owner of a domestic dog or cat shall provide, at the time of application and upon printed forms provided by the Animal Control Authority for such purpose, the following:

- (1) His or her name, address, telephone number;
- (2) the name (If any), breed, color, and sex of the domestic dog or cat to be licensed
- (3) a veterinarian's certificate verifying that the domestic dog or cat has been vaccinated for rabies for the ensuing period of the license.

The Animal Control Authority shall not issue a license or tag until such information is provided and certificate is shown. (Ref. 71-4,402, 71-4,412 RS Neb.)

§6-109.02 DOMESTIC DOGS AND CATS; LICENSE; TAX.

Any person who shall own, keep, or harbor a domestic dog or cat over the age of four (4) months within the Municipality shall within thirty (30) days after acquisition of said dog or cat acquire a license for each dog or cat. The owner shall renew the license within thirty (30) days prior to the expiration of the previous license period. The Animal Control Authority may issue licenses for a period of one (1), two (2) or three (3) years upon receipt of the applicable local license tax and State fee. Spayed female or neutered male; Ten dollars (\$10.00) per year or unspayed female or unneutered male over twelve (12) months; Twenty dollars (\$20.00) per year, and one dollar (\$1.00) per year for the collection, administration, and disposition of funds for the State of Nebraska Commercial Dog and Cat Operator inspection Program Cash Fund. No license period shall extend beyond the rabies vaccination certificate expiration date. The Animal Control Authority shall not accept the license application until such taxes and fees are received. (Ref. 16-206, 54-603, 71-4412 RS Neb.) (Amended by Ord. 1872, 09/17/13)

§6-109.03 DOMESTIC DOGS AND CATS; LICENSE; METALLIC PLATE.

Upon accepting the license application from the owner of a domestic dog or cat, the Animal Control Authority shall make record of the license and issue a metallic plate to the owner bearing the municipal license identification number and "CRETE NEBRASKA PET LICENSE". (Ref. 16-206, 54-603 RS Neb.)

§6-109.04 DOMESTIC DOGS AND CATS; COLLAR; METALLIC PLATES REQUIRED.

It shall be the duty of every owner of any domestic dog or cat to securely place upon the neck of such domestic dog or cat a good and sufficient collar affixed thereon:

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- (1) a metallic plate issued by a veterinarian signifying current rabies vaccination;
- (2) a metallic plate issued by the Animal Control Authority signifying appropriate licensure; and
- (3) a separate metallic plate or the reverse of one of the aforementioned metallic plates plainly inscribed with the name of such owner. (Ref. 54- 605, 71-4,412 RS Neb.)

§6-109.05 DOMESTIC DOGS AND CATS; LICENSE; TRANSFER; REFUND PROHIBITED.

The transfer of a license from one domestic dog or cat to another is prohibited. No refund shall be made in case of death, sale, or other disposition of the licensed domestic dog or cat.

§6-109.06 DOMESTIC DOGS AND CATS; LICENSE; FAILURE TO PAY TAX; DESTRUCTION; PERMITTED.

The Animal Control Authority may cause the destruction of any domestic dog or cat for which the owner shall refuse or neglect to pay license tax. (Ref. 16-206 RS Neb.)

§6-109.07 DOMESTIC DOGS AND CATS; LICENSE; COLLARLESS; OWNER.

Every person who shall harbor about his or her premises a collarless domestic dog or cat for ten days or more shall be the owner, and shall be liable for all damages which such domestic dog or cat shall commit. (Ref. 16-246, 28-1,014, 54-606 RS Neb.)

§6-110 DOMESTIC DOGS AND CATS; RUNNING-AT-LARGE.

It shall be unlawful for any owner to cause or permit, through commission or omission, any domestic dog or cat to run at large within the Municipality. (Ref. 16-206 RS Neb.) (*Amended Ord. 1827, 6/19/12*)

§6-110.01 DOMESTIC DOGS AND CATS; RUNNING-AT-LARGE; IMPOUND; DESTRUCTION; PERMITTED.

The Animal Control Authority may

- (1) impound any domestic dog or cat found running at large within the Municipality to guard the public from injuries or annoyances and
- (2) arrange for the destruction or transfer of any such impounded domestic dog or cat after five (5) days of impoundment if the owner is unknown or has not claimed the animal, to include paying all associated fees, costs, and expenses. (Ref. 16-206 RS Neb.)

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§6-110.02 DOMESTIC DOGS AND CATS; RUNNING AT LARGE; KILLING; PERMITTED.

The Animal Control Authority may kill any domestic dog or cat running at large if the animal

(1) threatens the life or safety of any human; or
(2) is in the act of killing, wounding, chasing or worrying any sheep or domestic dog, cat or other animal within the Municipality or if there is just and reasonable grounds to believe that it has been killing, wounding, chasing or worrying any domestic dog, cat or other such animal. No action shall be maintained against any animal control officer for such killing. (Ref. 54-604 RS Neb.)

§6-110.03 DOMESTIC DOGS AND CATS; RUNNING-AT-LARGE; PENALTY.

The owner of any domestic dog or cat running-at-large shall be fined twenty-five dollars (\$25.00). (Ref. 54-607 RS Neb.)

§6-111 DOMESTIC DOGS; INFLICT INJURY.

It shall be unlawful for any owner to permit a domestic dog, when unprovoked, to (a) inflict an injury on a human being that does or does not require medical treatment, or (b) injure or kill a domestic dog, domestic cat or domestic animal.

§6-112 SERVICE AND POLICE ANIMALS; LICENSE.

Every service and police animal shall be licensed as required by Municipal ordinances but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service or police animal, the owner of the animal shall be responsible for the payment of the license tax as prescribed by Municipal ordinances. (Ref. 16-206, 54-603 RS Neb.) (Amended Ord. 1827, 6/19/12)

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§6-112.01 SERVICE AND POLICE ANIMALS; SERVICE ANIMAL; ACCESS.

A totally or partially blind or visually impaired person, deaf or hearing-impaired person, or physically or mentally limited person has the right to be accompanied by a service animal, especially trained for the purpose, and a bona fide trainer of a service animal has the right to be accompanied by such animal in training upon the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places to include accommodations, advantages, facilities, and privileges of all common carriers, airplanes, motor vehicles, railroad trains, motor buses, street cars, boats, any other public conveyances or modes of transportation, hotels, lodging places, places of public accommodation, amusement, or resort, and other places to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons, without being required to pay an extra charge for the service animal. Such person shall be liable for any damage done to the premises or facilities or to any person by such animal. (Ref. 20-127, 28-1009.01 RS Neb.)

§6-112.02 SERVICE AND POLICE ANIMALS; INTERFERENCE WITH.

It shall be unlawful for any person to

- (1) intentionally impede, interfere or attempt to intentionally impede, interfere, or threaten to impede or interfere with any animal that he or she knows or has reason to believe is a service or police animal; or
- (2) intentionally injure, harass, threaten to injure or harass or attempt to intentionally injure, harass, or threaten an animal that he or she knows or has reason to believe is a service or police animal. (Ref. 28-906, 28-1009.01 RS Neb.)

§6-113 RABIES CONTROL; RABIES CONTROL AUTHORITY.

The City Police Department shall be the Rabies Control Authority of the Municipality. (Ref. 71-4401 RS Neb.) (*Amended Ord. 1755, 4/20/10; Ord. 1827, 6/19/12*)

§6-113.01 RABIES CONTROL AUTHORITY; RESPONSIBILITIES.

The Rabies Control Authority shall be responsible for enforcing this Article and sections 71-4401 to 71-4412 of the Nebraska Revised Statutes. Officials of the Municipality and animal control officers are not responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections. (Ref. 71- 4401 RS Neb.)

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§6-113.02 RABIES CONTROL; RABIES VACCINATION.

It shall be the responsibility of every owner of any domestic dog, domestic cat, or other domestic animal in the Municipality to have such animal vaccinated against rabies with a licensed vaccine and revaccinated at regular intervals. Young domestic dogs, domestic cats, or other domestic animals shall be initially vaccinated at the age of four (4) months. Unvaccinated domestic animals acquired or moved into the Municipality shall be vaccinated within thirty (30) days after purchase or arrival unless under the age of four (4) months for initial vaccination. (Ref. 71- 4402 RS Neb.)

§6-113.03 RABIES CONTROL; RABIES VACCINATION; COST.

The cost of rabies vaccination shall be borne by the owner of the domestic animal. (Ref. 71-4404 RS Neb.)

§6-113.04 RABIES CONTROL; RABIES VACCINATION; CERTIFICATE AND METALLIC PLATE.

(1) It shall be the duty of each veterinarian, at the time of vaccinating any domestic dog, domestic cat, or domestic animal to complete a certificate of rabies vaccination which shall include, but not be limited to, the following information:

- (a) The owner's name and address;
- (b) An adequate description of the animal, including, but not limited to, such items as the animal's breed, sex, age, name, and distinctive markings;
- (c) The date of vaccination;
- (d) The rabies vaccination metallic plate number;
- (e) The type of rabies vaccine administered;
- (f) The manufacturer's serial number of the vaccine used; and
- (g) The site of vaccination.

(2) Such veterinarian shall issue a metallic plate to the owner with the certificate of vaccination. (Ref. 71-4403 RS Neb.)

§6-113.05 RABIES CONTROL; RABIES VACCINATION; EXEMPTION.

- (1) The provisions of this Article shall not apply to any domestic dog, domestic cat, or domestic animal
- (a) owned by a person temporarily remaining within the Municipality for less than thirty (30) days;
 - (b) brought into the Municipality for field trial or

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show purposes

(c) or brought into the Municipality for hunting purposes for a period of less than thirty (30) days.

- (2) Owners shall keep such animals under strict supervision.
- (3) It shall be unlawful to bring any domestic dog, domestic cat, or domestic animal into the Municipality which does not comply with the animal health laws and import rules and regulations of the State of Nebraska which are applicable such animals. (Ref. 71-4405 RS Neb.)

§6-113.06 RABIES CONTROL; SUSPECTED RABID ANIMAL; OWNER; IMPOUND; OBSERVATION; RELEASE.

(1) The Animal Control Authority shall impound any animal owned by a person that has bitten any person or caused an abrasion of the skin of any person for a period of not less than ten (10) days if:

- (a) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;
- (b) The animal is not vaccinated and is of a species determined by the Nebraska Department of Health and Human Services to be a rabid species; or
- (c) The animal is of a species which has been determined by the Nebraska Department of Health and Human Services to be a rabid species not amenable to rabies protection by immunization, whether or not such animal has been vaccinated.

(2) If, after observation and examination by a veterinarian, at the end of the ten (10) day period the animal shows no clinical signs of rabies, the animal may be released to its owner. (Ref. 71-4406 RS Neb.)

§6-113.07 RABIES CONTROL; SUSPECTED RABID ANIMAL; UNKNOWN OWNER; IMPOUND; TESTS.

Upon impoundment by the Animal Control Authority as described in within sub-section §6- 114.04, any animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is not owned or the ownership of which cannot be determined within seventy two (72) hours of the time of the bite or abrasion shall be immediately subject to any tests which the Nebraska Department of Health and Human Services believes

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are necessary to determine whether the animal is afflicted with rabies. The seventy two (72) hour period shall include holidays and weekends and shall not be extended for any reason. The tests may require the animal to be destroyed.

§6-113.08 RABIES CONTROL; IMPOUNDMENT FEES; ESTABLISHMENT; OWNER RESPONSIBILITY.

Impoundment fees shall be paid by the owner. Fees for impoundment at the Municipal Animal Pound shall be established by the Rabies Control Authority. (Ref. 71-4411 RS Neb.)

§6-114 RABIES CONTROL; FERAL AND WILD ANIMALS; DESTRUCTION.

Any animal control officer may immediately kill any animal believed to be wild or feral found at large within the Municipality when said animal poses a reasonable health or safety risk to the public and no action shall be maintained for such killing. (Amended Ord. 1827, 6/19/12)

§6-115 RABIES CONTROL; PUBLIC NOTICE OF IMPOUNDMENT; RELEASE OR DESTRUCTION

- (1) The Municipal Animal Pound shall make public notice of all impounded animals, including any significant marks of identification by posting at the pound for a period of no less than five (5) days.
- (2) The Municipal Animal Pound may release any animal during impoundment when
 - (a) the owner of any unvaccinated domestic dog or cat reclaims the animal by payment of prescribed fees, to include the fee for the Municipal Pound to vaccinate the animal, and completing licensing requirements; or
 - (b) the owner of any unlicensed domestic dog or cat reclaims the animal by payment of the prescribed fees and completing licensing requirements. Non-resident owners are not required to license the animal if it will remain in the Municipality for less than thirty (30) days.
- (3) If, after five (5) days, the domestic dog or cat is unclaimed, and fees not paid as described herein, the Municipal Animal Pound may:
 - (a) Release the domestic dog or cat to the Rabies Control Authority for transport and transfer to a licensed Humane Society; or
 - (b) With the consent of the Rabies Control Authority,

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release any domestic dog or cat to someone, other than the owner, who shall pay prescribed fees, to include the fee for the Municipal Pound arranging a rabies vaccination fee and complete licensing requirements; or

{c) Euthanize the domestic dog or cat and dispose of its remains.

(Ref. 71-4408 RS Neb.) (Amended Ord. 1827, 6/19/12; Ord. 1915, 9/16/14)

§6-116 ANIMALS; TORTURE; POISON; SLAUGHTER; INJURE.

(1) It shall be unlawful for any person to

(a) torture, poison, slaughter or permit the torture, poisoning, or slaughter of any animal within the Municipality; or

(b) injure, maim, or destroy or attempt to injure, maim, or destroy any animal owned by another person contrary to law;

(c) or to place any poison, or poisoned food where the same is accessible to any animal.

(2) This Section shall not apply to animal control officers acting within their official power and duty.

(Ref. 54-1909[1] RS Neb.) (Amended Ord. 1827, 6/19/12)

§6-117 ANIMALS; CRUELTY.

It shall be unlawful for any person to overwork or cruelly neglect any animal within the Municipality by failing to provide sufficient rest, food, water, shelter, or other care necessary to sustain the animal's health.

(Ref. 16-210, 28-1008 RS Neb.)

§6-118 ANIMALS; NOISE; OFFENSIVE.

It shall be unlawful for any person to own, keep, or harbor any animal that annoys or disturbs any neighborhood or person by loud and/or frequent noise to include, but not limited to: barking, howling, yelping, meowing, crowing, or clucking. In addition to citing violators, animal control officers shall notify the owner to silence and restrain such animal. The provisions of this Section shall not be construed to apply to the Municipal Animal Pound. (Ref. 16-206 RS Neb.)

§6-119 ANIMALS; FIGHTING; UNLAWFUL.

It shall be unlawful for any person to

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(1) promote or engage in acts of animal fighting or pit an animal against another;
(2) receive money for admission to a place kept for such purpose; (3) attend such an event;
(4) own, use, train, or sell an animal for such purpose; or permit any act as described herein to occur on any premises owned or controlled by him or her. (Ref 16-206, 28-1005 RS Neb.)

§6-120 ANIMALS; ENCLOSURES.

It shall be unlawful for any person to keep or maintain any pen, cage, shed, yard, or any other area or enclosure for the lawful confinement of any animal that by sight or odor is a public nuisance. All enclosures shall be kept in a clean and orderly manner so as not to become a public nuisance. (Ref 16-206 RS Neb.)

§6-121 ANIMALS; TICKET; DESTRUCTION.

It shall be unlawful for any person to tear or discard a ticket issued by any animal control officer enforcing provisions of this Article.

§6-122 INTERFERENCE WITH ANIMAL CONTROL OFFICERS; TRAPS; VEHICLES.

It shall be unlawful for any person to

(1) hinder, delay, obstruct, or otherwise interfere with any animal control officer in the performance of his or her official duties; or

(2) open, or in any manner directly or indirectly aid, counsel, or advise the opening of

(a) the Municipal Animal Pound,

(b) any animal trap set by an animal control officer,

or

(c) any vehicle used to collect or transport an animal to the Municipal Animal Pound or police station. (Ref 28-906 RS Neb.)