

## **ORDINANCE #590-20**

**AN ORDINANCE OF THE CITY OF SCRIBNER, DODGE COUNTY, NEBRASKA, REGULATING THE KEEPING OF DOGS WITHIN THE CITY, REPEALING ALL ORDINANCES IN CONFLICT, AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SCRIBNER, NEBRASKA, AS FOLLOWS:**

### **SECTION 1. DEFINITIONS.**

“Animal control authority” shall mean an entity authorized to enforce the animal control laws of the city, including any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city.

“Animal control officer” shall mean any individual authorized by the animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals 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.

“Owner” shall mean any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and specifically in reference to a collarless dog, every person who shall harbor such a dog about his or her premises for the space of ten days shall be held to be the owner. (Neb. Rev. Stat. §§54-606, 71-4401)

**SECTION 2. ANIMAL CONTROL OFFICER; APPOINTMENT; COMPENSATION.** The City Council may appoint an individual to serve as the animal control officer. His or her duties and responsibilities shall be to enforce the provisions herein. For impounding dogs, the animal control officer shall be paid a sum as set by resolution by the City Council and kept on file in the city office for each dog so impounded. The officer shall serve at the will of the City Council and said appointment may be terminated by majority vote of the council, provided 30 days’ notice has been given.

**SECTION 3. INTERFERENCE WITH ANIMAL CONTROL.** It shall be unlawful for any person to hinder, delay, or interfere with any animal control officer who is performing any duty enjoined upon him or her by the provisions of this ordinance or to break open or in any manner directly or indirectly aid, counsel, or advise breaking into the animal shelter or any vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906)

**SECTION 4. RABIES VACCINATION.** Every dog shall be vaccinated against rabies pursuant to Nebraska law. Unvaccinated dogs acquired or moved into the city must be vaccinated within 30 days after purchase unless under the age for initial vaccination. The provisions of this ordinance with respect to vaccination shall not apply to any dogs

owned by a person temporarily residing within this city for fewer than 30 days, any dog brought into this city for show purposes, or any dog brought into this city for hunting purposes for a period of fewer than 30 days; such dogs shall be kept under the strict supervision of the owner. (Neb. Rev. Stat. §71-4402)

## SECTION 5. LICENSING; RABIES CERTIFICATE; FEE

A. Any person who shall own, keep, or harbor a dog over the age of six months within the city shall within 30 days after acquisition of the said dog acquire a license for each animal annually by or before January 1 each year. Application shall be made upon a printed form provided by the city, upon which the owner shall state his or her name and address and the name, breed, color, and sex of each dog owned and kept by him or her. In the event of a mixed breed the owner or harbor of such dog shall designate the predominant breed of such dog. A certificate stating that the dog 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. If the dog has been spayed or neutered, a statement signed by a veterinarian verifying the spaying or neutering must be presented.

B. Upon payment of the license fee as set by resolution of the City Council and kept on file in the city office, the city clerk shall issue to the dog owner a license certificate and a metallic tag for each animal so licensed. The city shall, in addition to the license tax imposed, collect from the licensee a fee of \$1.25. The clerk shall retain 3¢ from the said fee and remit the balance to the state treasurer for credit to the Commercial Dog and Cat Operator Inspection Program Cash Fund. The 3¢ collected shall be credited to the general fund along with the license fees.

C. The said dog tax shall be delinquent from and after May 10; provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May 1 shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within 10 days thereafter. It shall be the duty of the city clerk to issue tags of a suitable design that are different in appearance each year.

D. The metallic tag shall be properly attached to the collar or harness of every dog so licensed and shall entitle the owner to keep or harbor the said animal until December 31 of the following year. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog.

E. It shall be unlawful for the owner of any dog to maintain or keep said dog within the city without a license tag affixed as required herein.

F. Every service animal shall be licensed but no license tax shall be charged. Upon the retirement or discontinuance of the animal as a service animal, the owner of the animal shall be liable for the payment of a license tax as prescribed herein.  
(Neb. Rev. Stat. §§17-526, 54-603)

SECTION 6. NUMBER ALLOWED. It shall be unlawful for any person or legal entity to keep more than three dogs over six months of age under his or her ownership or on his or her property at any one time.

SECTION 7. LOST TAG. In the event that a licensing tag is lost and upon satisfactory evidence that the original tag was issued in accordance with the provisions herein, the city clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee for each duplicate tag so issued. Such fee shall be as set by resolution of the City Council and kept on file in the city office. (Neb. Rev. Stat. §§17-526, 54-603)

SECTION 8. WRONGFUL LICENSING. It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag, or other city identification other than that issued by the city clerk. (Neb. Rev. Stat. §17-526)

SECTION 9. PENS AND LEASHES. Any person who is the owner or in possession or control of any dog within the corporate limits of the city shall at all times have the dog either securely penned, secured with a chain rope or leash, or under the owner's control so it may not leave the premises of the owner or person in possession or control. While off premises, the dog shall be leashed and the leash in physical control of the owner or person in possession or control of any such dog.

#### SECTION 10. COLLAR OR HARNESS; OWNER'S ID; LICENSE TAG

A. It shall be the duty of the owner of every dog to securely place upon the neck of such dog a good and sufficient collar or harness with a metallic plate attached which shall be plainly inscribed with the name of such owner. The city license tag shall also be attached. Any dog found running at large upon the streets and public grounds of the village without a collar or harness is hereby declared a public nuisance. Such dogs found running at large shall be impounded in the city animal shelter by the animal control officer.

B. It shall be unlawful for any person to remove or cause to be removed the collar, harness, ID tag or license tag from any dog without the consent of the owner, keeper, or possessor thereof.  
(Neb. Rev. Stat. §§17-526, 54-605)

SECTION 11. DAMAGE; LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or her or under his or her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog, in addition to the usual judgment upon conviction, 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. §§18-1720, 54-601, 54-602)

SECTION 12. BARKING AND OFFENSIVE BEHAVIOR; COMPLAINT. It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers, or owners of horses or

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

**SECTION 13. FEMALE IN SEASON.** It is hereby declared unlawful for the owner, keeper, or harbinger of a female dog to permit her to run at large within the city while in season. Any such female dog found running at large in violation of this section shall be declared to be a public nuisance and as such may be impounded according to the provisions herein. (Neb. Rev. Stat. §17-526)

**SECTION 14. FIGHTING DOGS.** It shall be unlawful for any person, by agreement or otherwise, to set dogs to fighting or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526)

**SECTION 15. RABIES SUSPECTED; IMPOUNDMENT.** Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions of this article which has bitten any person and caused an abrasion of the skin shall be seized and impounded under the supervision of the Board of Health for a period of no fewer than ten days. If, upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement. (Neb. Rev. Stat. §71-4406)

#### **SECTION 16. VICIOUS DOGS; DEFINED; PROHIBITED**

A. The following dogs are hereby determined to be "vicious dogs": Staffordshire Bull Terrier, American Pit Bull, American Staffordshire Terrier, Rottweiler, Doberman Pinscher or any dog that has the appearance and predominant characteristics of any of the above-listed breeds. Exempt are all Rottweiler dogs presently in the City but once such dogs are permanently removed from the City or die that no further Rottweilers will be allowed.

B. In the event that there is a question of what the predominant characteristics of a particular dog are, the certificate of a licensed Nebraska veterinarian shall be prima facie evidence of the primary characteristics of such dog.

C. Any person, persons or legal entity feeding a vicious dog or dogs on their property or allowing the same to remain on their property for more than two days shall be conclusively determined to be keeping such vicious dog or dogs.

D. The keeping of vicious dogs by any person or legal entity within the City of Scribner is strictly prohibited. Each day's maintenance of such an animal shall constitute a separate offense. If the court finds that a dog is a vicious dog as defined in this ordinance, the court, in addition to the usual judgement of conviction, may order that the dog be humanely killed.

## SECTION 17. DANGEROUS DOGS; DEFINITIONS

"Dangerous dog" shall mean a dog that, according to the records of an animal control authority:

- A. Has killed a human being;
- B. Has inflicted injury on a human being for which the victim has sought medical treatment;
- C. Has killed or injured a domestic animal without provocation; or
- D. Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination, 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 humans or domestic animals.

A dog shall not be defined as a dangerous dog if:

- A. The individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or
- B. If the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass, 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.
- C. If the dog is a trained dog assisting a law enforcement officer engaged in law enforcement duties.

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

"Medical treatment" shall mean treatment administered by a physician or other licensed health care professional.

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

“Potentially dangerous dog” shall mean:

- A. Any dog that when unprovoked inflicts an injury on a human being that does not require medical treatment; injures a domestic animal; or 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.

(Neb. Rev. Stat. §54-617)

**SECTION 18. DANGEROUS DOGS; DECLARATION; REQUIREMENTS.** The owner of a dangerous dog shall be notified of the violation by letter delivered by the city law enforcement. The notice shall contain a statement that the dog has been declared dangerous and that the following provisions, must be complied with by the owner:

A. 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 30 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.

B. No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash with a length of no more than 4 feet, under the direct control of the owner.

C. Any person maintaining a dangerous dog on the premises shall maintain liability insurance in the amount of \$100,000.00 and shall provide proof of insurance to the city clerk once every six months.

#### **SECTION 19. DANGEROUS DOGS; CONFINED**

A. No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

B. While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. The pen or

structure shall have a bottom constructed of concrete no less than 4 inches thick and the sides of the pen shall be embedded in or securely attached to the concrete floor. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least 10 feet from any property line of the owner. 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 10 inches by 12 inches and shall contain the words "Warning" and "Dangerous Animal" in high-contrast lettering at least 3 inches high on a black background. Confinement must be made within 10 days after receiving notice that a determination has been made that the animal is a dangerous dog.

(Ord. No. 678, 10/7/08)

**SECTION 20. DANGEROUS DOGS; FAILURE TO COMPLY.** Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of the provisions herein. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated any of the sections herein.

## **SECTION 21. IMPOUNDMENT**

A. It shall be the duty of the animal control officer to capture, secure, and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. Every dog so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded dog shall be kept and maintained at the pound for a period of not less than five days after public notice has been given, unless reclaimed earlier by the owner.

B. Notice of impoundment of all animals, including any significant marks or identification, shall be posted at the office of the city clerk within 24 hours after impoundment as public notification of such impoundment; provided, if the owner of the dog is known, the clerk may also attempt to personally notify the owner of the impoundment. Any dog may be reclaimed by its owner during the period of impoundment by payment of a general impoundment fee and daily board fee as set by resolution of the City Council and filed in the city office. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 48 hours after release. Any dog may be reclaimed by its owner during the period of impoundment by payment of the costs of impoundment.

C. If the dog is not claimed at the end of the required waiting period after public notice has been given, the animal control authority may dispose of the dog in accordance with the applicable rules and regulations pertaining to the same; provided, if a suitable home, in the judgment of the city, can be found for any such dog within the city, the said dog 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.

D. The city shall acquire legal title to any unlicensed dog impounded in the shelter for a period longer than the required waiting period after giving notice. All dogs shall be

destroyed and buried in the summary and humane manner as prescribed by the animal control officer unless a suitable home can be found for such dog as provided in subsection (C) above.

(Neb. Rev. Stat. §17-548)

SECTION 22: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 23: This ordinance shall be effective from and after its passage, approval and publication as provided by law.

Dated this 28<sup>th</sup> day of December, 2020.

CITY OF SCRIBNER, NEBRASKA

By \_\_\_\_\_  
Kenneth Thomas, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**CERTIFICATION**

I, Elmer Armstrong, Clerk of the City of Scribner, Nebraska, hereby certify that the foregoing is a true and complete copy of Ordinance #590-20 of said city, passed by the City Council this 28<sup>th</sup> day of December, 2020.

\_\_\_\_\_  
City Clerk