

ORDINANCE NO. 549

AN ORDINANCE RELATING TO ANIMALS, AND THE CONTROL OF DOGS, CATS AND EXOTIC ANIMALS; TO PRESCRIBE RULES AND REGULATIONS FOR THE IMPOUNDING AND DESTROYING OF ANIMALS; TO PROTECT THE INHABITANTS OF SAID CITY; TO PROHIBIT ANIMALS FROM RUNNING AT LARGE; TO PROVIDE FOR IMMUNIZATION OF ANIMALS; TO ESTABLISH RESPONSIBILITY FOR ANIMALS; AND TO PRESCRIBE WHEN ORDINANCE SHALL TAKE EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GOTHENBURG, DAWSON COUNTY, NEBRASKA:

SECTIONS

1. Definitions
2. Who deemed owner
3. Rabies vaccination requirement, age of, duration of
4. Rabies vaccination certificate and tag
5. Rabies vaccination certificate and cost.
6. License required
7. Dog shall wear only tag issued to them
8. Running at large prohibited -- owner responsible to prevent
9. Impoundment of unlicensed animals
10. Interference of police or humane officer, not liable
11. Redemption fee for impounded animals
12. Destruction of unclaimed animals
13. Destruction of animals at owners request --i.e. proof of ownership
14. Dangerous animals be chained
15. Biting animals or animals suspected of having rabies
16. Who liable for cost of confinement
17. Who liable for cost of rabies test
18. Animals who have been bitten by another known rabid animal
19. City animal shelter
20. Tampering with locks prohibited
21. Destroying animal cages prohibited
22. Stealing of animals shall be prohibited
24. Dyeing of animals shall be prohibited
25. Poisoning or injuring of animals shall be prohibited
26. Dog fighting shall be prohibited
27. Noisy animals will be declared a nuisance--exception
28. Responsibility of owner for damage done by animals
29. Transient owner
30. Vialation--penalty
31. Effective date

SECTION 1. DEFINITION.

The term dog whenever used in this article shall apply to both male and female dogs of the age of four months or more. The term barren shall mean any neutered female dog or evidenced by a certificate from a licensed veterinarian. The term cat whenever used in this article shall be held to apply to male and female cats of the age of four months or more. The term barren shall mean any neutered female cat or evidenced by a certificate from a licensed veterinarian. The term exotic pet whenever used in this article shall apply to any male or female mammal normally wild or non-domesticated, that are being maintained in a household within the corporate limits of the city. Hereinafter in this article dogs, cats, and exotic pets shall be referred to as animals, unless stated otherwise. Vaccination for rabies shall mean the inoculation of an animal with a rabies vaccine licensed by the United States Department of Agriculture. Such vaccination must be performed by a duly licensed veterinarian.

SECTION 2. WHO DEEMED OWNER.

Any person who shall harbor or permit any animal to be, or let same habitually remain to be lodged or fed for a period of five days or more in or about his house, store, yard or enclosure, shall be deemed the owner or possessor of such animal and shall be liable to the responsibilities contained within this ordinance. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by other persons for a period of not more than thirty days.

SECTION 3. RABIES VACCINATION REQUIREMENT, AGE OF DURATION OF.

All animals subject to this ordinance shall be vaccinated against rabies within 30 days after they have reached 4 months of age.

Unvaccinated animals acquired or moved into the city must be vaccinated within 30 days after purchase or arrival, unless under 4 months of age, or have their previous rabies vaccination certificate revalidated by the city or local veterinarian.

Every animal selected to this ordinance shall be revaccinated following a period of 24 months since its last vaccination with modified live virus (MLV) vaccines or following a period of 12 months since its last vaccination with a killed or inactivated vaccine. The intervals of other anti-rabies vaccines shall be set by the city veterinarian or rabies control authority, and shall follow the latest recommendation of the United States Public Health Service.

SECTION 4. RABIES VACCINATION CERTIFICATE AND TAG.

It shall be the duty of each veterinarian, at the time of vaccinating any animal, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information:

- (1) The owner's name and address;
- (2) An adequate description of the animal including, but not limited to, such items as the animal's breed, sex, age, name and distinctive markings;
- (3) The date of vaccination
- (4) The rabies vaccination tag number;

- (5) The type of rabies vaccine administered; and
- (6) The manufacturer's serial number of the vaccine used.

Such veterinarian shall issue a tag with the certificate of vaccination.

SECTION 5. RABIES VACCINATION COST.

The cost of rabies vaccination shall be borne by the owner of the animal.

SECTION 6. LICENSE REQUIRED.

License required, tag.-- It shall be the duty of every person owning, keeping, or harboring a dog, cat, or exotic pet to license the same with the City Clerk, and to secure and retain the license receipt and, if for a dog, the metallic tag furnished by the city clerk upon payment of the license fee hereinafter provided, said receipt disclosing the name and address of said person and such description of said dog, cat, or exotic pet as may be required for the purpose of identification; to attach and maintain to a collar or harness of leather, or other durable material on each dog licensed, the metallic tag of the current year, on which shall be engraved or marked, in plain letters, GOTHENBURG DOG TAG, the number in figures and the calendar year of issue; to secure separate license for each animal owned, kept, or harbored. The City Clerk is hereby ordered to keep a record of the person licensing said animal, his name, address and number of license and tag, also to furnish receipts and such metallic tag of suitable design, same to be of a different design each year. That no such metallic tag need be issued or to be worn if the license is procured for a cat, or exotic pet.

SECTION 7. DOG SHALL WEAR ONLY TAG ISSUED TO THEM.

No owner, keeper, or harborer of any dog, shall permit or allow such dog to wear any other license metallic tag than the original tag or duplicate tag issued by the City Clerk for

such dog, and for the period of the licensing year herein before mentioned, nor shall the owner, keeper, or harborer wrongfully and knowingly license a male dog or barren female dog and use a tag received therefore for an unspayed or intact female dog.

SECTION 8. RUNNING AT LARGE PROHIBITED--OWNER RESPONSIBLE TO PREVENT.

Any licensed or unlicensed animal found running at large within the city shall be seized by any police officer or other officer designated by the mayor and council and said animal shall be held in the city animal shelter until claimed by the owner or destroyed as provided in Section 12 of this article. It shall be unlawful for the owner, keeper, or harborer of any animal regardless of age or sex to permit such animal to run at large within the corporate limits of the city.

SECTION 9. IMPOUNDMENT OF UNLICENSED ANIMALS.

It shall be the duty of the humane officer or any officer designated by the mayor and city council after February first of each year, when the dog license tax becomes delinquent, to capture, secure and remove in a humane manner to the city animal shelter any animal not licensed under the provision of Section 6 of this ordinance.

SECTION 10. INTERFERENCE OF POLICE OR HUMANE OFFICER PROHIBITED, NOT LIABLE.

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the police, humane officer, or

any of his assistants while performing said duty enjoined upon him or them by the provision of this ordinance or while engaged in the capturing, securing, or taking to the animal shelter, any animal subject to be impounded. In such a case none of these officials shall be responsible for any accident or disease of an animal resulting from the enforcement of the provisions of this act.

SECTION 11. REDEMPTION FEE FOR IMPOUNDING ANIMALS.

Each animal claimed by owner or person taking said animal from the shelter shall be required to pay a reasonable redemption fee to defray the expense of keeping said animal in the shelter.

The duration of impoundment in the animal shelter shall be 96 hours. The Chief of Police shall release during said 96 hour period, from the animal shelter any animal to any person who proved ownership thereof, who procures and produces the license receipt for the current year and who pays the shelter or redemption fees and any other penalties provided in this ordinance.

SECTION 12. DESTRUCTION OF ANIMALS (UNCLAIMED).

All animals which shall have remained in the shelter for 96 hours without being claimed, redeemed, or released shall be destroyed and disposed of in a proper and sanitary manner. It shall be understood that at the termination of the 96 hour time limit for impoundment all animals become the legal property of the City.

SECTION 13. DESTRUCTION OF ANIMALS AT OWNERS REQUEST.

Any owner, keeper, or harbinger of an animal that he wishes to be rid of, may take same animal and place in the animal shelter to be disposed of as by this ordinance. It shall be the responsibility of the person entering the said animal in the shelter to show proof of ownership of animal to be destroyed.

SECTION 14. DANGEROUS ANIMALS TO BE CHAINED.

No person shall own, keep or harbor or allow to be in or upon any premises occupied by him, or under his charge or control, any animal of a cross, or ferocious disposition or that habitually snaps or manifests a disposition to bite, without said animal being securely fastened or confined, if, upon the trial of any offense mentioned in this section, it shall appear to the police magistrate that said animal is still living, said police magistrate may, in addition to the usual judgment of conviction, order the chief of police forthwith to put the animal to death and for such purpose to obtain physical possession of said animal, any policeman with a court order, may enter upon private premises or may use such reasonable and necessary force to carry into effect the order of the court.

SECTION 15. BITING ANIMALS OR ANIMALS SUSPECTED OF HAVING RABIES.

)1) Any animal which is not vaccinated against rabies which has bitten any person and caused an abrasion of the skin of such person shall be seized by the police or humane officer and impounded in the city animal shelter under the

supervision of a licensed veterinarian for a period of not less than 10 days. If upon examination by a veterinarian the said animal has no clinical signs of rabies at the end of such impoundment, it may be released to the owner under provisions provided for in this ordinance.

(2) Any animal vaccinated in accordance with the provisions of this ordinance which has bitten any person shall be confined by the owner or other responsible person or city animal shelter for a period of not less than 10 days at which the said animal shall be examined by a licensed veterinarian. If no signs of rabies can be observed by the examining veterinarian, the animal may be released from confinement.

SECTION 16. WHO LIABLE FOR COST OF CONFINEMENT.

If the ownership of any animal 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 animal is rabid. If the ownership of such animal cannot be determined, the cost of confining an animal who is only suspected of having rabies, shall be paid by the city.

SECTION 17. WHO LIABLE FOR COST OF TESTING FOR RABIES.

All costs incurred in the collection, submission, and sending to the Department of Health, of heads of animals that have or are suspected of dying from rabies, shall be borne by the owner of such animal if the ownership thereof can be established. If ownership of such animal cannot be determined, the cost of sending the head of an animal which has not bitten any person and is only suspected of having rabies, shall be paid by the city.

SECTION 18. ANIMALS WHO HAVE BEEN BITTEN BY ANOTHER KNOWN RABID ANIMAL.

In the case of animals known to have been bitten by a rabid animal the following rules shall apply:

(L) In the case of an animal which has not been vaccinated in accordance with this ordinance, which has been bitten by a known rabid animal, such bitten or exposed animal shall be immediately destroyed unless the owner is willing to place such animal in strict isolation in a kennel under veterinary supervision for a period of not less than six months.

(2) If the bitten or exposed animal is vaccinated in accordance with the provisions of this ordinance, such dog shall be subject to the following procedure: (a) such animal shall be immediately revaccinated and confined for a period of not less than 30 days following vaccination, or (b) if such animal is not immediately revaccinated such animal shall be confined in strict isolation in a kennel for a period of not less than six months under the supervision of a veterinarian, or (c) such animal shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this subsection.

SECTION 19. CITY ANIMAL SHELTER.

The City shall provide a safe, suitable, and conveniently located animal shelter for the impounding, keeping, and destruction of said animals as contemplated in this ordinance. The said shelter shall be sanitary, heated, ventilated, and lighted. All animals placed in the city shelter shall be treated in a humane manner and shall be provided with plenty of food and fresh water each day.

SECTION 20. TAMPERING WITH LOCKS OF ANIMAL CAGES PROHIBITED.

No person except authorized personnel shall open or attempt to open in any manner tamper with any padlock or other device securing any enclosure owned or operated by the city. Nor shall any unauthorized person be allowed to break open or in any manner directly or indirectly to aid, counsel, or advise the breaking open of any animal shelter, or any other vehicle used for collecting, or conveying of animals to the shelter.

SECTION 21. DESTROYING ANIMAL CAGES PROHIBITED.

No person except authorized personnel shall attempt to cut, saw, break, bend, or in any manner damage or destroy any enclosure for animals owned or operated by the city.

SECTION 22. STEALING OF ANIMALS SHALL BE PROHIBITED.

No person except authorized personnel shall remove or attempt to remove any animal kept or harbored in any enclosure for animals owned or operated by the city.

SECTION 23. CRUELTY TO ANIMALS SHALL BE PROHIBITED.

Any person who shall unnecessarily or cruelly beat, injure, overload, overwork, insufficiently feed, turn out to die, or otherwise abuse any animal within the limits of the city shall, upon conviction, be punished as provided in Section 30 of this ordinance.

SECTION 24. DYEING OF ANIMALS SHALL BE PROHIBITED.

It shall be unlawful for any person to, within the city, dye or artificially color, any rabbit, baby chick, duckling, other fowl or animals.

SECTION 25. POISONING OR INJURING OF ANIMALS SHALL BE PROHIBITED.

It shall be unlawful for any person or persons to administer or cause to be administered poison of any sort whatsoever to any animal or in any manner to injure, maim, or destroy, or in any manner to attempt to injure, maim or destroy any animal, the property of another, or to place any poison or poisoned food where the same is accessible to any animal.

SECTION 26. DOG FIGHTING SHALL BE PROHIBITED.

It shall be unlawful for any person within the city, by agreement or otherwise, to set dogs to fighting, or by any act, gesture or word, to encourage or urge any dog or dogs to fight.

SECTION 27. NOISY ANIMALS DECLARED NUISANCE; EXCEPTION.

No person shall own, keep or harbor any animal which by loud, continued or frequent barking, howling, caterwauling or yelping that shall annoy or disturb any neighborhood or person, or which habitually barks or chases pedestrians, horses or any vehicle whatsoever to the annoyance of such pedestrians, drivers or owners of horses or vehicles while on any public sidewalks, streets, alleys, avenues, or boulevards in the city; provided, the provisions of this section shall not apply to the animal shelter.

SECTION 28. RESPONSIBILITY OF OWNER FOR DAMAGE BY ANIMALS.

No person shall own, keep or harbor or allow to be in, or upon any premises occupied by him, or under his charge or control, any animal 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 any police magistrate that the person guilty as charged in the complaint, the magistrate may in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in amount equal to the value of the property so injured or destroyed.

SECTION 29. TRANSIENT OWNER.

The provisions of this ordinance shall not apply to any animal belonging to any person on a sojourn, or for bench or show purposes in the city, or for other purposes, provided the animal remains near its owner or keeper, his motor vehicle, other animals or effects and complies with the requirements of this ordinance.

SECTION 30. VIOLATION--PENALTY.

Any person who shall violate any of the provisions of this article, for which penalty is not elsewhere provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not less than five dollars, and not more than twenty-five dollars for each offense.

SECTION 31, EFFECTIVE DATE.

This ordinance shall be in force and effective on 19th
September, 1972, and from and after its adoption and
publication as required by law.

Passed and approved this 19th day of Sept., 1972.

M. J. Ayres

MAYOR

Attest:

Jane Ballmer
Jane Ballmer CITY CLERK

(SEAL)