

JAKE

ORDINANCE #2012-0612

AN ORDINANCE TO AMEND ORDINANCE #2006-1A OF THE VILLAGE OF PLATTE CENTER, NEBRASKA REGULATING THE CARE, KEEPING AND CONTROL OF DOGS; ESTABLISHING DOG LICENSING REQUIREMENTS AND FEES; DEFINING DANGEROUS DOGS; PROVIDING FOR PENALTIES FOR VIOLATIONS; AUTHORIZING SHELTER FACILITIES; AND PROVIDING FOR AN EFFECTIVE DATE

BE IT ORDAINED BY THE CHAIRMAN AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF PLATTE CENTER, NEBRASKA:

Section 1. DEFINITIONS: As they are used in this Ordinance; the following terms shall have the following meanings:

DOG: Any mammal which is a member of the family Canis Familiaris.

DOG CONTROL OFFICER: The duly employed or appointed and acting dog control officer or pound master of the dog shelter as provided for in this Ordinance, or his duly authorized agents or assistants or such other person designated by the Village Board.

INOCULATION; VACCINATION FOR RABIES: The inoculation of a dog with vaccine approved by the mayor and council for use in the prevention of rabies.

LEASH: A thong, cord, rope, or commercially sold restraint no longer than sixteen feet (16') in length.

OWN: Any person possessing, whether by purchase, gift, or finding; keeping, harboring; having charge, custody, or control of; or permitting any dog to habitually be and remain about or be lodged or fed within such person's residence, yard, or upon his premises.

RESIDENCE: The structure used as a domicile by a person or a family.

RESTRAINT: The structure of any dog by a leash or lead, or the physical control of any dog by a responsible person and obedient to that person's commands, or the maintaining of any dog within the real property of its owner.

SHELTER: Any structure with a roof and walls designed and/or intended to house one or more dogs.

Section 2. **LICENSE REQUIRED:**

(A) Procurement Of License: It shall be unlawful for any such person within the city to own a dog over six (6) months of age without procuring a license for such dog as provided under section 3 of this Ordinance.

(B) General Penalty: Any person, upon violation of the provisions of this section, who shall fail, neglect, or refuse to comply with any of the provisions of this section shall be in violation of this section and, upon conviction thereof, shall be fined as follows:

First Violation: \$100.00 Fine

Second Violation: \$300.00 Fine

Third Violation: \$500.00 Fine

Fourth Violation: \$500.00 Fine, together with forfeiture of dog as per section 12 of this Ordinance

Section 3. ISSUANCE OF LICENSE: Upon payment of the license fees as hereinafter required, the city clerk's office or its authorized agent, shall obtain the following information:

- (A) The name and address of the owner of such dog;
- (B) The license number of the tag issued for such dog;
- (C) The breed, age, color, sex, and name of such dog;
- (D) Proof and date of rabies inoculation;
- (E) Such other information as the city may require for the purpose of identification.

At the same time, the city clerk's office or its authorized agent shall deliver to the owner a metallic license tag, furnished by the city, bearing a designated license number. Such tag shall be of such design as shall be adopted by the city, having die-stamped thereon the license number, the words to the effect of "Platte Center Dog Tag" whichever is applicable, and the year for which the tag is issued. The metal tag so issued shall be attached to and kept upon the collar, harness, or chain of the dog so licensed, and such dog shall wear such collar, harness, or chain and attached tag throughout the balance of the license year. All money received by the city under this Ordinance shall be promptly deposited with the village treasurer.

Section 4. LICENSE FEE: The license fee for each dog over six (6) months of age shall be set at \$10 per year for any dog that has been spayed or neutered and \$15 per year for those capable of sexual reproduction. All dogs will be presumed capable of sexual reproduction and the burden shall be on the owner to prove otherwise. All license fees shall be paid to the city clerk. The above license fee shall be for the license period, or any such fraction thereof, and shall be due and payable on the expiration date as set forth herein. Licenses shall be

issued for a calendar year and shall be effective from ~~July 1 through June 30~~ January 1 through December 31 of each calendar year, and all licenses shall expire on ~~June 30~~ December 31 of the calendar year following the year in which they were issued.

Section 5. **EXCEPTIONS TO LICENSE; TRANSIENT DOGS:** The provisions of this Ordinance with respect to licensing shall not apply to a dog owned by any person temporarily residing and keeping within the city such dog for less than seven (7) days, or any dog brought into the city for bench or show purposes; provided, such dog remains near its owner or keeper or his means of confinement. It shall be unlawful to bring any dog into the city except in compliance with the laws and statutes of the state regarding the care, handling, and treatment of dogs.

Section 6. **RABIES VACCINATION REQUIRED; LICENSE:**

(A) Rabies Vaccine: Any person owning or possessing a dog, the corporate limits must have the dog vaccinated with a federally licensed, three (3) year rabies vaccine by a duly licensed veterinarian. Said vaccination must be boosted in one year if the dog is less than twelve (12) months old, and then every three (3) years thereafter. Before the owner of any dog can obtain a license for same, he must produce to the licensing authority certified proof to the effect that the dog has been vaccinated in compliance with the conditions of this Ordinance.

(B) General Penalty: Any person, upon violation of the provisions of this section, who shall fail, neglect, or refuse to comply with any of the provisions of this section shall be in violation of this section and upon conviction thereof, shall be fined as follows:

First Violation: \$100.00 Fine

Second Violation: \$300.00 Fine

Third Violation: \$500.00 Fine

Fourth Violation: \$500.00 Fine, together with forfeiture of dog as per section 12 of this Ordinance

Section 7. **PROOF OF VACCINATION:** The owner of any dog must be ready, willing, and able at all times when called upon to do so by a police officer, dog control officer, or the division of health and solid waste to furnish proof that the dog has been vaccinated with a rabies vaccine in accordance with section 6 of this Ordinance if it applies to said dog. The proof, which must be furnished, shall be a certificate from a licensed veterinarian, identifying the dog in detail and stating the date on which it was vaccinated with anti-rabies vaccine.

Section 8.

RUNNING AT LARGE PROHIBITED; AND HOUSEHOLD DOG LIMITATION

(A) It shall be unlawful for the owner of any dog to allow their dog to run at large, whether licensed or not, or to go in and upon the private premises or others within the city or upon the streets or property of the city except when accompanied by and under the control of such owner or a member of his or her immediate family and on a "leash" as defined by section 1 of this Ordinance. It is further declared unlawful for any owner of any female dog, whether licensed or not, to allow such female dog, while in heat, to run at large or be kept outside of a closed building, tightly fenced yard, or suitable means of confinement. Any dog found to be running at large shall be impounded by the dog control officer as provided in this Ordinance. The officer shall not release such dog until the shelter fees provided for hereinafter are paid.

(B) Household Limitation: It shall be unlawful for any person to own, or to allow to be in or upon any premises occupied by him or under his charge or control, more than three (3) dogs per household. For the purpose of this section dogs are defined as being over the age of 3 months. This section shall not apply to any humane society, or any like institution for the purpose of carrying out the provisions for an animal shelter.

(C) General Penalty: Any person, upon violation of the provisions of this section, or this Ordinance, who shall fail, neglect, or refuse to comply with any of the provisions of this section, or this Ordinance, shall be in violation of this section, and this Ordinance, and upon conviction thereof, shall be fined as follows:

- First Violation: \$100.00 Fine
- Second Violation: \$300.00 Fine
- Third Violation: \$500.00 Fine
- Fourth Violation: \$500.00 Fine, together with forfeiture of dog as per section 12 of this Ordinance

Section 9.

OFFENSIVE DOGS: It shall be unlawful for any person to own a dog which, by continued or frequent barking or howling, annoys any neighborhood or person, or which habitually barks at or chases any person or vehicle to the annoyance of such person or operator of such vehicles; provided, however, the provisions of this section shall not apply to any dog shelter owned or operated by the city and any dogs kept therein.

Section 10.

DESTRUCTION OF PROPERTY BY DOGS: It shall be unlawful for any person to own, or to allow to be in or upon any premises occupied by him or under his charge or control, any dog that in any manner damages or destroys

any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this Ordinance, it shall appear to the Court that the person is guilty as charged in the complaint, said Court may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so damaged or destroyed.

Section 11. **AGREEMENT FOR SERVICE:** The Village shall have the authority to enter into an agreement with any other village or city, any humane society, or any like institution for the purpose of carrying out the provisions for an animal shelter. Should the Village enter into such an agreement, the duties of the Dog Control Officer and the other party or parties shall be as specified in the agreement.

Section 12. **MULTIPLE VIOLATIONS; NUISANCE; PENALTIES:** Any owner of any animal regulated by this Ordinance who fails repeatedly to care for or control said animal and has been issued warnings or citations for violating one or more provisions of this Ordinance on four (4) or more occasions within any twelve (12) month period, shall be deemed to be maintaining a nuisance, the abatement of which shall be the forfeiture of the animal or animals in violation.

Section 13. **COSTS & UNCLAIMED DOGS:** All costs of capture, transportation, and care of any dog taken into the custody of the Village as part of the enforcement of this Ordinance shall be borne by the owner of the dog and shall be paid in full prior to the release of the dog. The Village shall make a reasonable effort to notify the owner of any dog taken into custody. If the owner is not known, or if the owner fails to claim the dog and pay the associated costs within seven (7) days of notice, then the dog may be disposed of. No dog may be released from custody without the dog being properly licensed, tagged, and vaccinated at the expense of the person to whom the dog is released.

Section 14. **DANGEROUS DOGS AND POTENTIALLY DANGEROUS DOGS:**

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

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of the city/village.

ANIMAL CONTROL OFFICER. Any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes 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.

DANGEROUS DOG.

(a) Any dog that, according to the records of the animal control authority:

1. Has killed or inflicted severe injury on a human being on public or private property;
2. Has killed a domestic animal without provocation while the dog was off the owner's property; or
3. Has been previously determined to be a potentially dangerous dog by an animal control authority and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

(b) A dog shall not be defined as a **DANGEROUS DOG** if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521, or any other tort upon the property of the owner of the dog; who was tormenting, abusing, or assaulting the dog; who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog; or who was committing or attempting to commit a crime.

DOMESTIC ANIMAL. A cat, a dog, or livestock.

OWNER. Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

POTENTIALLY DANGEROUS DOG.

(a) Any dog that when unprovoked:

1. Inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property; or
2. Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.

(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.

SEVERE INJURY. Any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or 1 or more broken bones or that creates a potential danger to the life or health of the victim. (Neb. RS 54-617)

(B) **Restraint.** 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. (Neb. RS 54-618)

(C) Confinement. 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. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. (Neb. RS 54-619)

(D) Failure to comply.

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. 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 this section. (Neb. RS 54-620)

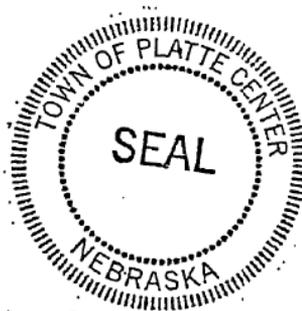
(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. RS 54-621)

(E) Effect of prior conviction. If a dangerous dog of an owner with a prior conviction under this section attacks or bites a person or another domestic animal, in addition to any other penalty, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. RS 54-623)

Section 15. Ordinance #2006-1A and all conflicting Ordinances are hereby repealed.

Section 16. This Ordinance shall be in full force and shall take effect from and after its passage, approval, and publication, according to law.

PASSED AND APPROVED THIS 12 DAY OF June, 2012.



Mark R. Borch
Chairman of Village Board

ATTEST:

Karla Costello
Village Clerk