

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 6. ARTICLE 1. (6-101 THROUGH 6-124 OF THE VILLAGE CODE) OF THE MUNICIPAL CODE OF THE VILLAGE OF FARNAM, DAWSON COUNTY, NEBRASKA, GOVERNING DOGS OWNED, KEPT OR HARBORED WITHIN THE CORPORATE LIMITS.

BE IT ORDAINED BY THE CHAIRMAN AND THE BOARD OF TRUSTEES OF THE VILLAGE OF FARNAM, DAWSON COUNTY, NEBRASKA, THAT:

CHAPTER 6

POLICE REGULATIONS

ARTICLE 1. DOGS

6-101 DOGS; DEFINED.

1. Dog. The term dog shall whenever used in this Article apply to both male and female dogs of the age of six (6) months or more.

6-102 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon: To leave a dog for any length of time without making effective provisions for its food, water, or other care as is reasonably necessary for the dog's health.

Animal Control Officer: Any person authorized by law or employed or appointed by the Board of Trustees for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing, control, seizure or impoundment of animals.

Cruelly Mistreat: To knowingly or intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald or otherwise set upon any dog.

Cruelly Neglect: To fail to provide any dog in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the dog's health.

Humane Killing: The destruction of a dog by a method which causes the dog a minimum of pain and suffering.

Owner: Any person who shall harbor or permit any dog to be for five (5) days or more in or about his 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 described. (Ref. 54-606, 71-4401 RS Neb.)

Run at Large: Not being under the actual control of the owner by means of:

- a. A leash, cord, chain or other suitable means of physical restraint which is securely fastened or tethered in a manner sufficient to keep the animal on the premises where tethered;
- b. A leash, cord, chain or other suitable means of physical restraint of six feet or less in length physically held by the owner;
- c. Being confined within a cage, receptacle, enclosed vehicle, fenced enclosure, or shelter; or
- d. Being within the real property limits of the owner and in the owner's presence and under direct and effective voice or other control.

Vaccination: Vaccination for rabies shall mean the inoculation of a dog with a rabies vaccine licensed by the United States Department of Agriculture and administered by a duly licensed veterinarian.

Vicious Dog: The term Vicious Dog shall include the following:

- a. Any dog with a propensity, tendency or disposition to attack, to cause injury or damage or otherwise endanger the safety of human beings or domestic dogs;
- b. Any dog which attacks a human being one (1) time or attacks a domestic dog on two (2) or more occasions without provocation;
- c. Any dog that has been previously determined to be a potentially dangerous dog by the Animal Control Officer and the owner has received notice of such determination and such dog again aggressively bites, attacks, or endangers the safety of humans or domestic dogs. A dog shall not be defined as a dangerous dog if a threat or injury is not severe. If damage was sustained by a person committing willful trespass as defined in NRS 20-203, 28-520 or 28-521, any other tort upon the property of the owner of the dog, or 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 who was committing or attempting to commit a crime.

6-103 DOGS; LICENSE, RESTRICTIONS.

Section 1. Any person who shall own, keep or harbor a dog over the age of six (6) months within the Municipality shall within ten (10) days after acquisition of the said dog acquire a license for each such dog annually by or before the first day of June of each year. The said tax shall be delinquent from and after July 1st of that same year; provided the possessor of any dog brought into or harbored within the corporate limits subsequent to June 1st 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 thirty (30) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of an

annual license fee. Said license 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 and upon printed forms provided for such purpose, his name, 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, and proof of liability insurance coverage of no less than \$100,000 covering any damage to persons or property caused by the dog, shall be presented when the license is applied for and no license or tag shall be issued until the above evidence is shown. (Ref. 17-526, 54-603, 71-4412 RS Neb.)

Section 2. Licenses shall be issued by the Municipal Clerk to the possessor of any dog or dogs brought into or harbored within the corporate limits upon the payment of that license fee for all dogs in the amount of \$5.00, except in the event said license fee is not paid until after July 1st each year, said licenses fee shall be in the amount of \$10.00.

Section 3. In advancement of the consideration of the Village's goals of advancing health, safety and welfare, the number of licenses so granted shall not exceed three (3) per household. Additional licenses in excess of three (3) per household may be applied for by written application of the proposed possessor by filing the written application with the Village Clerk at least fifteen (15) days prior to the regular meeting of the Board of Trustees. Upon such written application properly filed, the Village Clerk shall include the request at the next regular meeting of the Board of Trustees. The Village Clerk shall give notice of the public hearing on the request by publication of a notice in a newspaper of general circulation in the Village not less than ten (10) days prior to the date of the hearing. The Village Board shall hear and review the matter, and shall, within thirty-five (35) days of said hearing, do one of the following:

- (1) Approve the request;
- (2) Approve the request with conditions necessary to protect the public health, safety and welfare;
- (3) Deny the request; or
- (4) Table the matter for a specified period of time with the consent of the applicant for further study and review.

6-104 DOGS; LICENSE TAGS. Upon payment of the license fee, the Village Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirty-first (31st) day of May following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Village 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 such duplicate or new tag so issued. The license fee is on file in the clerk's office. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Village Clerk to issue tags of a suitable design that are different in appearance each year.

6-105 DOGS; 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 Municipal identification than that issued by the Village Clerk for a specific dog.

6-106 DOGS; PROCLAMATION. It shall be the duty of the Board of Trustees 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 confine it for a period of not less than ninety (90) days from the date of such proclamation or until such danger has passed. The dogs may be harbored by any good and sufficient means in a house, garage, yard or on the premise wherein the said owner may reside. Upon issuing the proclamation it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

6-107 DOGS; CAPTURE IMPOSSIBLE. Law Enforcement shall have the authority to kill any dog showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 17-526 RS Neb.)

6-108 DOGS; KEEPING OR HARBORING VICIOUS DOG. No person may own, harbor or care for a vicious dog as defined in this Chapter within the corporate limits of the Village. The keeping, maintaining, owning or harboring of a vicious dog within said corporate limits is hereby declared a nuisance as being against the public safety. Any person who shall violate or refuse to comply shall be penalized as defined herein for violations of this Chapter. A new violation shall be deemed to have been committed every twenty-four (24) hours of any person's failure to comply with this Chapter.

6-109 DOGS; INTERFERENCE WITH POLICE. It shall be unlawful for any persons to hinder, delay or interfere with any Law Enforcement 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 dog shelter any ambulance wagon or other vehicle used for the collecting or conveying of dogs to the shelter. (Ref. 28-906 RS Neb.)

6-110 DOGS; 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 that this Section shall not apply to Law Enforcement acting within their power and duty. (Ref. 28-1002 RS Neb.)

6-111 DOGS; 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 village.

b. Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the Village 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, Law Enforcement or the Animal Control

Officer shall investigate the complaint, and if the situation warrants, notify the owner to silence and/or restrain the dog.

c. The provisions of this section shall not be construed to apply to any village animal shelter.

6-112 DOGS; COLLAR OR HARNESS REQUIRED. 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. The owner of a dog may use a harness instead of a collar as long as the harness meets the requirements set forth herein. (Ref. 54-605 RS Neb.)

6-113 DOGS; 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. (Ref. 17-526 RS Neb.)

6-114 DOGS; LIABILITY OF OWNER. It shall be unlawful for any person to allow a dog owned, kept or harbored by him 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. (Ref. 54-601, 54-602 RS Neb.)

6-115 DOGS; REMOVAL OF TAGS. It shall be unlawful for any person to remove or cause to be removed the collar, harness or metallic tag from a licensed dog without the consent of the owner, keeper or possessor thereof. (Ref. 17-526 RS Neb.)

6-116 DOGS; RABIES SUSPECTED. 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 Animal Control Officer for a period of not less than ten (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 ten (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. (Ref. 71-4406 RS Neb.)

6-117 DOGS; COST OF CONFINEMENT. If the ownership of any dog which has bitten a person can be established, the owner shall be liable for the cost of confining it for such length of time as is necessary to establish whether the dog is rabid. If the ownership of such dog cannot be determined, the cost of confining a dog who is only suspected of having rabies shall be paid by the Village.

6-118 DOGS; DYEING PROHIBITED. It shall be unlawful for any person to, within the Village, dye or artificially color any dog.

6-119 DOGS; TRANSIENT OWNER. The provisions of this Article shall not apply to any dog belonging to a person on a sojourn or for bench or show purposes in the Village or for other purposes, provided the dog remains near its owner or keeper, his motor vehicle, other dogs or affects and complies with the requirements of this Article.

6-120 DOGS; DEFECATING ON/IN VILLAGE PROPERTY. It shall be unlawful for the owner or anyone having custody, control or supervision of any dog to allow such dog to defecate in or on any property owned by the Village except in designated areas.

6-121 DOGS; ABANDONMENT, NEGLECT AND CRUELTY; LAW ENFORCEMENT OFFICERS; POWERS; IMMUNITY.

a. Any law enforcement officer who has reason to believe that a dog has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for or impound the dog.

b. Any law enforcement officer who has reason to believe that a dog has been abandoned or is being cruelly neglected or mistreated may issue a citation to the owner as prescribed by law.

c. Any law enforcement OFFICER acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence. (Ref. 28-1012 RS Neb.)

6-122 DOGS; IMPOUNDMENT, EUTHANIZING. It shall be the duty of the Municipal Law Enforcement or other appointed Animal Control Officer to capture, secure and remove in a humane manner, to the designated animal shelter, any animal violating any provisions of Chapter 6, Article 1, Dogs and Chapter 6, Article 2, Animals Generally, of the Municipal Code. The animals 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 animal shall be kept and maintained at the designated animal shelter for a period of not less than three (3) days, unless reclaimed earlier by the owner. Notice of impoundment of animals shall be posted at the animal shelter, as public notification of such impoundment and shall be given to the owner, if known. Any animal may be reclaimed by its owner during the period of impoundment by payment of the impoundment fee as set by resolution by the Board of Trustees and maintained on file in the office of the Municipal Clerk. The initial fee is \$25.00. The owner shall also pay the impoundment fee of \$15.00 per day of impoundment, payable directly to the animal shelter. Proof of rabies vaccination, and any other vaccination required by Municipal Code from another veterinary provider or current vaccination by the designated animal shelter staff shall be on file with the animal shelter before the animal will be released. The owner shall then be required to comply with the licensing requirements of the Village within seventy-two (72) hours after release. If the animal is not claimed at the end of the time specified herein, the Municipal Law Enforcement, or other appointed Animal Control Officer, may dispose of the animal in accordance with the applicable rules and regulations pertaining to the same. Provided that if, in

the judgement of the Municipal Law Enforcement Officer or other appointed Animal Control Officer, a suitable home can be found for any such animal within the Municipality, said animal 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. The Municipality shall acquire legal title to any unlicensed animal impounded in the animal shelter after three (3) days. All animals shall be disposed of or destroyed in a summary and humane manner. The owner of any animal shall be responsible for all costs and expenses and the Municipality shall have right to collect any unpaid fees in any manner provided by law.

6-123 DOGS; 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 Village 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. (Ref. 54-603 RS Neb.)

6-124 DOGS; GENERAL PENALTY. Any person or owner as defined herein, who shall violate any provision of this Chapter shall be fined twenty-five dollars (\$25.00) for the first such offense, and if again violates this Chapter within a six (6) month period, measured from the date of the first offense, shall be fined: fifty dollars (\$50.00) for the second such offense, one hundred dollars (\$100.00) for the third such offense, two hundred dollars (\$200.00) for the fourth such offense, three hundred dollars (\$300.00) for the fifth such offense and four hundred dollars (\$400.00) for the sixth such offense. Any violation of this Chapter shall be treated as a nuisance and shall be abated in accordance with Ordinance 4-2021-2. If necessary, a court of competent jurisdiction may enter orders that, in the discretion of the court, are necessary up to and including destruction of the dog at the expense of the owner or possessor in a humane manner.