

## ORDINANCE NO. 2019-5

AN ORDINANCE OF THE VILLAGE OF PETERSBURG, NEBRASKA, REGULATING THE OWNING AND LICENSING OF DOGS; PROHIBITING BARKING AND OFFENSIVE DOGS AND DOGS AT LARGE; DEFINING DANGEROUS DOGS; REGULATING RABIES VACCINATION AND METHODS OF HANDLING; PROVIDING A PENALTY; AND REPEALING ORDINANCE NO. 2019-2.

BE IT ORDAINED by the Chairman and the Board of Trustees of the Village of Petersburg, Nebraska:

### Section 1. DEFINITIONS.

- A) "Animal Control Authority" shall mean the Board of Trustees of the Village of Petersburg.
- B) "Animal Control Officer" shall mean any individual employed, appointed or authorized by the Animal Control Authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing, control, or seizure and impoundment of animals, and shall include any state or local law enforcement personnel or other employees whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.
- C) "Dangerous Dog" shall mean any dog that:
1. has killed or inflicted severe injury on a human being on public or private property.
  2. has killed a domestic animal while the dog was off the owner's property.
  3. is one of the following breeds or any mix which includes one of the following breeds:

Akita; Chow; Doberman Pinscher; Pit Bull Breeds, including but not limited to the American Pit Bull Terrier, American Staffordshire Terrier and the Staffordshire Bull Terrier; Rottweiler; Wolf Hybrids; and Presa Canario Boeboel.

If a dispute exists as to whether a dog within the Village or its zoning jurisdiction is of the breeds or is a mixed breed which contains one of the

breeds listed above, the Village shall employ a Nebraska-licensed veterinarian to examine the animal or pictures of the animal, to determine whether such dog is one of the breeds or is a mixed breed which contains one of the breeds listed above. Such determination shall be final on both the Village and the person owning or harboring the dog.

A dog shall not be defined as a dangerous dog if any threat or any damage was sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property owner of the dog; nor shall a dog be considered a dangerous dog if the dog was provoked or abused by the party complaining.

- D) "Domestic animal: shall mean a cat, a dog or livestock.
- E) "Owner: shall mean any person, firm, corporation, organization, political subdivision or department who shall possess, harbor, keep or have control or custody of a dog or permit a dog to be present for ten days or more in or about his/her/its house, store or enclosure. (Ref. 54-606, 71-4401 RS Neb)
- F) "Severe injury" shall mean any physical injury that results in 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.

Section 2. LICENSING OF DOGS. Any owner of a dog over the age of six months within the corporate limits, within 30 days after acquisition of said dog, shall acquire a license for each such dog annually by or before the first of April of each year. The said license shall be delinquent from and after April 30<sup>th</sup>; provided, the owner of any dog brought into or harbored within the corporate limits subsequent to April 1<sup>st</sup> of any year shall be liable for the payment of the dog license tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. Licenses shall be issued by the village clerk upon the payment of a license fee in an amount of \$5.00. When issued, such 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/her name and address and the name, breed, color and sex of each dog owned and kept by him/her. 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.

Upon payment of the license fee, the village clerk shall issue to the owner 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 the dog so licensed and shall entitle the owner to keep or harbor said dog until March 31<sup>st</sup> following such licensing. In

the event that a license tag is lost and upon satisfactory evidence that the original plate or tag issued in accordance with the provisions herein, the village clerk shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee of \$1.00 for each such 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 village clerk to issue tags of a suitable design that are different in appearance each year. (Ref. 17-526, 54-603, 71-442 RS Neb.)

Section 3. WRONGFUL LICENSING. It shall be unlawful for the owner of any dog to permit or allow such dog to wear any license, metallic tag or other city identification than that issued by the village clerk for dogs. (Ref. 17-526, 54603 RS Neb.)

Section 4. 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. (Ref. 17-526 RS Neb.)

Section 5. UNLICENSED DOGS. All dogs found running at large upon the streets and public grounds of the Village without a license tag affixed as required in this article are hereby declared a public nuisance.

Section 6. BARKING AND OFFENSIVE DOGS PROHIBITED. 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 or chases pedestrians, vehicles or riders of horses while they are on any public sidewalks, streets or alleys in the Village; provided, the provisions of this section shall not be construed to apply to any licensed dog shelter.

Section 7. DOGS RUNNING AT LARGE; DESTRUCTION. “Running at large” shall mean any dog found off the premises of the owner and not under the control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. It shall be unlawful for any person to suffer or permit any dog to run at large within said Village, and every dog found running at large in violation hereof is declared to be a public nuisance and may be picked up and disposed of by the animal control officer or Village police officer. Any owner who permits their dog to run at large within the confines of the Village is hereby deemed to be guilty of a misdemeanor and, upon conviction thereof, shall be fined no more than \$500.00 and shall pay the costs of prosecution. (Ref. 17-526, 54-607 RS Neb.)

Section 8. NUISANCE. Any lot or parcel of land within the corporate limits of the Village where more than two (2) adult dogs over the age of three (3) months are

confined, treated, boarded, housed or cared for, is hereby declared to be a public nuisance.

Section 9. DANGEROUS DOGS; FAILURE TO COMPLY. It shall be unlawful to keep, shelter or harbor any dog defined as a dangerous dog herein, for any purpose within the Village limits. Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this article, and said officer may enter upon private property in order to confiscate the animal. In lieu of confiscation, the animal control officer may immediately destroy the dangerous dog if it poses a threat of harm to said officer or any other person or property. The owner shall be responsible for the costs incurred by the Animal Control Authority for the care and boarding of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the owner violated this Ordinance. (Ref. Neb. Rev. Stat. § 54-620)

Section 10. RABIES VACCINATION. Every dog three months of age or order shall be vaccinated against rabies pursuant to Nebraska law. Puppies shall be vaccinated within 30 days after having reached three months of age. Unvaccinated dogs acquired or moved into the Village must be vaccinated within 30 days after purchase or arrival, unless under three months of age as specified above. The provisions of this ordinance with respect to vaccination shall not apply to any dogs owned by a person temporarily residing within this city for less than 30 days, any dog brought into the Village for show purposes, or any dog brought into this Village for hunting purposes for a period of less than 30 days; such dogs shall be kept under the strict supervision of the owner.

Section 11. RABIES SUSPECTED; IMPOUNDMENT. Any dog or other animal suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provisions set forth above which has bitten any person or has caused an abrasion of the skin of any person shall be seized by a police officer or animal control officer of this Village and shall be impounded under the supervision of a licensed veterinarian or public health authority for not less than ten days. If, upon examination by a veterinarian, the dog or other animal has no clinical signs of rabies at the end of such impoundment, it shall be released to the owner upon said owner paying the costs of said impoundment, or, in the case of a stray, shall be disposed of in whatever manner deemed best by the Village police officer. (Ref. Neb. Rev. Stat. § 74406)

Section 12. RABID DOGS; CAPTURE IMPOSSIBLE. The animal control officer shall have the authority to kill any domestic animals with the characteristics of rabies which make capture impossible because of the danger involved.

Section 13. RABID DOGS; PROCLAMATION. It shall be the duty of the Village Board of Chairman whenever, in their 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 muffle 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.

Section 14. VIOLATIONS. Any person who violates any provision of this Ordinance is hereby declared to be guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500 and shall pay for the cost of prosecution. A separate offense shall be deemed committed on each day upon which a violation of this Ordinance occurs or continues. In addition to the foregoing penalties, the person who violates this Ordinance shall pay all expenses including shelter, food, handling, veterinary care and expert testimony necessitated by enforcement of this Ordinance.

Section 15. REPEAL OF ORDINANCE #2019-2. Ordinance #2019-2 is hereby repealed.

Introduced by: Trustee Stokes  
Seconded by: Trustee Henn

Passed and approved this 5th day of November, 2019.

Corey Stokes  
Chairman of the Board,  
Village of Petersburg

ATTEST:  
Jeanne Stokes  
Village Clerk