

## **CHAPTER 6 – POLICE REGULATIONS**

### **Article 1 – Dogs**

#### **§6-101 LICENSE**

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 such dog annually by or before May 1 each year. The said 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 of any year shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. Licenses shall be issued by the City Clerk upon the payment of a license fee which shall be set by the City Council and available for public inspection at the office of the Clerk. Said licenses shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made upon printed forms provided for such purpose his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate 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. (Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Am. by Ord. No. 833, 5/20/99)

#### **§6-102 DOG GUIDES, HEARING AID DOGS, AND SERVICE DOGS; EXEMPT FROM LICENSE TAX**

Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing-impaired person, and service dog for a physically limited person shall be licensed as required by the municipal code but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog, or service dog, the owner of the dog shall be liable for the payment of the required license tax. (Neb. Rev. Stat. §54-603)

#### **§6-103 LICENSE TAGS**

Upon the payment of the license fee, the City Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. 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 dog until April 30 following such licensing. In the event that a license 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 set by resolution of the City Council for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the City Clerk to issue tags of a suitable design that are different in appearance each year. (Neb. Rev. Stat. §17-526, 54-603)

## **§6-104 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 than that issued by the City Clerk for dogs nor shall the owner, keeper, or harbinger wrongfully and knowingly license an unspayed female dog with a license prescribed for a male or spayed female dog. (Neb. Rev. Stat. §17-526, 54-603)

## **§6-105 OWNER DEFINED**

Any person who shall harbor or permit any dog to be present for 10 days or more in or about his or her house, store, or enclosure or to remain to be fed shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Neb. Rev. Stat. §54-606, 71-4401)

## **§6-106 RABIES; PROCLAMATION**

It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog to muzzle the same or to confine it for a period of not less than 30 days or more than 90 days from the date of such proclamation or until such danger is past. The dogs may be harbored by any good and sufficient means in a house, garage, or yard on the premises wherein the said owner may reside. Upon issuance of the proclamation, it shall be the duty of all persons owning, keeping, or harboring any dog to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

## **§6-107 UNCOLLARED**

Every dog found running at large upon the streets and public grounds of the City without a collar or harness is hereby declared a public nuisance. Uncollared dogs found running at large shall be killed or impounded in the city dog shelter by the City Police. (Neb. Rev. Stat. §54-605)

## **§6-108 RUNNING AT LARGE**

It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the City. It shall be the duty of the City Police to cause any dog found to be running at large to be taken up and impounded. "Running at large" shall mean any dog found off the premises of the owner and not under control of the owner or a responsible person either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. (Neb. Rev. Stat. §17-526, 54-605)

## **§6-109 CAPTURE IMPOSSIBLE**

The City Police shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Neb. Rev. Stat. §54-605)

## §6-110 DANGEROUS DOGS; DEFINITIONS

For purposes of this article, the following definitions shall apply.

(1) “Animal Control Authority” shall mean an entity authorized to enforce the animal control laws of the City.

(2) “Animal Control Officer” shall mean any individual employed, appointed, or authorized by an Animal Control Authority for the purpose of aiding in the enforcement of this article 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.

(3) “Dangerous dog” shall mean any dog that, according to the records of the Animal Control Authority:

(a) Has killed or inflicted severe injury on a human being on public or private property;

(b) Has killed a domestic animal without provocation while the dog was off the owner's property; or

(c) 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. 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 (i) at the time was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog; (ii) was tormenting, abusing, or assaulting the dog; (iii) has in the past been observed or reported to have tormented, abused, or assaulted the dog; or (iv) was committing or attempting to commit a crime.

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

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

(6) “Potentially dangerous dog” shall mean:

(a) Any dog that, when unprovoked, (i) inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property; or (ii) 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.

(7) "Severe injury" shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

(Neb. Rev. Stat. §54-617)

#### **§6-111 DANGEROUS DOGS; RESTRAINED**

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. Rev. Stat. §54-618)

#### **§6-112 DANGEROUS DOGS; CONFINED**

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. Rev. Stat. §54-619)

#### **§6-113 DANGEROUS DOGS; FAILURE TO COMPLY**

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article. 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 article.

(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. Rev. Stat. §54-620)

#### **§6-114 DANGEROUS DOGS; ADDITIONAL REGULATIONS**

Nothing in this article shall be construed to restrict or prohibit the City Council from establishing and enforcing laws or ordinances at least as stringent as the provisions of this article.

(Neb. Rev. Stat. §54-624)

#### **§6-115 INTERFERENCE WITH ANIMAL CONTROL**

It shall be unlawful for any person to hinder, delay, or interfere with any City Police Officer who is performing any duty enjoined upon him by the provisions of this article or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of the animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of dogs to the shelter. (Neb. Rev. Stat. §28-906)

## **§6-116 KILLING AND POISONING**

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

## **§6-117 BARKING AND OFFENSIVE**

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 complaint of any affected person 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 shall investigate the complaint and, if in their opinion the situation warrants, shall notify the owner to silence and restrain such dog. Upon a second complaint within any 30-day period, the City Police shall be authorized to issue a citation as provided by this chapter. The provisions of this section shall not be construed to apply to the city animal shelter. (Neb. Rev. Stat. §17-526)

## **§6-118 FIGHTING**

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)

## **§6-119 LIABILITY OF OWNER**

It shall be unlawful for any person to allow a dog owned, kept, or harbored by him or under his 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. §54-601, 54-602)

## **§6-120 REMOVAL OF TAGS**

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

## **§6-121 IMPOUNDING**

(1) It shall be the duty of the City Police to capture, secure and remove in a humane manner to the city animal shelter any dog violating any of the provisions of this article. The dogs 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 main-

tained at the pound for a period of not more than five days after public notice has been given unless reclaimed earlier by the owner. Notice of impoundment of all animals, including any significant marks or identifications, shall be posted at the office of the City Clerk within 24 hours after impoundment as public notification of such 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 on file in the office of the City Clerk. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release.

(2) If the dog is not claimed at the end of the required waiting period after public notice has been given, the City Police may dispose of it in accordance with the applicable rules and regulations pertaining to the same; provided, if in the judgment of the City Police a suitable home can be found for any such dog within the City, it 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. The City shall acquire legal title to any unlicensed dog impounded in the animal 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 Board of Health unless a suitable home can be found for such dog.

(Neb. Rev. Stat. §17-548, 71-4408)

#### **§6-122 ANIMAL SHELTER**

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

#### **§6-123 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 not less than 10 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 10 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)

#### **§6-124 INJURING OR DESTROYING PROPERTY OF OTHERS**

It shall be unlawful for any person to own or allow to be in or upon any premises occupied by him or under his charge or control any dog that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section it shall appear to the judge that the person is guilty as charged in said complaint, said judge 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 injured or destroyed.

#### **§6-125 REGISTRATION AND HOUSING OF GUARD DOGS**

(1) Each guard dog used within the City shall be licensed as hereinbefore provided and registered as a guard dog. For registration, the following information shall be provided:

(a) The business name, address, and telephone number of the commercial or industrial property or place of business where the guard dog is to be used.

(b) The name, address, and telephone number of the dog's handler(s) who can be reached at any time during the day or night. For the purpose of this section, a handler is a person who is responsible for and capable of controlling the operations of a guard dog.

(c) The location where the dog is to be housed and a general description of its use.

(2) It shall be the responsibility of the owner of said guard dog to notify the Chief of Police of any changes recorded as part of the registration.

(3) Housing and facilities where any guard dog is utilized shall have anti-escape fences completely surrounding it and/or be an anti-escape building sufficient to house guard dogs. All gates and entrances to the area where the guard dog is housed, used, or trained shall be kept locked when not in use and clearly marked with signs warning of such guard dog. The Chief of Police may require additional measures be taken to protect the public from accidental contact with any guard dog.

#### **§6-126 KENNEL LICENSE**

(1) *Definition of Terms.* As used in this section, unless the context otherwise indicates:

(a) "Dog" shall be intended to mean both male and female.

(b) "Owner" shall be intended to mean person or persons, firms, associations or corporations owning, possessing, keeping or harboring a dog or permitting same to be or to remain on or about his or her premises.

(c) "Commercial dog kennel" shall be intended to mean the ownership, possession, keeping or harboring of one or more dogs over the age of six months for the purposes of boarding, breeding, feeding, buying, selling, or raising of such animals or any of said purposes, or permitting four or more dogs over the age of six months to be or to remain upon his or her premises.

(d) "Domestic dog kennel" shall be intended to mean the ownership, keeping or harboring of three dogs over the age of six months, not used for boarding, breeding, buying, selling or raising other than as domesticated pets in a residential district; all of said dogs shall be kept confined to the residence of the premises.

(2) *Kennel Area Defined.* The area comprising any kennel proposed to be licensed shall be definite and certain and the same shall be neither enlarged nor the location thereof changed without first obtaining the consent of the Planning Commission and City Council. No licensee in the feeding of said dogs shall openly expose dead animal flesh, garbage or refuse, or slaughter or kill any animal within said kennel for the purpose of permitting the dogs to feed upon the same; and provided further, it shall be the duty of the licensee of any kennel to keep the same in a clean state and free from any matter creating offensive odors.

(3) *Licensing Required.* Any person or persons maintaining a dog kennel, as defined above, shall be required to obtain a kennel license. Such license may be issued after application is made to the City Clerk and after a public hearing on said application is held before the Planning Commission and City Council. At the time of said application for kennel license, the owner shall present to the City Clerk, upon printed forms provided for such purpose, the owner's name and address; the location, description and details of said kennel on the premises; the number of dogs to be kept in said kennel; a certificate or other information showing compliance with all laws and regulations pertaining to dog kennels from the Zoning Administrator, the Board of Health and the Nebraska Humane Society; and a non-refundable application fee, as established in this section. No kennel shall be maintained nor shall a license be issued to a kennel that creates a nuisance in the immediate neighborhood through noise, odor, or unsanitary conditions. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the Police Department or City Clerk, stating that any kennel has excessive noise, odor, or ordinance violation or, upon the issuance of three citations for ordinance violations pertaining to dogs within a six-month period, said complaint or violation may result in loss of the holder's license or impoundment or penalty as otherwise provided by this Code.

(4) *Licensing Fee and Deadlines.* The kennel license application fee shall be \$100.00. A fee of \$300.00 per year shall be charged for a commercial dog kennel license; a fee of \$200.00 per year shall be charged for a domestic dog kennel license for unneutered or unspayed dogs; and a fee of \$100.00 per year shall be charged for a domestic dog kennel license with all dogs either spayed or neutered. The person maintaining such kennel shall license the same by May 1 of each year. The license shall be delinquent from and after May 10. Any kennel license delinquent on or after June 1 shall require submission of a new application, with the required application fee and paper work for resubmission and approval by the Planning Commission and City Council.

(5) *License Revocation.* A kennel license so issued may be revoked after a hearing before the Planning Commission and City Council if said kennel is not operating in accordance with applicable city laws and zoning requirements. No kennel shall be maintained in a manner which constitutes a nuisance or a disturbance of the peace or in a manner which creates offensive odors to neighbors. Upon receipt of a complaint as required by this section, the Planning Commission shall set a hearing date to determine whether said license shall be recommended for revocation. Said recommendation shall go before the City Council, which may revoke said license.

(6) *Exception.* It is specifically provided that any person or persons maintaining a kennel, as defined above, shall not be required to comply with §6-101 requiring licensing of each dog in said kennel but it is specifically provided that each dog in said kennel over the age of six months shall have a certificate or other substantial proof evidencing that such dog in said kennel is currently vaccinated for rabies. Said certificate or other substantial proof shall be available for inspection to the officers of the Ashland Police Department upon request.

(7) *Penalties.* Any person or persons violating any of the provisions of this section shall be deemed guilty of an offense and upon conviction thereof, shall be punished with a fine of not more than \$500.00 for each offense; provided further, it shall be unlawful for any person to continue to operate and maintain or attempt to continue to operate and maintain a dog kennel within the zoning jurisdiction of the City after the revocation of his or her license to do so. In so doing, each and every day thereafter shall constitute a separate offense and upon conviction thereof, shall be punishable by a fine of not more than \$500.00 for each offense of which said person stands convicted.

(Neb. Rev. Stat. §17-526, 54-603, 71-4412) (Am. by Ord. Nos. 981, 3/18/04; 1087, 8/05/10)

#### **§6-127 BUREAU OF DOG VIOLATIONS**

There is hereby created the Bureau of Dog Violations within the powers and duties of the office of the City Clerk. A copy of each citation issued for a dog violation shall be deposited by the Ashland Police Department with the City Clerk, whose duty it shall be to collect all fines and to maintain appropriate and accurate records of all such fines paid.

#### **§6-128 DOG VIOLATIONS; FINE SCHEDULE**

(1) Any person having been issued a citation for a dog violation and desiring to plead guilty and waive court appearance may pay the City Clerk according to a schedule based upon elapsed time from the occurrence of the violation, excluding weekends and legal holidays. Such schedule shall be set by the City Council and shall be available for public inspection at the office of the City Clerk during office hours.

(2) The applicable fine may be paid to the City Clerk either in person during normal business hours of the city hall or by mail. In the event that any person issued a citation for a dog violation fails to respond to such citation within the appropriate time, excluding weekends and legal holidays, said person shall be liable to prosecution in the Saunders County Court for the offense or offenses charged and subject to the penalty provided for by the general penalties provision of this chapter. Whenever any person refuses, neglects or fails to comply with any of the requirements of these sections as herein provided, said person shall be denied the benefits of any of the provisions hereof.

(Am. by Ord. Nos. 852, 1/6/00; 1004, 8/18/05)

#### **§6-129 ADOPTIONS; FEE SCHEDULE**

(1) Any person who can provide a suitable home for any unclaimed dog as provided in this article may adopt such dog and become the new owner thereof by paying the City Clerk an adoption fee according to the following schedule:

(a) All spayed or neutered dogs are available for adoption upon payment of all boarding fees (up to five days) and administration of necessary rabies shots.

(b) All non-spayed or non-neutered dogs are available for adoption upon payment of all fees relating to spaying or neutering, administration of rabies shots and boarding fees (up to five days).

(2) All collected adoption fees shall be used to provide maintenance and care for impounded dogs, including veterinary care.  
(Ord. No. 867, 4/20/00)