

ORDINANCE NO. 20-765

AN ORDINANCE TO AMEND CHAPTER 91: ANIMALS OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE CATS IN THE SAME WAY AS DOGS AND TO INCREASE THE ANNUAL PET LICENSING FEE, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 91 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

§ 91.002 RUNNING AT LARGE.

(A) It shall be unlawful for the owner of any cow, hog, horse, mule, sheep, goat, dog, cat, chicken, turkey, or goose 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 city or to be tethered or staked out in a manner so as to allow the animal to reach or pass into any public way or property or any property of another.

(B) 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.

(C) Nothing in this section shall be construed to permit anyone to own an animal in the corporate limits of the city that is prohibited by the City Council.

(1999 Code, § 6-201) Penalty, see § 91.999

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

DOGS AND CATS

§ 91.035 LICENSE.

Any person who shall own, keep or harbor a dog or cat over the age of six months within the municipality shall within 30 days after acquisition of the animal acquire a license for each animal annually by or before January 1 of each year. The tax shall be delinquent from and after January 10; provided, the possessor of any animal brought into or harbored within the corporate limits subsequent to January 1 of any year, shall be liable for the payment of the animal tax levied herein and the tax shall be delinquent if not paid within ten days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of \$10.00, except that for licenses obtained for the last half of the license year; if no license was required for the first half of the year, the license fee is \$5.00, a portion of which shall be remitted by the City Treasurer to the state in an amount as required by state law for contribution to the Commercial Dog and Cat

Cash Fund. The 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 the purpose, his or her name and address and the name, breed, color and sex of each animal owned and kept by him or her. A certificate that the animal 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. (1999 Code, § 6-101) (Ord. 03-635, passed 7-1-2003; Ord. 10-712, passed 7-6-2010) Penalty, see § 91.999

§ 91.037 LICENSE TAGS.

The Municipal Clerk shall keep a record of each license issued by him or her including the name of the dog or cat or other means of identification, the name of its owner, the amount of fee collected and the expiration date of the license. The licenses shall be numbered consecutively beginning with one in each municipal year. Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of each animal a license certificate and a metallic tag for each animal so licensed. The metallic tags shall be properly attached to the collar or harness of all animals so licensed and shall entitle the owner to keep or harbor the animal until April 30 following the 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 Municipal 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 set by resolution of the governing body for each 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 Municipal Clerk to issue tags of a suitable design that are different in appearance each year. (1999 Code, § 6-103)

§ 91.038 OWNER DEFINED.

Any person who shall harbor or permit any dog or cat to be for ten days or more in or about his or her house, store or enclosure, or to remain to be fed, shall be deemed the owner and possessor of the dog or cat and shall be deemed to be liable for all penalties herein prescribed. (1999 Code, § 6-104) Penalty, see § 91.999

§ 91.039 RUNNING AT LARGE.

It shall be unlawful for the owner of any dog or cat to allow that animal to run at large at any time within the corporate limits of the municipality. ***RUNNING AT LARGE*** shall mean any dog or cat found off the premises of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint. Every dog or cat found running at large in violation of this section is declared to be a public nuisance and shall be picked up by the Police Chief or dogcatcher or other person authorized by him or her and impounded. In the event the animal is licensed, the police shall

immediately notify the licensed owner that the animal has been impounded and that the owner shall have 48 hours in which to reclaim the animal. The owner may reclaim the animal upon payment of a \$20 penalty for permitting the animal to run at large, and payment of the impoundment fee, if any, as regularly charged by the person with whom the animal is impounded. Any animal remaining unclaimed for a period of 48 hours shall be disposed of by the Police Chief pursuant to § 91.045.

(1999 Code, § 6-105) (Ord. 03-636, passed 7-1-2003) Penalty, see § 91.999

§ 91.043 BARKING AND OTHER OFFENSIVE SOUNDS.

(A) It shall be unlawful for the owner to allow a dog or cat to annoy or disturb any neighborhood or person by loud, continued or frequent barking, howling, screeching, hissing, 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 city.

(B) Upon the written complaint of two or more affected persons from different households, filed within any 30-day period with the City 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 city 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 city animal shelter.

(1999 Code, § 6-114) Penalty, see § 91.999

Statutory reference: Authority to guard against annoyances, see Neb. RS 17-526

§ 91.045 IMPOUNDING; RELEASE.

(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 cat found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for the animal shall be impounded. The rabies control authority may require the impoundment of domestic or hybrid animals other than dogs and cats. All impounded animals shall be given proper care, treatment and maintenance. Each impounded 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 by 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 five 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)
(1999 Code, § 6-116)

§ 91.046 LIMIT ON NUMBER OF DOGS AND CATS OWNED.

It shall be unlawful for any person to own, keep, harbor or permit to be kept upon any premises occupied or under the person's charge, a combined total of more than four dogs or cats over the age of six months at any one time; provided, however, the provisions of this section shall not apply to any humane society, animal shelter, animal research facilities, animal hospitals or boarding kennels operated by veterinarians duly licensed under the laws of the state. The combined total number of adult dogs or adult cats per residential or dwelling unit in the City shall not exceed four adult animals. Provided however, the offspring of any dog or cat shall not count toward the maximum number of dogs or cats allowed, for a period of four months after the birth of said offspring.

Any person who owned, kept, harbored, or permitted to be kept more than four dogs or cats on or before the effective date of this Section shall be permitted to continue ownership or possession for the life of those animals as long as they meet all the requirements set forth under State and Federal law in addition to those set forth in this Section unless such nonconforming use constitutes a nuisance or is otherwise dangerous to the public health.

(1999 Code, § 6-119) (Ord. 03-634, passed 7-1-2003) Penalty, see § 91.999

RABIES

§ 91.075 RABIES SUSPECTED; IMPOUNDMENT.

Any dog or cat suspected of being afflicted with rabies, or any dog or cat not vaccinated in accordance with the provisions of this chapter which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten days. If upon examination by a veterinarian, the animal has no clinical signs of rabies at the end of the impoundment, it may be released to the owner, or, in the case of an unlicensed animal, it shall be disposed of in accordance with the provisions herein. If the owner of the animal has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten days, at which time the animal shall be examined by a licensed veterinarian. If no signs of rabies are observed, the animal may be released from confinement.

(1999 Code, § 6-117)

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Passed and approved this 16th day of October, 2020

CITY OF FRIEND, NEBRASKA

By: Judith Kynoke
MAYOR

Attest:



Kimberly Goun
CITY CLERK/TREASURER