

ORDINANCE 915

AN ORDINANCE TO AMEND ARTICLE III TO THE CENTRAL CITY MUNICIPAL CODE; TO REPEAL ALL OTHER CONFLICTING ORDINANCES OR PARTS OF ORDINANCES; TO PROVIDE FOR PUBLICATION IN PAMPHLET FORM AND FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CENTRAL CITY, NEBRASKA:

Section 1. That Article III of the Central City Municipal Code be amended read as follows:

ARTICLE III – DOGS AND CATS

Section 2. That Article III, Sections 2-302 to 2-305 of the Central City Municipal Code be amended to read as follows:

SECTION 2-302: LICENSING OF DOGS AND CATS

Any person who shall own, keep or harbor a dog or cat over the age of six months within the zoning jurisdiction of the City shall, within 30 days after acquisition of the said dog or cat, acquire a license for each such dog or cat annually by or before May 1 of each year. The said tax shall be delinquent from and after June 1; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to May 1 of any year shall be liable for the payment of the dog or cat tax levied herein and such tax shall be delinquent if not paid within ten days thereafter. The City Council may, as they deem necessary, provide public notice to the residents of the City about the licensing requirements of this provision. Licenses shall be issued by the Authorized Distributor upon this provision. Licenses shall be issued by the Authorized Distributor upon the payment of a license fee of \$3.00 for each neutered male dog or cat and spayed female dog or cat and \$5.00 for each un-neutered male dog or cat and un-spayed female dog or cat. 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 or cat. 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 or cat owned and kept by him/her. Evidence of vaccination for rabies shall be presented with the application for

a license and shall be certified by a Central City veterinarian. No license shall be issued until such rabies vaccination certificate has been presented to the Authorized Distributor. Upon presentation of the rabies vaccination certificate, and payment of the license fee, the Authorized Distributor shall issue to the owner of a dog or cat a license certificate and a metallic tag for each dog or cat so licensed. The metallic tag shall be properly attached to the collar or harness of any dog or cat so licensed and shall entitle the owner to keep or harbor the said dog or cat until April 30 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 Authorized Distributor shall issue a duplicate or new tag for the balance of the year and may charge and collect a fee of \$0.50 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 Authorized Distributor to issue tags of a suitable design that are different in appearance each year.

SECTION 2-303: WRONGFUL LICENSING

It shall be unlawful for the owner, keeper or harbinger of any dog or cat to permit or allow such dog or cat to wear any license, metallic tag or other city identification than that issued by the Authorized Distributor for dogs or cats, nor shall the owner, keeper or harbinger wrongfully and knowingly license an un-spayed female dog or cat with a license prescribed for a male or spayed female dog or cat.

SECTION 2-304: 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 or cat without the consent of the owner, keeper or possessor thereof.

SECTION 2-305: UNLICENSED DOGS OR CATS

All dogs and cats found running at large upon the streets and public grounds within the zoning jurisdiction of the City without a license tag affixed as required in this article are hereby declared a public nuisance.

Section 3. That Article III, Section 2-307 of the Central City Municipal Code be amended to read as follows:

SECTION 2-307: DOGS AND CATS RUNNING AT LARGE

It shall be unlawful for any person to suffer or permit any dog or cat to run at large within the zoning jurisdiction of the City, and every dog or cat found running at large in violation hereof is declared to be a public nuisance and may be picked up and impounded by the animal control officer.

Section 4. That Article III, Section 2-317 of the Central City Municipal Code be amended to read as follows:

SECTION 2-317: KILLING AND POISONING

It shall be unlawful to kill, administer or cause to be administered poison of any sort to a dog or cat, or in any manner to injure, maim, destroy, or in any manner attempt to injure, maim or destroy any dog or cat that is the property of another person, or to place any poison or poisoned food where the same is accessible to a dog or cat.

Section 5. That Article III, Section 2-319 to 2-320 of the Central City Municipal Code be amended to read as follows:

SECTION 2-319: RIGHT OF ENTRY

For the purpose of discharging the duties of this chapter and to enforce the provisions of this chapter, any animal control officer is empowered to enter upon any premise upon which an animal is kept or harbored and demand exhibition of such animal by the owner or the licensee for any dog or cat. It is further provided that any city police officer may enter the premise where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and take possession of such animal if, in his/her opinion, it is required.

SECTION 2-320: DOGS AND CATS; PERSONAL PROPERTY; OWNER LIABILITY FOR DAMAGES

Dogs and cats are hereby declared to be personal property for all intents and purposes, and the owner or owners of any dog or dogs shall be liable for any and all damages that may accrue (1) to any person, other than a trespasser, by reason of having been bitten by any such dog(s) or cat(s) and (2) to any person, firm, or corporation by reason of such dog(s) or cat(s) killing, wounding, injuring, worrying or chasing any person or persons or any sheep or other domestic animals belonging to such person, firm, or corporation. Such damage may be recovered in any court having jurisdiction of the amount claimed.

Section 6. That Article III, Section 2-325 of the Central City Municipal Code be amended to read as follows:

SECTION 2-325: IMPOUNDMENT OF DOGS AND CATS

Except for dangerous dogs, dogs and cats impounded by the animal control officer shall be released to the owner upon proof of current rabies vaccination and license and payment of impoundment fees. Any dog or cat not so released to its owner after seven days shall be deemed abandoned and a public nuisance and may be destroyed.

Section 7. Any other ordinance or section passed and approved prior to passage, approval, and publication of this ordinance and in conflict with its provisions is repealed.

Section 8. This ordinance shall take effect and be in full force from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 13th day of October, 2008.

Clayton Erickson, Mayor

Attest:

David Rish, City Clerk