

ORDINANCE NO. 1008

AN ORDINANCE ADDING REVISING ARTICLE 90 OF THE GOTHENBURG CODE OF ORDINANCES BE ADDING SECTION 90.019 LIMITING THE NUMBER OF DOGS AND CATS PER RESIDENCE; PROVIDING FOR ISSUANCE OF A PERMIT FOR ADDITIONAL CATS AND DOGS; REVISING SECTION 90.999 TO PROVIDE FOR GREATER PENALTIES FOR SECOND AND SUBSEQUENT OFFENSES; REPEALING PARTS OF ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GOTHENBURG, NEBRASKA AS FOLLOWS:

Section 1. Title IX, Chapter 90, is hereby amended by adding Section 90.019 of the Gothenburg Code of Ordinances to read as follows:

§ 90.019 LIMITATION ON NUMBER OF DOGS AND CATS.

(A) Maximum number; exceptions. It shall be unlawful and a public nuisance for any owner or resident of a residence to keep or allow to be kept more than 4 dogs or cats, or any combination of animals exceeding 4 in number, over the age of 90 days at the residence, unless the residence or the owner of the dogs and cats kept there is within 1 or more of the following exceptions:

- (1) The residence is licensed as a commercial animal establishment; or
- (2) The owner of the dogs and cats over 90 days of age has applied for and received a permit to keep dogs and cats in excess of 4 as provided for under this section and, upon request of any officer, presents for inspection the permit.

(B) Application for permit.

(1) Application for a permit as provided for under this section shall be made in writing to the Chief of Police on a form provided by the Police Department. The application shall state:

- (a) The name and address of the owner of the dogs or cats;
- (b) The number, breed, color, age and sex of each dog or cat;
- (c) Whether the dogs or cats are licensed under this chapter;
- (d) Whether the dogs or cats are neutered, spayed or intact;
- (e) Such other information as may identify the dogs or cats;
- (f) A description of the type of enclosure in which the dogs or cats are contained; and
- (f) Such other information as the Chief of Police shall require.

(2) The application shall certify to the information contained in the application under penalty of law for the willful making of any untrue statement. The application shall further state, by making and signing the application, that the applicant consents to an inspection of premises where the animals are kept. Failure to allow the inspection of premises shall result in denial of the application.

(C) Issuance of permit; revocation; expiration. Upon receipt of an application for a permit provided for under this section, the Chief of Police, a duly authorized police officer or the Community Service Officer shall investigate the premises and the manner in which the dogs or cats are kept. A permit shall be issued only if the location and the keeping of the dogs and cats is clean and properly maintained and the animals appear in good health. If the authorized officer determines that the premises or animals do not meet such standard or constitute a health hazard or nuisance to the surrounding neighborhood the permit shall be denied. Prior to issuing a permit the

officer shall attempt to contact the neighboring residences to obtain information related to noise generated by the animals and other issues related to the keeping of such animals. A permit issued under the provisions of this section may be revoked by the Chief of Police for the violation by the holder of the permit of any provision of this section or the premises are not maintained in a clean or proper manner or the animals are not properly cared for. All permits issued under the provisions of this section shall be valid for a period of 2 years of their issuance.

(D) Reserved.

(E) Violations. When animals in excess of the limit established in this section are found at a residence, the owner of the animals shall have 72 hours to comply with this section. Failure to comply within 72 hours shall constitute a violation of this section and shall be punished as provided for in § 90.999. Any combination of dogs or cats in excess of 4 in number shall be considered 1 violation of this section, but each day in violation shall constitute a separate offense.

(F) Review of issuance or revocation of permit. The issuance or revocation of a permit shall be reviewable by the City Administrator, upon of any interested party which may include any resident living within 500 feet of the property of the applicant. The request for the City Administrator to review the issuance or revocation of a permit shall be in writing filed with the City Clerk. In reviewing the Chief of Police's action, the City Administrator may approve, disapprove or take no action at all, which in the latter case shall mean that the action of the Chief of Police shall stand. As part of this review process, the City Administrator shall have the power to grant or revoke a permit.

Section 1. Title IX, Chapter 90, is hereby amended by amending Section 90.999 of the Gothenburg Code of Ordinances to read as follows:

§ 90.999 PENALTY.

(A) (1) A person who intentionally, knowingly or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.

(Prior Code, § 6-204)

(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)

(B) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense, and upon conviction thereof shall be deemed guilty of an offense and, upon conviction thereof, shall be fined \$75 for the first offense, \$150 for the second offense and \$200 for each subsequent offense involving the same facts upon which such determination of nuisance is predicated. A new violation shall be deemed to have been committed every 24 hours of the failure to comply.

(C) Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

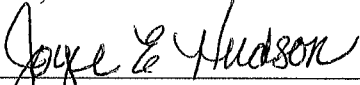
Section 3. Copies of each section of the Code of Ordinances amended or repealed hereby are attached hereto as Exhibit "A".

Section 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 5. This ordinance shall become effective from and after its passage, approval and publication in pamphlet form as required by law.


Adopted April 5, 2022.

CITY OF GOTHENBURG, DAWSON
COUNTY, NEBRASKA



Joyce Hudson, Mayor

ATTEST:



Misty Bussinger, City Clerk

APPROVED AS TO FORM



Michael L. Bacon, City Attorney

Exhibit A
(Prior Ordinance Sections)

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(B) Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this chapter, set forth at full length herein or incorporated by reference, shall be deemed guilty of an offense, and upon conviction thereof, shall be fined not more than \$100 for each offense. A new violation shall be deemed to have been committed every 24 hours of the failure to comply.

(Prior code, § 6-401)

(C) Whenever a nuisance exists as defined in this chapter, the city may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law. Whenever, in any action, it is established that a nuisance exists, the court may, together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.

(Neb. RS 18-1720, 18-1722) (Prior Code, § 6-402) (Am. Ord. 956, passed 9-19-2017)