

## CHAPTER 91: ANIMALS

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***ANIMALS*****§ 91.001 DEFINITIONS.**

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.

***DANGEROUS ANIMAL.***

(1) Snakes which are poisonous or otherwise present a risk of serious physical harm or death to human beings as a result of their nature or physical makeup, including, but not limited to, all constrictors;

(2) All other poisonous animals, including rear-fang snakes;

(3) Any other animals other than domestic dogs, except as hereinafter provided, and domestic cats which in the wild state are carnivorous or which because of their nature or physical makeup are capable of inflicting serious physical harm or death to human beings;

(4) Any pit bull dog.

***EXOTIC ANIMAL.***

(1) Canines, felines and other animals not customarily domesticated in the United States;

(2) Marsupials, primates, bears and birds of prey;

(3) Any species prohibited and/or regulated by the state by statute; and

- (4) Any mix or breed of any of the species mentioned above.

**FOWL.** Any two legged, feathered, winged creature.

**LIVESTOCK.** All cattle, swine and horses of any kind or type, mules, bison, sheep of any kind or type, goats, llamas and other grazing 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.

**PERSON.** Any natural person, association, partnership, organization or corporation.

**PIT BULL DOG.**

- (1) The bull terrier breed of dogs;
- (2) The Staffordshire bull terrier breed of dogs;
- (3) The American pit bull terrier breed of dogs;
- (4) The American Staffordshire terrier breed of dogs;
- (5) Dogs of mixed breed or of other breed than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers; or
- (6) Any dog which has the appearance and characteristics of being predominantly of the breed of bull terrier, American Staffordshire terrier; any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

**RUN AT LARGE.** Not being under the actual control of the owner by means of:

- (1) 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;
- (2) A leash, cord, chain or other suitable means of physical restraint of six feet or less in length physically held by the owner;
- (3) Being confined within a cage, receptacle, enclosed vehicle, fenced enclosure or shelter; or
- (4) Being within the real property limits of the owner and in the owner's presence and under direct and effective voice or other control.

**SERIOUS PHYSICAL HARM.**

- (1) A mental illness or emotional condition serious enough to require hospitalization or prolonged treatment;
- (2) Physical harm involving a substantial risk of death;
- (3) Physical harm involving partial permanent incapacity or total permanent incapacity;
- (4) Physical harm causing permanent disfigurement or temporary serious disfigurement; and
- (5) Physical harm causing acute pain lasting long enough to result in substantial suffering or causing any degree of prolonged or incurable pain.

**WILD ANIMAL.** Any live monkey or ape, raccoon, skunk, fox, opossum, coyote, wolf, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can be found in the wild state.  
(1999 Code, § 6-202)

**§ 91.002 RUNNING AT LARGE.**

(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 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) 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 City Council.

(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 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*

**§ 91.003 DANGEROUS ANIMALS; REGULATIONS.**

(A) It shall be unlawful for any person to keep, harbor, maintain or have in that person's possession or control, any dangerous animal in the municipality except as provided in this section.

(B) The provisions of this section shall not apply to any keeping of dangerous animals in a bona fide licensed veterinary hospital for treatment, bona fide educational or medical institutions, museums or any place where they are kept as live exhibits or for study, circus, carnival, zoo or other event for entertainment, which is in accordance with all applicable laws and ordinances.

(C) Upon the written complaint of any person that a person owns or is keeping or harboring a dangerous animal on premises in the municipality, the governing body or its designated representative shall forthwith cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is in fact the owner of or is keeping or harboring any dangerous animal in the municipality, the governing body or its designated representative shall forthwith send written notice to that person requiring the person to safely remove the animal from the municipality within three days of the date of the notice. This notice shall not be required where dangerous animals have previously caused serious physical harm or death to any person, or has escaped and is at large, in which case the governing body or its designated representative shall cause the animal to be immediately seized and impounded, according to the provisions of this section, or killed, if seizure and impoundment are not possible.

(D) The governing body or its designated representative shall forthwith cause to be seized and impounded any dangerous animal where the person owning, keeping or harboring the animal has failed to comply with the notice sent pursuant to division (C) above. Upon a seizure and impoundment, the animal shall be delivered to a place of confinement which may be with any organization which is authorized by law to accept, own, keep or harbor those animals.

(E) If, during the course of attempting to seize and impound any dangerous animal, or any other animal running at large, the animal poses a risk of serious physical harm or death to any person, or capture of the animal is deemed impossible by the municipal police or other representative of the governing body, the person or persons authorized by the governing body, or the municipal police shall have the option to either render the animal immobile, by means of tranquilizers or other safe drugs, or if that is not possible, then the animal may be killed.

(F) Any reasonable costs incurred by the municipality in seizing, impounding and confining any dangerous or wild animal shall be charged against the owner, keeper or harborer of that animal and shall be collected by the municipality. The charge shall be in addition to any fine or penalty provided for violating this chapter.

(1999 Code, § 6-203) Penalty, see § 91.999

**§ 91.004 LIVESTOCK, FOWL, EXOTIC ANIMALS AND WILD ANIMALS; PROHIBITED; EXCEPTIONS.**

It shall be unlawful for any person, firm or entity to own, possess or maintain any livestock, fowl, exotic animal or wild animal within the corporate limits, unless first obtaining a permit. Permits authorizing the keeping, possession or maintenance of any animal may be issued by the governing body, in its sound discretion, after application for a permit through the Municipal Clerk.  
(1999 Code, § 6-204) Penalty, see § 91.999

**§ 91.005 DOGS, CATS AND OTHER SMALL ANIMALS; KENNELS; LICENSE.**

(A) The term *KENNEL* shall be construed to include any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats or other small animals for hire or profit or where more than three dogs or cats are harbored or kept.

(B) It shall be unlawful to operate a kennel anywhere in the city without first securing a license therefor. The party seeking the license shall make written application to the City Council, and the Council, in the event it shall allow the kennel to exist within the corporate limits of the city, shall set forth whatever regulations for the kennel which it deems appropriate. The license shall be on an annual basis and may be revoked for violation of the standards and regulations set forth by the City Council after due notice and hearing to the kennel owner or operator.

(C) Every place used as a kennel shall be kept in a clean and sanitary condition and no refuse or waste material shall be allowed to remain thereon for more than 24 hours. All animals shall be humanely treated and any animal having any disease shall be properly isolated and treated. All kennel operators shall be bound to all the rules and regulations set forth in this section.  
(1999 Code, § 6-208) Penalty, see § 91.999

***ABANDONMENT, NEGLECT AND CRUELTY***

**§ 91.020 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 city or any other city or village, or any other public official authorized by the city or any other city or village to enforce state or local animal control laws, rules, regulations or ordinances.

**LIVESTOCK ANIMAL.** Any bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds or poultry.  
(Neb. RS 28-1008) (1999 Code, § 6-205)

**§ 91.021 LAW ENFORCEMENT OFFICER; POWERS; IMMUNITY.**

(A) 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.

(B) A law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner or custodian as prescribed in Neb. RS 29-422 to 29-429.

(C) 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) (1999 Code, § 6-206) Penalty, see § 91.999

**DOGS**

**§ 91.035 LICENSE.**

Any person who shall own, keep or harbor a dog over the age of six months within the municipality shall within 30 days after acquisition of the dog acquire a license for each dog annually by or before January 1 of each year. The tax shall be delinquent from and after January 10; provided, the possessor

of any dog brought into or harbored within the corporate limits subsequent to January 1 of any year, shall be liable for the payment of the dog 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 \$2, 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 \$1.50, 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 dog owned and kept by him or 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.

(1999 Code, § 6-101) (Ord. 03-635, passed 7-1-2003; Ord. 10-712, passed 7-6-2010) Penalty, see § 91.999

#### **§ 91.036 DOG GUIDES; HEARING AID DOGS AND SERVICE DOGS; EXEMPT FROM LICENSE TAX.**

Every dog guide for a blind or visually impaired person, hearing aid dog for a deaf or hearing impaired person, and service dog for a physically limited person shall be licensed as required by the municipal code, but no license tax shall be charged upon a showing by the owner that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs or service dogs. Upon the retirement or discontinuance of the dog as a dog guide, hearing aid dog or service dog, the owner of the dog shall be liable for the payment of the required license tax.

(1999 Code, § 6-102)

#### **§ 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 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 a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the dog 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 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 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 to allow that dog to run at large at any time within the corporate limits of the municipality. ***RUNNING AT LARGE*** shall mean any dog 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 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 dog is licensed, the police shall immediately notify the licensed owner that the dog has been impounded and that the owner shall have 48 hours in which to reclaim the dog. The owner may reclaim the dog upon payment of a \$20 penalty for permitting the dog to run at large, and payment of the impoundment fee, if any, as regularly charged by the person with whom the dog is impounded. Any dog 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

**§ 91.040 CAPTURE IMPOSSIBLE.**

The municipal police shall have the authority to kill any animal when it is determined that capture is impossible.

(1999 Code, § 6-106) (Ord. 03-364, passed 7-1-2003)

**§ 91.041 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.

(1999 Code, § 6-112) Penalty, see § 91.999

**§ 91.042 KILLING AND POISONING.**

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.  
(1999 Code, § 6-113) Penalty, see § 91.999

**§ 91.043 BARKING AND OFFENSIVE.**

(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 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*

**§ 91.044 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.

(1999 Code, § 6-115) Penalty, see § 91.999

**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, 54-606*

**§ 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 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 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 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, more than five dogs over the age of six months; 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.

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

***DANGEROUS DOGS*****§ 91.060 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 city, and includes any local law enforcement agency or other agency designated by the city to enforce the animal control laws of the city.

***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.***

(1) Any dog that, according to the records of the animal control authority:

- (a) Has killed a human being;
- (b) Has inflicted injury on a human being that requires medical treatment;
- (c) Has killed a domestic animal without provocation; or

(d) Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice of the 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.

(2) 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.

(3) 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.

(4) 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.**

(1) Any dog that when unprovoked:

(a) Inflicts an injury on a human being that does not require medical treatment;

(b) Injures a domestic animal; or

(c) Chases or approaches a person upon streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.

(2) 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) (1999 Code, § 6-107)

**§ 91.061 RESTRAINED.**

(A) 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 the dog being confined so as to protect the public from injury.

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(B) 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 12 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) (1999 Code, § 6-108) Penalty, see § 91.999

**§ 91.062 CONFINED.**

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. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a warning sign on the property where the dog is kept that is clearly visible and that informs persons that a dangerous dog is on the property. (1999 Code, § 6-109) Penalty, see § 91.999

**§ 91.063 FAILURE TO COMPLY.**

(A) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this subchapter. 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)

(B) 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) (1999 Code, § 6-110) Penalty, see § 91.999

**§ 91.064 ADDITIONAL REGULATIONS.**

(A) 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 the 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.

(B) 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.

(C) Except as provided in division (D) below or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport the dog or permit the dog to be transported to another county, city or village in this state.

(D) An owner of a dangerous dog may transport the dog or permit the 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 the 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 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 the 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 the county, city or village with regard to dangerous dogs. Nothing in this division (D) shall permit the rescindment of the declaration of dangerous dog.

(Neb. RS 54-618) (1999 Code, § 6-111)

## ***RABIES***

### **§ 91.075 RABIES SUSPECTED; IMPOUNDMENT.**

Any dog suspected of being afflicted with rabies, or any dog 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 dog 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 dog, it shall be disposed of in accordance with the provisions herein. If the owner of the dog 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 dog shall be examined by a licensed veterinarian. If no signs of rabies are observed, the dog may be released from confinement.

(1999 Code, § 6-117)

**§ 91.076 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.**

(A) Every domestic animal in the city 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 city 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) below, every hybrid animal in the city 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 the rules and regulations. An unvaccinated hybrid animal acquired or moved into the city 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 city 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 the 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 city for less than 30 days, to any domestic or hybrid animal brought into the city for field trial or show purposes, or to any domestic or hybrid animal brought into the city for hunting purposes for a period of less than 30 days. 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 city 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)

(1999 Code, § 6-118) Penalty, see § 91.999

**§ 91.999 PENALTY.**

(A) *Generally.* Any person violating any provision of this chapter, for which no other penalty is provided, shall be subject to the penalty provisions of § 10.99.

(B) *Dangerous animals.* Any person, firm or corporation violating any provision of § 91.003 shall be fined not less than \$5 nor more than \$100 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues for each animal that is a dangerous animal as defined in § 91.001.  
(1999 Code, § 6-203)

(C) *Abandonment, neglect and cruelty.* A person who intentionally, knowingly or recklessly abandons, cruelly neglects or cruelly mistreats an animal in violation of §§ 91.020 and 91.021 is guilty of an offense.  
(Neb. RS 28-1009) (1999 Code, § 6-207)

(D) *Licensing.* Any person convicted of violating § 91.035 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than \$500, recoverable with the costs, or both a fine and imprisonment, except that each person convicted shall be fined in a sum not less than \$50 for the first offense; not less than \$75 for the second offense; and not less than \$100 for the third and each offense thereafter.  
(1999 Code, § 6-101)

(E) *Running at large.* Any person convicted of violating § 91.039 shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine of not more than \$500, recoverable with the costs, or both a fine and imprisonment, except that each person convicted shall be fined in a sum not less than \$50 for the first offense; not less than \$75 for the second offense; and not less than \$100 for the third offense and each offense thereafter.  
(1999 Code, § 6-105)

(F) *Dangerous dog.*

(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 (F)(1) above 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)

(3) If a dangerous dog of an owner with a prior conviction 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)

(1999 Code, § 6-401)

(Ord. 03-635, passed 7-1-2003; Ord. 03-636, passed 7-1-2003; Ord. 10-712, passed 7-6-2010)

**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*