

**§93.25 PROCLAMATION OF DANGER.**

Whenever in its opinion the danger to the public safety from a species of rabid animals is great or imminent, the City Council shall issue a proclamation ordering all owners of any such species to muzzle the animal or to confine it for a period of not less than 30 days or more than 90 days from the date of the proclamation or until the danger is passed. The animal may be harbored by any good and sufficient means in a house, garage, or yard on the premises on which the owner may reside. Upon issuance of a proclamation, all owners of any such species shall muzzle or confine the animal as provided in this section.

Penalty, see § 10.99

**§ 93.26 ENFORCEMENT.**

(A) When the owner of any domestic or hybrid animal or other animal fails or refuses to comply with § 93.22 or 93.23, the rabies control authority shall obtain an order for seizure of the animal pursuant to Neb. RS Chapter 29, article 8.

(Neb. RS 71-4410)

(B) In the city, all ordinances, codes, or rules and regulations concerning the control of rabies or the vaccination of domestic or hybrid animals against rabies shall be enforced by the city health and law enforcement officials or those other officers with regulatory authority as specified by the City Council.

(Neb. RS 71-4412)

**DOGS****§ 93.40 LICENSE AND TAX REQUIRED; EXEMPTION; TAGS.**

(A) Any owner of a dog over the age of 6 months within the city shall, within 30 days after acquisition of the dog, acquire a license for the dog annually by or before the May 1 of each year. Licenses shall be issued by the City Clerk upon payment of a license tax in the amount established by the City Council, plus the \$1 fee required under Neb. RS 54-603(3). It shall be unlawful for the owner of a dog to wrongfully and knowingly license an unspayed female dog as a male or spayed female dog if the Council has established different license taxes for such dogs.

(B) The tax shall be delinquent from and after May 10. The owner of any dog brought into or harbored within the corporate limits subsequent to May 1 of any year shall be liable for payment of the dog tax, and such tax shall be delinquent if not paid within 10 days thereafter. The license shall not be transferable, and no refund will be allowed in case of death, sale, or other disposition of the licensed dog.

**Cities of the Second Class - General Regulations**

(C) 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 owned by him or her. A certificate of rabies vaccination, effective for the ensuing year of the license, shall be presented when application for a license is made, and no license or tag shall be issued until the certificate is shown.

(D) Every service animal shall be licensed as required by this section, 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 the required license tax.  
(Neb. RS 54-603)

(E) (1) Upon the payment of the license tax, the Clerk shall issue to the owner of the dog a license certificate and a metallic tag, which shall be valid until April 30 following such licensing. The Clerk shall issue tags of a suitable design that are different in appearance each year.

(2) The metallic tag and the rabies tag shall be properly attached to the collar or harness of the dog. It shall be unlawful for the owner of any dog to permit or allow such dog to wear any licensing identification other than the metallic tag issued by the Clerk.

(3) If a license tag is lost, upon satisfactory evidence that the original tag was issued in accordance with the provisions of this section, the Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee established by the City Council for each duplicate or new tag so issued.

(F) All license taxes, fees, and other collections shall be credited to the general fund of the city, except as otherwise provided by Neb. RS 54-603.

Penalty, see § 10.99

*Statutory reference:*

*Authority to impose license tax, require rabies certificate, and destroy unlicensed dogs, see Neb. RS 17-526, 54-603, and 71-4412*

**§ 93.41 COLLAR OR HARNESS REQUIRED.**

(A) It shall be the duty of every owner of a dog to securely place upon the neck of the dog a good and sufficient collar with a metallic plate thereon. The plate shall be plainly inscribed with the name of the owner.

(Neb. RS 54-605)

(B) The owner of a dog may use a harness instead of a collar as long as the harness meets all other requirements of division (A) of this section.

Penalty, see § 10.99



**§ 93.42 REMOVAL OF COLLAR, HARNESS, OR TAGS.**

It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, metallic license tag, or rabies tag from any dog without the consent of the owner of the dog.  
Penalty, see § 10.99

**§ 93.43 LIABILITY OF OWNER.**

It shall be unlawful for the owner to allow a dog to injure or destroy any real or personal property of any description belonging to another person. The owner of the dog, in addition to the usual judgment upon conviction, may be made to be liable to the person injured in an amount equal to the value of the damage sustained.

Penalty, see § 10.99

*Statutory reference:*

*Authority to guard against injuries or annoyances, see Neb. RS 17-526*

*Statutory liability for damages, see Neb. RS 54-601, 56-602, and 54-606*

**§ 93.44 BARKING AND CHASING; COMPLAINTS.**

(A) It shall be unlawful for the owner to allow a dog to annoy or disturb any neighborhood or person by loud, continued, or frequent barking, howling, or yelping or to habitually bark at or chase pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the city.

(B) Upon the written complaint of 2 or more affected persons from different households, filed within any 30-day period with the City Clerk or animal control officer, 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 city police or animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, notify the owner to silence and restrain the dog.

(C) The provisions of this section shall not be construed to apply to any city animal shelter.

Penalty, see § 10.99

*Statutory reference:*

*Authority to guard against annoyances, see Neb. RS 17-526*

ORDINANCE NO. 367

AN ORDINANCE TO ADD SECTION §17-93.45 THROUGH SECTION §17-93.61 OF THE SUTTON MUNICIPAL CODE AND TO DETERMINE THE DATE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

It is hereby determined that Sections §17-93.45 through §17-93.61 for dealing with dangerous dogs, is necessary to provide procedures in dealing with dangerous dogs.

**17.93.45. Authorization.** This ordinance is enacted pursuant to the general police power, the authorities granted to cities and towns by the Nebraska State Constitution.

**17.93.46. Purpose and intent.** The purposes of this ordinance are to promote the public health, safety, and general welfare of the citizens of the City of Sutton, Nebraska. It is intended to be applicable to “dangerous” dogs, as defined herein, and to regulate dogs that are commonly referred to as “pit bulls,” as defined herein, by ensuring responsible handling by their owners through registration, confinement, and liability insurance.

**17.93.47. Definitions.** When used in this ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1.) “Animal Control Officer” means any person employed or appointed by the City who is authorized to investigate and enforce violations relating to animal control or cruelty under the provisions of this ordinance.

(2.) “At Large” means that a dog is not under the direct control of the owner.

(3.) “Dangerous Dog” means any dog that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. This definition shall not apply to dogs utilized by law enforcement officers in the performance of their duties. The term “dangerous dog” includes any dog, that according to the records of either the city, animal shelter, or any law enforcement agency:

(a.) Has aggressively bitten, attacked, endangered, or inflicted severe injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the street, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, provided that such actions are attested to in a sworn statement by one or more persons and dutifully investigated by any of the above referenced authorities;

(b.) Has more than once severely injured or killed a domestic animal while off the owner’s property; or



(c.) Has been used primarily or in part for the purpose of dog fighting, or is a dog trained for dog fighting.

(4.) "Direct Control" means immediate, continuous physical control of a dog such as by means of a leash, cord, secure fence, or chain of such strength to restrain the dog and controlled by a person capable of restraint within a vehicle. If the controlling person is at all times fully and clearly within unobstructed sight and hearing of the dog, voice control shall be considered direct control when the dog is actually participating in training or in an official showing, obedience, or field event. Direct control shall not be required of dogs actually participating in a legal sport in an authorized area or to government police dogs.

(5.) "Director" means the animal control officer or any other city employee appointed to act as an animal control officer.

(6.) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer, or any other public officer under the provisions of this ordinance.

(7.) "Muzzle" means a device constructed of a strong soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(8.) "Pit Bull Dog" means and includes any of the following dogs:

(a.) The Staffordshire Bull Terrier breed of dogs.

(b.) The American Staffordshire Terrier breed of dogs.

(c.) The American Pit Bull Terrier breed of dogs.

(d.) Dogs that have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, or American Staffordshire Terrier.

(9.) "Owner" means any person, partnership, corporation or other legal entity owning, harboring or keeping any animal, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. The definition shall not apply to any veterinary clinic or boarding kennel.

(10.) "Sanitary Condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(11.) "Under Restraint" means that an animal is secured by leash, led under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

**17.93.48. Procedure for Declaring a Dog Dangerous.**

(1.) An animal control officer or any adult person may request under oath that a dog be classified as dangerous as defined in §17-93.47 by submitting a sworn, written complaint on a form approved by the animal control officer. Upon receipt of such complaint, the director shall notify the owner of the dog that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

(2.) At the conclusion of an investigation, the director may:

(a.) Determine that the dog is not dangerous, and, if the dog is impounded, waive any impoundment fees incurred and release the dog to its owner; or

(b.) Determine that the dog is dangerous and order the owner to comply with the requirements for keeping dangerous dogs set forth in §17-93.52, and if the dog is impounded, release the dog to its owner after the owner has paid all fees incurred for the impoundment. If all impoundment fees have not been paid within ten (10) business days after a final determination that a dog is dangerous, the director may cause the dog to be humanely destroyed.

**17.93.49. Notification of Dangerous Dog Declaration.**

(1.) Within five (5) business days after the declaring a dog dangerous, the director shall notify the owner by certified mail of the dog's designation as a dangerous dog and any specific restrictions and conditions for keeping the dog, as set forth in §17.93.52 of this ordinance. The animal control officer also shall notify the city administrator and the police chief of the designation of any dog as a dangerous dog and specify any particular requirements or conditions placed upon the dog owner.

(2.) The notice shall inform the dog owner that he may request, in writing, a hearing to contest the director's finding and designation within five (5) business days after delivery of the dangerous dog declaration notice.

(3.) If the director cannot with due diligence locate the owner of a dog that has been seized pursuant to this ordinance, the director shall cause the dog to be impounded for not less than five (5) business days. If after five (5) days, the owner fails to claim the dog, the director may cause the dog to be humanely destroyed.

**17.93.50. Hearing on Dangerous Dog Declaration.**

(1.) The city administrator shall hold a hearing within fifteen (15) business days after receiving the dog owner's written request for such a hearing. The city administrator shall provide notice of the date, time, and location of the hearing to the dog owner by certified mail and to the complainant by regular mail.



(2.) At a hearing, all interested persons shall be given the opportunity to present evidence on the issue of the dog's dangerousness. Criteria to be considered in a hearing required by this section shall be included but no to be limited to the following.

- (a.) Provocation
- (b.) Severity of attack or injury to a person or a domestic animal
- (c.) Previous aggressive history of the dog
- (d.) Observable behavior of the dog
- (e.) Site and circumstance of the incident, and,
- (f.) Statements from interested parties

(3.) A determination at a hearing that the dog is in fact a dangerous dog as defined in §17.93.47 shall subject the dog and its owner to the provisions of this ordinance.

(4.) Failure of the dog owner to request a hearing shall result in the dog being finally declared a dangerous dog and shall subject the dog and its owner to the provisions of this ordinance.

**17.93.51. Appeal from Dangerous Dog Declaration.** If the city administrator determines that a dog is dangerous at the conclusion of a hearing conducted under §17.93.50, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) days after receiving notice that the dog has been finally declared dangerous. The appeal must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the city administrator's determination of dangerousness.

**17.93.52. Keeping of Dangerous Dogs.** The keeping of a dangerous dog as defined in §17.93.47 shall be subject to the following requirements:

(1.) Leash. No person having charge, custody, control or possession of a dangerous dog shall allow the dog to exit its kennel, pen, or other proper enclosure unless such dog is securely attached to a leash not more than four (4) feet in length. No such person shall permit a dangerous dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person capable of controlling the dog is in physical control of the leash.

(2.) Muzzle. It shall be unlawful for any owner or keeper of a dangerous dog to allow the dog to be outside of its proper enclosure unless it is necessary for the dog to receive veterinary care or exercise. In such cases, the dog shall wear a properly fitted muzzle to prevent it from biting humans or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(3.) Confinement. Except when leashed and muzzled as provided in this section, a dangerous dog shall be securely confined indoors or confined in a locked pen or other secure enclosure that

is suitable to prevent the entry of children and is designed to prevent the dog from escaping. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, light and ventilation. A privacy fence enclosure is NOT counted as an "enclosed structure" for a dangerous dog. The enclosed structure shall be kept in a clean and sanitary condition and shall meet the following requirements:

(a.) The structure must have secure sides and a secure top, or all sides must be at least eight (8) feet high;

(b.) The structure must have a bottom permanently attached to the sides or the sides must be embedded not less than one (1) foot into the ground; and

(c.) The structure must be of such material and closed in such a manner that the dog cannot exit the enclosure on its own.

(4.) Indoor Confinement. No dangerous dog shall be kept on a porch, patio, or any part of a house structure that would allow the dog to exit such building on its own volition. In addition, no such dog shall be kept in a house or structure when the windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(5.) Signs. All owners, keepers or harborers of dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog".

(6.) Liability Insurance and Surety Bond. The owner of dangerous dog shall present to the animal control officer proof that he/she has procured liability insurance or a surety bond in the amount of not less than one hundred thousand dollars (\$100,000) covering any damages or injury that may be caused by such dangerous dog. The policy shall contain a provision requiring that the city be notified immediately by the insurance company issuing the policy in the event that the insurance policy is cancelled, terminated, or expires. The liability insurance or surety bond shall be obtained prior to the issuing of a permit to keep a dangerous dog. The dog owner shall sign a statement attesting that he shall maintain and not voluntarily cancel the liability insurance policy during the twelve (12) month period for which a permit is sought, unless he ceases to own or keep the dog prior to the expiration date of the permit period.

(7.) Animals Born of Registered Dogs. All offspring born of dangerous dogs registered with the animal control officer also must be registered with the department within six (6) weeks of birth.

(8.) Notification of Escape. The owner or keeper of a dangerous dog shall notify the animal control officer immediately if such dog escapes from its enclosure or restraint and is at large. Such immediate notification shall also be required if the dog bites or attacks a person or domestic animal.

(9.) Failure to Comply. It shall be unlawful and a misdemeanor for any owner of a dangerous dog registered with the animal control officer to fail to comply with the requirements and conditions set forth in this section. Any dog found to be in violation of this section shall be subject



to immediate seizure and impoundment. In addition, failure to comply with the requirements and conditions set forth in this ordinance shall result in the revocation of the dog's license and the permit providing for the keeping of such animal.

**17.93.53. Permit and Tag Required for a Dangerous Dog.**

(1.) The owner of a dangerous dog shall, within three (3) business days after the classification of the dog as dangerous or upon acquisition of such a dog, obtain an annual permit from the animal control officer to harbor the dog. The fee for such permit shall be two hundred fifty dollars (\$250.00) per year. This fee shall include the tag and inspection fee for inspection of the structure for confinement of the animal.

(2.) Proof of current rabies vaccination shall be presented in order to obtain the permit.

(3.) At the time the permit is issued, a red circular tag shall be issued to the owner of the dangerous dog. The tag shall be worn at all times by the dog to clearly and easily identify it as a dangerous dog.

(4.) The permit for maintaining a dangerous dog shall be presented to an animal control officer upon demand.

(5.) A picture of the dog is required for said permit.

**17.93.54. Pit Bull Presumed.** There shall be an irrefutable presumption that any dog registered with the animal control officer as a pit bull is a dangerous dog and is therefore subject to the requirements of this ordinance.

**17.93.55. Notification of Intent to Impound.**

(1.) When the animal control officer or his designee intends to impound a dog declared to be dangerous for violation of §17.93.52 he shall notify the owner or custodian of the dog, by certified mail, of the intended impoundment at least five (5) business days prior to the intended impoundment, except as provided in §17.93.56.

(2.) The notice of intent to impound shall inform the owner or custodian of the dog that he may request in writing, within five (5) business days prior to the intended impoundment, a hearing to contest the intended impoundment and finding of violation.

(3.) Upon request by the owner or custodian of the dog for a hearing pursuant to subsection 2, a hearing shall be held within ten (10) business days after the request for a hearing. Notice of the date, time, and location of the hearing shall be provided by certified mail to the dog's owner or custodian requesting such hearing.

(4.) If the owner or custodian requests a hearing pursuant to subsection b, no impoundment shall take place until conclusion of the hearing, except as authorized in §17.93.56.

**17.93.56 Immediate Impoundment.**

(1.) A dog declared to be dangerous may be immediately impounded without a pre-impoundment hearing when the animal control officer or his designee determines such immediate impoundment is necessary for the protection of public health or safety. Such immediate impoundment may be ordered for violation of §17.93.52 or when a dog bites a person or domestic animal.

(2.) The owner or custodian of the dog immediately impounded pursuant to subsection 1 shall be notified of the impoundment by certified mail within five (5) business days after the dog's impoundment.

(3.) The notice of impoundment shall inform the owner or custodian of the dog that he may request, in writing, a hearing to contest the impoundment within five (5) business days after the mailing of the notice of impoundment.

(4.) Upon request by the owner or custodian of the dog for a hearing under subsection 3, a hearing shall be held within ten (10) business days after such request. Notice of the date, time, and location of the hearing shall be provided by certified mail to the dog owner requesting the hearing.

**17.93.57 Impoundment Hearing.**

(1.) If after a hearing on impoundment, the director or his designee finds no violation of §17.93.52, or that the dog has not bitten an individual, the dog shall be returned to its owner or custodian if already impounded, or shall not be impounded as intended.

(2.) Incident to the findings and conclusions made at the impoundment hearing, the director or his designee may impose reasonable restrictions and conditions for the maintenance of the dog to ensure the health and safety of the public and the animal. Such conditions may include, but shall not be limited to:

(a.) Posting of bond or other proof of ability to respond in damages;

(b.) Specific requirements as to size, construction and design of a kennel in which to house the dog;

(c.) Requirements as to type and method of restraint and/or muzzling of the dog;

(d.) Photo identification or permanent marking of the dog for purposes of identification;  
and

(e.) Payment of reasonable fees to recover the costs incurred by the animal control officer in ensuring compliance with this ordinance.



**17.93.58 Destruction.**

- (1.) The animal control officer or his designee may order the destruction of a dog that it determines to be extremely dangerous to public health or safety, a dog that has made an extremely vicious attack upon an individual, or a dog declared dangerous whose owner is unable or unwilling to adequately restrain it.
- (2.) The director or his designee shall give written notice by certified mail of his intention to destroy such dog to the owner or custodian of the dog, who may request in writing, within ten (10) business days after delivery of such notice, a hearing to contest the intended destruction.
- (3.) If no hearing is requested pursuant to subsection 2, the dog shall be destroyed pursuant to applicable provisions of law.
- (4.) If a hearing is requested pursuant to subsection 2, such hearing shall be held within ten (10) business days after the request; and the dog shall not be destroyed prior to the conclusion of the hearing.
- (5.) The dog owner shall be responsible for payment of all boarding costs and other fees as may be required for the city to humanely and safely keep the animal during any legal proceeding.

**17.93.59 Appeal from Order of Humane Destruction.** If the director or his designee orders a dangerous dog to be humanely destroyed pursuant to §17.93.58, that decision shall be final unless the dog owner applies to a court of competent jurisdiction for any remedies that may be available within ten (10) business days after receiving notice of the destruction order. If an appeal is timely filed, the director shall suspend the destruction order pending the final determination of the court. The appeal hearing must be a trial de novo and shall be a civil proceeding for the purpose of affirming or reversing the director's destruction order.

**17.93.60. Change of Ownership.**

- (1.) Any owner of a dangerous dog who sells or otherwise transfers ownership, custody or residence of the dog shall, within ten (10) business days after such change of ownership or residence, provide written notification to the animal control officer of the name, address, and telephone number of the new owner. It also shall be the responsibility of the person transferring ownership or custody of the dog to provide written notification of the dog's classification as dangerous to the person receiving the dog. The previous owner shall furnish a copy of such notification to the animal control officer along with written acknowledgment by the new owner of his receipt of such notification. The animal control officer or his designee shall notify the city administrator and police chief of any changes of ownership, custody or residence of the dog within three (3) business days after receiving the required information from the previous dog owner.
- (2.) Any person receiving a dog classified as dangerous must obtain the required permit, tag, and enclosure prior to acquisition of the dog. The new owner shall comply fully with the provisions

of this ordinance pertaining to obtaining liability insurance, payment of fees, and maintenance, control, and ownership of a dangerous dog.

**17.93.61 Continuation of a Dangerous Dog Declaration.** Any dog that has been declared dangerous by any agency or department of this city, another municipality, county, or state shall be subject to the provisions of this ordinance for the remainder of its life. The person owning or having custody of any dog designated as a dangerous dog by any municipality, county, or state government shall notify the animal control officer of the dog's address and conditions of maintenance within ten (10) days of moving the animal into the City of Sutton. The restrictions and conditions of maintenance of any dog declared dangerous by this city, another municipality, county, or state shall remain in force while the dog remains in the city.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 27 DAY OF June, 2016.

*Sherrie Bartell*

Attest City Clerk  
Sherrie Bartell



*Todd Mau*

Mayor Todd Mau



§17-93.01 DOGS; LICENSE TAG. It shall be the duty of every owner of a dog to license the dog annually by or before <sup>may</sup> January 1st each year, with the Municipal Clerk, and to secure and retain the license receipt and metallic tag furnished by the Municipal Clerk, upon payment of the license fee hereinafter provided. The tax shall be delinquent from and after <sup>may</sup> January 10 each year. No person or persons occupying a residence or apartments shall have, own, maintain or keep more than two (2) dogs on their respective residence or apartment at any time. The receipt shall disclose his name and address and such description as may be required for the purpose of identification. The owner shall attach and maintain to a collar or harness of leather, or other durable material on the dog collar, the metallic tag of the current year, on which shall be engraved or marked in plain letters "Sutton Dog Tax", the number in figures and the month and year of issue. The Municipal Clerk shall keep a record of the person licensing a dog, his name, address and number of license and tag; also furnish receipts and such metallic tag of suitable design. *(Amended by Ord. No. 137, 8/10/99)*

§17-93.02 DOGS; TAX. The owner of any dog, in order to have the dog licensed, shall pay to the Municipal Clerk a fee as follows:

For each spayed, or sterilized dog.....\$ 5.00

For each dog not spayed or sterilized.....\$15.00

The person buying such dog license shall take the receipt of the Municipal Clerk therefore and the Municipal Clerk shall supply such person with a metal tag which must be attached to and worn on the leather collar or harness about the dog as hereinabove described. The dog licenses and metallic tag, properly attached to the collar or harness of the dog licensed, shall entitle such person to own, keep and harbor such dog. The dog tax so collected shall be credited to the general fund of the City and shall be due the following year on the month so stamped on the dog tag. The owner of any dog brought into, kept or harbored within the corporate limits shall be liable for the payment of the dog tax levied forthwith. *(Amended by Ord. No. 137, passed 8/10/99)*

**§17-93.03 DOGS; IMPOUNDING.** It shall be the duty of the Chief of Police or other officer designated by the City Council to capture, secure and remove any dogs in a humane manner to the City Animal Shelter and to destroy and bury any dog, male, spayed female, or unspayed female, harbored and found running at large within the corporate limits thereof. No dog so taken by the Chief of Police or other officer of the City shall be killed until at least forty-eight (48) hours shall have expired after its impounding, or until such officer after consulting the records in the office of the Municipal Clerk shall have satisfied himself that the tax herein levied on the dog is due and unpaid; nor until the Chief of Police or other officer shall have notified in writing or by word of mouth the owner of the dog, if known to him, forthwith to pay any delinquent tax and all fees and charges associated with such impoundment, as set by the City Council from time to time. A fifty dollar (\$50.00) impound fee shall be assessed for each dog.  
*(Amended by Ord. No. 137, passed 8/10/99)*

**§17-93.04 ANIMALS; DISTANCE FROM RESIDENCE.**

No person shall keep or maintain any goat, sheep, or swine within two hundred feet (200') or shall keep or maintain any horse, mule, or cow within one hundred feet (100') of any part of any building used by another as a residence or place of dwelling. A limit of two animals shall be enforced within the City limits. The foregoing restrictions shall not apply to the use or employment of any building or premises as a railroad stockyard, sale barn or animal pen if temporarily used for buying, selling, weighing, loading or unloading animals immediately preceding or during transportation.  
*(Amended by Ord. No. 160, 9/12/00)*



§17-93.05 OFFENSES: VIOLENCE ON A SERVICE DOG;  
INTERFERENCE WITH A SERVICE DOG.

(1) A person commits the offense of violence on a service dog when he or she (a) intentionally injures, harasses, or threatens to injure or harass or (b) attempts to intentionally 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 (a) intentionally impedes, interferes, or threatens to impede or interfere or (b) attempts to intentionally 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:

(a) Blind person means 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;

(b) Deaf person means 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;

(c) Hearing-impaired person means a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear;

(d) Physically limited person means 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

(e) Visually impaired person means 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 degrees. (*Ref. 28-1009.01 RS Neb.*) (*Ord. No. 123, 7/14/98*)

**§17-93.45(c) PROHIBITING THE POSSESSION OF A DANGEROUS DOG WITHIN CITY LIMITS.**

(1) That Section 93.45(c) of the Municipal Code is hereby adopted to read as follows, to-wit:

**PIT BULL DOG.**

- (a) The Bull Terrier breed of dogs.
- (b) The Staffordshire Bull Terrier breed of dogs.
- (c) The American Pit Bull Terrier breed of dogs.
- (d) The American Staffordshire Terrier breed of dogs.
- (e) Any Chows.
- (f) Any Dobermans.



(g) Any Rottweiler.

(h) Any Wolf or Wolf Hybrids.

(i) Dogs of mixed breed or of other breed than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers.

(j) Any dog which has the appearance and characteristics of being predominantly of the breed of Bull Terrier, American Staffordshire Terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

SECTION 2. It shall be unlawful for any person to keep, harbor, maintain or have in the person's possession or control any dangerous dog in the city.

(Ord. No. 262, 2/13/07)

