

**VILLAGE OF NEHAWKA**  
**ORDINANCE NO 2023-2**

**AN ORDINANCE TO REVISE CHAPTER 93: ANIMALS OF THE ORDINANCES FOR THE VILLAGE OF NEHAWKA, NEBRASKA WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, TO REQUIRE THE FILING OF THE ORDINANCES, AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, the Acts of the Legislature of the State of Nebraska empower and authorize the Village to revise, amend, restate, codify and compile any existing ordinances.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF NEHAWKA, CASS COUNTY, NEBRASKA AS FOLLOWS:**

Section 1.: Chapter 93: Animals of the general ordinances of the Village of Nehawka, Nebraska, are hereby repealed in its entirety and replaced in its entirety as follows:

**CHAPTER 93: ANIMALS**

---

93.01 Definitions

93.02 Running at large; tethering

93.03 Wild animals

***General Provisions***

93.04 Killing, poisoning, and injuring

93.05 Enclosures

93.06 Abandonment, neglect, and mistreatment

93.07 Equine; bovine; prohibited acts

93.08 Impoundment

93.09 Officer's compensation

93.10 Interference with police

***Rabies***

93.20 Definitions

93.21 Vaccination required; cost; exemptions

passed 8/9/23

- 93.22 Post-incident management
- 93.23 Domestic or hybrid animal or livestock; postexposure management
- 93.24 Animal pound; impoundment; release; fees
- 93.25 Proclamation of danger
- 93.26 Enforcement

***Dogs***

- 93.40 License and tax required; exemption; tags
- 93.41 Collar or harness required
- 93.42 Removal of collar, harness, or tags
- 93.43 Liability of owner
- 93.44 Barking and chasing; complaints
- 93.45 Dangerous dogs

**§ 93.01 DEFINITIONS.**

**GENERAL PROVISIONS**

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

***ANIMAL.*** Any vertebrate member of the animal kingdom other than an uncaptured wild creature.

***ANIMAL CONTROL OFFICER.*** Any person authorized by law or employed or appointed 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.

***OWNER.*** Any person who owns, possesses, keeps, harbors, or has charge, custody, or control of an animal or permits an animal to habitually remain or be lodged or fed within his or her house, store, building, enclosure, yard, lot, grounds, or premises. ***OWNER*** does not include any veterinarian or kennel operator temporarily maintaining on his or her premises an animal owned by another person for not more than 30 days.

***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 6 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.

### **§ 93.02 RUNNING AT LARGE; TETHERING.**

- (A) It shall be unlawful for the owner of any cow, hog, horse, mule, sheep, goat, dog, chicken, turkey, goose, or other animal except a cat to permit the animal to run at large at any time on any of the public ways and property or the property of another in the village or to be tethered or staked out in such a manner so as to allow the animal to reach or pass into any public way or property or any property of another.
- (B) The owner of a cat may permit the cat to run at large within the corporate limits subject to any restrictions or prohibitions otherwise imposed by the Board of Trustees.
- (C) Any animal found running at large or tethered or staked out in violation of this section is a public nuisance and may be impounded or destroyed as provided in this chapter.
- (D) Nothing in this section shall be construed to permit anyone to own an animal in the corporate limits of the village that is prohibited by the Board of Trustees.

Penalty, see § 10.99

#### ***Statutory reference:***

*Authority to regulate, see Neb. RS 17-526 and 17-547*

*Fine for permitting collarless dog to run at large, see Neb. RS 54-607*

#### ***Cross reference:***

*Restrictions on cats; prohibited animals, see Title XVII*

### **§ 93.03 WILD ANIMALS.**

No wild animals may be kept within the corporate limits except wild animals kept for exhibition purposes by circuses and educational institutions.

Penalty, see § 10.99

### **§ 93.04 KILLING, POISONING, AND INJURING.**

It shall be unlawful for any person to kill, administer or cause to be administered poison of any sort to, or in any manner injure, maim, or destroy or attempt to injure, maim, or destroy any animal or to place any poison or poisoned food where it is accessible to an animal, except that:

- (A) This section shall not apply to any law enforcement officer or animal control officer acting within his or her power and duty;
- (B) This section shall not apply if the animal is vicious, dangerous, or showing characteristics of rabies and cannot be captured without danger to the persons attempting to effect a capture of the animal; and

- (C) Any owner of a dog that he or she wishes to be destroyed may place the dog in an animal pound or shelter or with a licensed veterinarian to be humanely destroyed and disposed of according to the provisions in this chapter or other provisions of law.

Penalty, see § 10.99

### § 93.05 ENCLOSURES.

All pens, cages, sheds, yards, or any other area or enclosure for the confinement of animals not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the enclosure is located.

Penalty, see § 10.99

### § 93.06 ABANDONMENT, NEGLECT, AND MISTREATMENT.

- (A) *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 any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

**ANIMAL.** Any vertebrate member of the animal kingdom. **ANIMAL** does not include an uncaptured wild creature or a livestock animal as defined in this section.

**BOVINE.** A cow, an ox, or a bison.

**CRUELLY MISTREAT.** To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

**CRUELLY NEGLECT.** To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

**HUMANE KILLING.** The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

**LAW ENFORCEMENT OFFICER.** Any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the village or any other city or village, or any other public official authorized by the village or any other city or village to enforce state or local animal control laws, rules, regulations, or ordinances. **LAW ENFORCEMENT OFFICER** also includes a special investigator appointed as a deputy state sheriff as authorized pursuant to Neb. RS 81-201 while acting within the authority of the Director of Agriculture.

**LIVESTOCK ANIMAL.** Any bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds, or poultry.

**OWNER OR CUSTODIAN.** Any person owning, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person.

**POLICE ANIMAL.** A horse or dog owned or controlled by the state or any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties.

(Neb. RS 28-1008)

(B) *Enforcement powers; immunity.*

- (1) A law enforcement officer who has reason to believe that an animal 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 animal.
- (2) It shall be the duty of a law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated to make prompt investigation of such violation: A law enforcement officer may, in lieu of making an arrest, issue a citation to the owner or custodian as prescribed in Neb. RS 29-422 to 29-429.
- (3) 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.

(Neb. RS 28-1012)

(C) *Violation.*

- (1) A person who intentionally, knowingly, or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.
- (2) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties.

(Neb. RS 28-1009) Penalty, see § 10.99

**Statutory reference:**

*Serious illness or injury to animal; death of animal; felony, see Neb. RS 28-1008 and 28-1009*  
*Exemptions, see Neb. RS 28-1013*

**§ 93.07 EQUINE; BOVINE; PROHIBITED ACTS.**

- (A) (1) No person shall intentionally trip or cause to fall, or lasso or rope the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest.
- (2) The intentional tripping or causing to fall, or lassoing or roping the legs of, any equine by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

(Neb. RS 54-911)

- (B) (1) No person shall intentionally trip, cause to fall, or drag any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest.

- (2) The intentional tripping, causing to fall, or dragging of any bovine by its tail by any means for the purpose of entertainment, sport, practice, or contest shall not be considered a commonly accepted practice occurring in conjunction with sanctioned rodeos, animal racing, or pulling contests.

(Neb. RS 54-912) Penalty, see § 10.99

***Statutory reference:***

*Livestock Animal Welfare Act, see Neb. RS 54-907 through 54-912*

**§ 93.08 IMPOUNDMENT.**

- (A) This section shall apply to the impoundment of animals to which § 93.24 does not apply.
- (B) Any animal found in violation of the provisions of this chapter shall be impounded. All impounded domestic animals shall be given proper care, treatment, and maintenance.
- (C) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound and at the office of the Village Clerk within 24 hours after impoundment as public notification of impoundment. Notice of the impoundment of any licensed dog shall also be mailed to the owner listed on the license application by regular U.S. mail to the address listed on the application.
- (D) Each impounded domestic animal shall be kept and maintained at the pound for a period of not less than 5 days after public notice has been given unless reclaimed earlier by the owner. The owner may reclaim the animal during the period of impoundment by payment of any general impoundment and daily board fees set by resolution of the Board of Trustees and on file in the office of the Village Clerk,

except that in addition, an unusual or other nondomesticated or wild animal shall only be released upon condition that the owner shall immediately remove the animal from the village or destroy it. A diseased animal may be released upon a determination that the health and safety of the public is no longer threatened. The owner of any released animal shall be required to comply with any licensing and rabies vaccination requirements applicable to such animal within 72 hours after release.

- (E) If the animal is unclaimed at the end of required waiting period after public notice has been given, the animal control officer may destroy and dispose of the animal in a humane manner in accordance with applicable rules and regulations, except that if in the judgment of the officer a suitable home can be found for the animal, the animal shall be turned over to the person who can provide such home and the new owner shall be required to pay all fees and meet all applicable licensing and vaccinating requirements. The village shall acquire legal title to any unlicensed dog or any other animal impounded in the animal shelter for a period longer than the required waiting period after giving notice. The owner of the animal shall remain liable for payment of the fees established by the Board of Trustees.

***Statutory reference:***

*Authority to establish pens and pounds, see Neb. RS 17-548 and 71-4408 Authority to impound and sell animals, see Neb. RS 17-526 and 17-547*

### **§ 93.09 OFFICER'S COMPENSATION.**

If the Board of Trustees so provides, any official appointed or designated to destroy and dispose of animals under the provisions of this chapter shall be paid, in addition to his or her regular salary or other compensation, the sum set by the Board for each animal so destroyed and disposed of.

#### ***Statutory reference:***

*Authority to compensate keeper of pound, see Neb. RS 17-548*

### **§ 93.10 INTERFERENCE WITH POLICE.**

It shall be unlawful for any person to hinder, delay, or interfere with any police officer or animal control officer who is performing any duty enjoined upon that person by the provisions of this chapter 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 any other vehicle used for the collecting or conveying of animals to the shelter.

#### ***Cross reference:***

*Obstructing a peace officer prohibited, see § 132.05*

### **§ 93.20 DEFINITIONS.**

#### **RABIES**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CAT.** A cat which is a household pet.

**DEPARTMENT.** The state Department of Health and Human Services.

**DOMESTIC ANIMAL.** Any dog of the species *Canis familiaris*, cat of the species *Felis domesticus*, or ferret of the species *Mustela putorius furo*.

**HYBRID ANIMAL.** Any animal which is the product of the breeding of a domestic dog with a nondomestic canine species.

**OWN.** To possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. This term does not apply to domestic or hybrid animals owned by other persons which are

temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than 30 days.

**OWNER.** Any person possessing, keeping, harboring, or having charge or control of any domestic or hybrid animal or permitting any domestic animal or hybrid animal to habitually be or remain on or be lodged or fed within the person's house, yard, or premises. This term does not apply to veterinarians or kennel operators temporarily maintaining on their premises domestic or hybrid animals owned by other persons for a period of not more than 30 days.

**RABIES CONTROL AUTHORITY.** Village health and law enforcement officials who shall enforce the provisions of this subchapter relating to the vaccination and impoundment of domestic or hybrid animals. Such public officials shall not be responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections.

**VACCINATION AGAINST RABIES.** The inoculation of a domestic or hybrid animal with a United States Department of Agriculture- licensed rabies vaccine administered consistent with its labeling. The vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska or licensed in the state where the vaccination was administered.

(Neb. RS 71-4401)

**§ 93.21 VACCINATION REQUIRED; COST; EXEMPTIONS.**

- (A) Every domestic animal in the village shall be vaccinated against rabies with a licensed vaccine and revaccinated at intervals

specified by rules and regulations adopted and promulgated by the department. Young domestic animals shall be initially vaccinated at the age specified in the rules and regulations. Unvaccinated domestic animals acquired or moved into the village shall be vaccinated within 30 days after purchase or arrival unless under the age for initial vaccination.

- (B) (1) Except as provided in division (B)(3) of this section, every hybrid animal in the village shall be vaccinated against rabies and shall be revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. A young hybrid animal shall be initially vaccinated at the age specified in such rules and regulations. An unvaccinated hybrid animal acquired or moved into the village shall be vaccinated within 30 after purchase or arrival unless under the age for initial vaccination.
- (2) The rabies vaccine used to vaccinate a hybrid animal pursuant to this section shall be sold only to licensed veterinarians.
- (3) An owner of a hybrid animal in the village prior to the date of development of a licensed vaccine determined scientifically to be reliable in preventing rabies in a hybrid animal shall have one year after such date to comply with this section.

(Neb. RS 71-4402)

- (C) The cost of rabies vaccination shall be borne by the owner of the domestic or hybrid animal.  
(Neb. RS 71-4404)



- (D) (1) The provisions of this subchapter with respect to vaccination shall not apply to any domestic or hybrid animal owned by a person temporarily remaining within the village for less than 30 days, to any domestic or hybrid animal brought into the village for field trial or show purposes, or to any domestic or hybrid animal brought into the village for hunting purposes for a period of less than 30 days. Such domestic or hybrid animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any domestic or hybrid animal into the village which does not comply with the animal health laws and import rules and regulations of the state which are applicable to domestic or hybrid animals.
- (2) Domestic or hybrid animals assigned to a research institution or a similar facility shall be exempt from this subchapter. (Neb. RS 71-4405) Penalty, see § 10.99

### **§ 93.22 POST-INCIDENT MANAGEMENT.**

Any domestic animal which has bitten any person or caused an abrasion of the skin of any person shall be subjected to post-incident management as provided in rules and regulations adopted and promulgated by the department.

(Neb. RS 71-4406) Penalty, see § 10.99

### **§ 93.23 DOMESTIC OR HYBRID ANIMAL OR LIVESTOCK; POSTEXPOSURE MANAGEMENT.**

Domestic or hybrid animals or livestock known to have been exposed to a confirmed or suspected rabid animal shall be subjected to postexposure management as provided in rules and regulations adopted and promulgated by the department.

(Neb. RS 71-4407) Penalty, see § 10.99

### **§ 93.24 ANIMAL POUND; IMPOUNDMENT; RELEASE; FEES.**

- (A) (1) The rabies control authority may authorize an animal pound or pounds or may enter into a cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.
- (2) Any dog or hybrid of the family Canidae found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for the dog or hybrid of the family Canidae shall be impounded. The rabies control authority may require the impoundment of domestic or hybrid animals other than dogs or hybrid of the family Canidae. All impounded domestic or hybrid animals shall be given proper care, treatment, and maintenance. Each impounded domestic or hybrid animal shall be kept and maintained at the pound for a period of not less than 72 hours unless reclaimed earlier by the owner.
- (3) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated domestic or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of

prescribed pound fees and by complying with the rabies vaccination requirement of this subchapter within 72 hours of release. Any vaccinated domestic or hybrid animal impounded because its owner has not presented a valid certificate of rabies vaccination and a valid rabies vaccination tag for the domestic or hybrid animal may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

- (4) At the expiration of impoundment a domestic or hybrid animal may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this subchapter within 72 hours of release. If the domestic or hybrid animal is unclaimed at the end of 5 days, the authorities may dispose of the domestic or hybrid animal in accordance with applicable laws or rules and regulations.

(Neb. RS 71-4408)

- (B) Impoundment fees shall be paid by the owner. Fees for impoundment at public facilities shall be established by the rabies control authority.

(Neb. RS 71-4411)

### **§ 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 Board of Trustees 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 village, 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 village health and law enforcement officials or those other officers with regulatory authority as specified by the Board of Trustees.
- (C) Notwithstanding any other ordinance to the contrary, any violation of any provision of Chapter 93, exception Section 93.22 and 93.23, shall be deemed guilty of an offense and upon conviction thereof shall be fined the following sum:

- 1<sup>st</sup> Offense: \$75.00
- 2<sup>nd</sup> Offense: \$150.00

- 3<sup>rd</sup> Offense: \$400.00
- 4<sup>th</sup> or Subsequent Offense: \$500.00

A new violation shall be deemed to have been committed every 24 hours of failure to comply with the provisions of Chapter 93. The Village may proceed by a suit in equity to enjoin and abate any violation of this chapter, in the manner provided by law and may seek fine, penalty, and order of abatement in the manner provided by law.

(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 village shall, within 30 days after acquisition of the dog, acquire a license for the dog annually by or before September 1 of each year. Licenses shall be issued by the Village Clerk upon payment of a license tax in the amount of \$18.75 as established by the Board of Trustees, plus the \$1.25 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 Board has established different license taxes for such dogs.
- (B) The tax shall be delinquent from and after September 10. The owner of any dog brought into or harbored within the corporate limits subsequent to September 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.
- (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 August 31<sup>st</sup> 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 Board of Trustees 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 village, 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 village.
- (B) Upon the written complaint of 2 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, the village 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 village animal shelter. Penalty, see § 10.99

### ***Statutory reference:***

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

## § 93.45 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 village, and includes any local law enforcement agency or other agency designated by the village to enforce the animal control laws of the 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:
  - (i) Has killed a human being;
  - (ii) Has inflicted injury on a human being that requires medical treatment;
  - (iii) Has killed a domestic animal without provocation; or
- (iii) Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of such determination from an animal control authority or an animal control officer, and the dog inflicts an injury on a human being that does not require

medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

- (b) A dog shall not be defined as a **DANGEROUS DOG** if the individual was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.
- (c) A dog shall not be defined as a **DANGEROUS DOG** if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521, was committing any other tort upon the property of the owner of the dog, was tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.
- (d) A dog shall not be defined as a **DANGEROUS DOG** if the dog is a police animal as defined in Neb. RS 28-1008.

**DOMESTIC ANIMAL.** A cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit.

**MEDICAL TREATMENT.** Treatment administered by a physician or other licensed health care professional that results in sutures or surgery or treatment for one or more broken bones.

**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:
  - (i) Inflicts an injury on a human being that does not require medical treatment; or
  - (ii) Injures a domestic animal; or
  - (iii) 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.

(Neb. RS 54-617)

- (B) (1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within 30 days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.
- (2) 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.

- (3) Except as provided in division (B)(4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.
- (4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this section if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least 30 days but not to exceed 90 days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this division shall permit the rescindment of the declaration of dangerous dog.

(Neb. RS 54-618)

- (C) (1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from

injury.

(2) 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 at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

(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) (1) Any owner whose dangerous dog inflicts on a human being a serious bodily injury as defined in Neb. RS 28-109 is guilty of a Class I misdemeanor for the first offense, whether or not the same dangerous dog is involved.

(2) It is a defense to a violation of division (E)(1) of this section that the dangerous dog was, at the time of the infliction of the serious bodily injury, in the custody of or under the direct control of a person other than the owner or the owner's immediate family.

(Neb. RS 54-622.01)

- (F) *Effect of prior conviction.* If a dangerous dog of an owner with a prior conviction under this section attacks or bites a human being or 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) Penalty, see § 10.99

**Statutory reference:**

*Owner felony liability; serious bodily injury second offense, see Neb. RS 54-622.01*

*Prior conviction; ownership of dangerous dog prohibited for ten years after, see Neb. RS 54-623*

Section 2. The Clerk shall file a copy of the foregoing ordinances with the Clerk of the Cass County Court.

Section 3. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting according to law, being 15 days from and after its passage, as required by law.

FIRST READING: Waived

SECOND READING: Waived

THIRD READING: Waived

PASSED AND ADOPTED THIS 9<sup>th</sup> DAY OF August, 2023.



BY: Jane Bennett  
Chairman

Attest: [Signature]  
Clerk

ATTESTED AND PUBLISHED BY POSTING AT THE COMMUNITY BUILDING, POST OFFICE, AND BANK WITHIN 15 DAYS OF PASSAGE ON THE 12th DAY OF August, 2023.

Attest: [Signature]  
Clerk

Date: 8/14/2023