

Chapter 6

POLICE REGULATIONS

Article 1. Dogs and Cats / Dangerous Dogs (Updated Ordinance 2229, September 25, 2012)

Sec. 6-101 OWNER DEFINED. Any person, firm, corporation, organization, political subdivision or department possessing, harboring, keeping or having control or custody of a dog or cat to be present in or about his or her house, store, or enclosure or to remain to be fed shall be deemed the owner and possessor of such dog or cat and shall be deemed to be liable for all such penalties herein prescribed. "Owner" shall not apply to dogs or cats owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than 30 days. (Neb. Rev. Stat. §17-526, 54-606, 71-4401)

Sec. 6-102 MAXIMUM NUMBER ALLOWED. It shall be unlawful for any person to own, keep, or harbor at any time more than 3 adult dogs or 3 adult cats per residential or dwelling unit in the City. The total number of adult dogs or adult cats per residential or dwelling unit in the City shall not exceed 4 adult animals. For the purpose of this section, an adult dog or cat is a dog or cat that is more than 4 months old. Provisions of this section shall not apply to catteries, kennels and pet stores, which have been licensed by the City. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-103 LICENSES.

- (1) Any person who shall own, keep or harbor a dog or cat over the age of 6 months within the City shall, within 10 days after acquisition of said dog or cat, acquire a license for each such dog or cat annually by or before January 1 of each year. The license fee shall be delinquent from and after March 15; provided, the possessor of any dog or cat brought into or harbored within the corporate limits subsequent to January 1 of any year shall be liable for the payment of the license fee levied herein and such fee shall be delinquent if not paid within 10 days thereafter. Licenses shall be issued by the City. Said 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.
- (2) The owner shall state at the time the application is made and upon printed forms provided for such purpose his or her name and address and the name, breed, color, and sex of each dog or cat owned and kept by him or her. A certificate that the dog or cat has had a rabies vaccination, 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.
- (3) License fees for dogs and cats shall be set by ordinance of the City Council and shall be on file in the City office, where they shall be available for inspection by the public during office hours.

(Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-104 LICENSE TAGS. Upon payment of the required license fee, the City shall issue a numbered receipt and tag as necessary to the owner for the dog or cat licensed. Tags shall be issued annually, or at another interval determined by the City. The City shall recognize a microchip identification number as the license number, and the microchip shall substitute for the physical tag. (Neb. Rev. Stat. §17-526, 54-603)

Sec. 6-105 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, but no license fee 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 fee. (Neb. Rev. Stat. §54-603)

Sec. 6-106 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 or other city identification other than that issued by the City for such dog or cat. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-107 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. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-108 DOGS AND CATS; RUNNING AT LARGE. All dogs and cats found to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City are hereby declared to be a public nuisance. It shall be unlawful for any person or persons to have any dog or cat which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by him/her or under his, her or their control, to be at large and to go in or upon the private premises of others or upon the public grounds, streets or highways of the City; and it shall be unlawful for such person or persons to own, keep, or harbor, or to have in or upon the premises occupied by him/her or under his, her or their control, any dog or cat, unless said dog or cat is securely fastened by a chain or otherwise confined in or upon said premises in some enclosure. However, when a dog or cat is away from the occupied premises there is no violation of this section if the dog or cat is on a secure leash and under control of the owner or other person. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-109 VIOLENCE ON OR INTERFERENCE WITH A SERVICE DOG.

- (1) A person commits the offense of violence on a service dog when he or she intentionally injures, harasses, or threatens to injure or harass or attempts intentionally to injure, harass, or threaten a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.

- (2) A person commits the offense of interference with a service dog when he or she intentionally impedes, interferes, or threatens to impede or interfere or attempts intentionally to impede, interfere, or threaten to impede or interfere with a dog that he or she knows or has reason to believe is a dog guide for a blind or visually impaired person, a hearing aid dog for a deaf or hearing-impaired person, or a service dog for a physically limited person.
- (3) Evidence that the defendant initiated or continued conduct toward a dog as described in subsection (1) or (2) of this section after being requested to avoid or discontinue such conduct by the blind, visually impaired, deaf, hearing-impaired, or physically limited person being served or assisted by the dog shall create a rebuttable presumption that the conduct of the defendant was initiated or continued intentionally.
- (4) For purposes of this section:
 - “Blind person” shall mean a person with totally impaired vision or with vision, with or without correction, which is so severely impaired that the primary means of receiving information is through other sensory input, including but not limited to Braille, mechanical reproduction, synthesized speech, or readers;
 - “Deaf person” shall mean a person with totally impaired hearing or with hearing, with or without amplification, which is so severely impaired that the primary means of receiving spoken language is through other sensory input, including but not limited to lip reading, sign language, finger spelling, or reading;
 - “Hearing impaired person” shall mean a person who is unable to hear air conduction thresholds at an average of 40 decibels or greater in the person's better ear;
 - “Physically impaired person” shall mean a person having limited ambulatory abilities, including but not limited to having a permanent impairment or condition that requires the person to use a wheelchair or to walk with difficulty or insecurity to the extent that the person is insecure or exposed to danger; and
 - “Visually impaired person” shall mean a person having a visual acuity of 20/200 or less in the person's better eye with correction or having a limitation to the person's field of vision so that the widest diameter of the visual field subtends an angular distance not greater than 20°. (Neb. Rev. Stat. §28-1009.01)

Sec. 6-110 KILLING AND POISONING. It shall be unlawful to kill or to administer, or cause to be administered, poison of any sort to a dog or cat, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or 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; provided, that this section shall not apply to the City and/or its agents acting within the its power and duty.

Sec. 6-111 BARKING AND OFFENSIVE DOGS. 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 at or chases pedestrians, drivers, or owners of vehicles while they are on any public sidewalks, streets, or alleys in the City. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-112 OFFENSIVE CATS. It shall be unlawful for any person to own, keep, or harbor any cat which shall annoy or disturb any neighborhood or person. (Neb. Rev. Stat. §17-526) (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-113 DOGS; CONFINEMENT OF FEMALE DOGS DURING PERIOD OF FERTILITY. Any person who owns, harbors, or in any way sustains a female dog shall confine the same in an enclosed area during the female dog's entire period of fertility, commonly referred to as the period during which the dog is in season. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-114 FIGHTING. It shall be unlawful for any person, by agreement or otherwise, to set dogs or cats to fighting, or by any gesture or word to encourage the same to fight. (Neb. Rev. Stat. §17-526)

Sec. 6-115 LIABILITY OF OWNER; DAMAGE TO PROPERTY OF OTHERS. It shall be unlawful for any person to allow a dog or cat owned, kept, or harbored by him/her or under his/her charge or control to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained. (Neb. Rev. Stat. §17-526, 54-601, 54-602)

Sec. 6-116 RABIES CONTROL; DEFINITIONS. For the purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“Cat” shall mean any feline animal, male or female, sexed or neutered.

“Dog” shall mean any canine animal, male or female, sexed or neutered.

“Rabies control authority” shall mean any City law enforcement officer, animal control officer or other officer designated by the mayor.

“Vaccination against rabies” shall mean the inoculation of a dog and cat with a rabies vaccine licensed by the U. S. Department of Agriculture on the effective date of this code. Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the state.

Sec. 6-117 RABIES CONTROL; VACCINATION REQUIRED. Every dog and cat four months of age and older shall be vaccinated against rabies by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska. Young dogs or cats shall be vaccinated within 10 days after they have reached four months of age. Unvaccinated dogs and cats acquired or moved into the City must be vaccinated within 10 days after purchase or arrival, unless under four months of age, as specified above. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-118 RABIES CONTROL; REVACCINATION. Every dog or cat shall be revaccinated against rabies according to product label directions following a period of not more than 36 months since its last vaccination. Such revaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska. The intervals of any other anti-rabies vaccine shall be set by the state veterinarian, and he/she shall follow the latest recommendations of the U. S.

Public Health Service. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-119 RABIES CONTROL; PERSON BITTEN BY DOGS OR CATS;PROCEDURE.

- (1) Any dog or cat suspected of being afflicted with rabies or any dog or cat not vaccinated in accordance with the regulations herein which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the City and impounded under the supervision of a licensed veterinarian or a public health authority for a period of not less than 10 days. If upon examination by a veterinarian, the dog or cat has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable law.
- (2) Any dog or cat vaccinated in accordance with the provisions herein which has bitten any person(s) shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days, at which time the dog or cat shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog or cat may be released from confinement.
- (3) All costs of impoundment and examination fees shall be the responsibility of the owner.

Sec. 6-120 RABIES CONTROL; PROCLAMATION. It shall be the duty of the City Council, whenever in its opinion the danger to the public safety from rabid dogs or cats is great or imminent, to issue a proclamation ordering all persons owning, keeping, or harboring any dog or cat to muzzle 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 passed. The dogs or cats 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 or cat to confine the same as herein provided. (Neb. Rev. Stat. §17-526)

Sec. 6-121 INTERFERENCE WITH CITY LAW ENFORCEMENT OFFICER PERFORMING ANIMAL CONTROL DUTIES. It shall be unlawful for any person to hinder, delay, or interfere with any City law enforcement officer or animal control officer who is performing any animal control duty enjoined upon him/her by the provisions of this article, 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 other vehicle used for the collecting or conveying of dogs to the animal shelter. (Neb. Rev. Stat. §28-906)

Sec. 6-122 IMPOUNDING.

- (1) It shall be the duty of any City law enforcement officer or animal control officer to capture, secure, and remove in a humane manner to the animal shelter any dog or cat violating any of the provisions of this chapter. The dogs or cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day. Each impounded licensed dog or cat shall be kept and maintained at the animal shelter for a period of not less than five days after public notice has been given unless reclaimed earlier by the owner. However, any

impounded unlicensed animal that is sick or injured and the treatment for such animal exceeds the costs of \$50.00 and the City is not aware of the identity of the owner of such animal, then such animal may be destroyed in a humane manner at the discretion of the Chief of Police or his/her designee. Notice of impoundment of all animal(s), including any significant marks or identifications, shall be posted at the office of the animal shelter within two working days after impoundment as public notification of such impoundment.

- (2) Any dog or cat eligible to be reclaimed may be reclaimed by its owner during the period of impoundment by payment of the required fees as set by the City. The owner shall then be required to comply with the licensing and rabies vaccination requirements within 72 hours after release. If the dog or cat is not claimed at the end of required waiting period after public notice has been given, the City may dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same, provided that if, in the judgment of the City, a suitable home can be found for any such dog or cat, the said dog or cat shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided in this article.
- (3) The City shall acquire legal title to any unlicensed dog or cat impounded in the animal shelter for a period longer than the required waiting period after giving notice. (Neb. Rev. Stat. §17-526, 17-548)

Sec. 6-123 ANIMAL CONTROL FACILITY. The animal control facility shall be safe, suitable, and conveniently located for the impounding, keeping, and destruction of dogs and cats. The animal control facility shall be sanitary, ventilated, and lighted as required by the Nebraska Department of Agriculture, Bureau of Animal Industry. (Neb. Rev. Stat. §17-548)

Sec. 6-123.01 STERILIZATION OF ADOPTED ANIMALS. All animals under the age of six (6) months of age adopted from an animal control facility or shelter shall be spayed or neutered by a licensed veterinarian when such animal reaches six (6) months of age. Documentation of such sterilization shall be provided to the City of Blair within ten (10) days of the required procedure. **(Penalties refer to Sections 6-402 through 6-403 or Addendum to the Code Violations Bureau Fee Schedule).**

Sec. 6-124 CAPTURE IMPOSSIBLE. Any City law enforcement officer or animal control officer shall have the authority to kill any dog or cat showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger and risk involved. (Neb. Rev. Stat. §17-526)

Sec. 6-125 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; DEFINITIONS.

- (1) No person shall own, keep, harbor or allow to be in or upon any premises occupied by him or under his charge or control any dangerous or potentially dangerous dog without said dog being confined so as to protect the public from injury. Any City law enforcement officer, animal control officer or other authority designated by the Mayor and City Council is authorized to kill such dog if found running at large. The prudent use of firearms by any such officer for this purposes or for any purpose required by this section shall not be considered a violation of this code or other

- ordinances of the City.
- (2) “Dangerous dog” shall be defined as one who meets one or more of the following conditions:
 - (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 from an animal control authority or an animal control officer of such determination, 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.
 - (3) “Potentially dangerous dog” shall be defined as one who meets one or more of the following conditions:
 - (a) Any dog that, when unprovoked:
 - (1) Inflicts an injury on a human that does not require medical treatment, or injures a domestic animal(s) either on public or private property, or
 - (2) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or
 - (b) 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 animal(s).
 - (4) No dog may be declared dangerous or potentially dangerous if it inflicts injury or damage on a person committing a willful trespass or other tort upon premises occupied by the owner or lessee of the dog or committing or attempting to commit a crime. No dog may be declared dangerous or potentially dangerous for taking action to defend or protect a human being within the immediate vicinity of the dog from an unjustified attack or assault. No dog used in lawful activities of any law enforcement officer shall be declared a dangerous or potentially dangerous dog.
 - (5) Definitions for the purpose of this section:

“Law enforcement officer” or “animal control officer” shall mean a person authorized to enforce the animal control laws of the City including any active police officer or animal control officer and the duties of said law enforcement officer shall include the control of animal(s), or seizure and impoundment of animal(s) and shall include 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(s).

“Domestic animal” shall mean a cat, a dog, or livestock.

“Medical treatment” shall mean 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.

Sec. 6-126 JUDICIALLY OR ADMINISTRATIVELY EXCLUDED DOGS. It shall be unlawful for any person to bring any dog into the City which has, in another jurisdiction, been judicially or administratively declared to be dangerous, potentially dangerous, vicious, a nuisance, or a threat to the health or safety of human beings. (Penalties refer to Sections 6-401 through 6-403 or

Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-127 IMPOUNDMENT OF DOGS DURING ENFORCEMENT PROCEEDINGS.

- (1) If there is reasonable cause shown that the offending dog under Section 6-125 and/or 6-126 may constitute a hazard to the safety of the public at large during the pendency of any action commenced thereunder, the court may order such dog impounded pending the outcome of such proceedings. Any person who owns, keeps, harbors, maintains, or controls any dog involved in such impoundment shall pay all expenses to the City, including shelter, food, veterinary expenses, boarding, or other expenses necessitated by the impoundment of the dog for the protection of the public and other expenses as may be required. The City may require such person, prior to expiration of 10 days after the date of impoundment, to pay an amount sufficient to pay all reasonable expenses incurred in caring and providing for the dog, including estimated medical care, for 30 days, inclusive of the date on which the dog was impounded. If such payment is not made prior to expiration of such 10-day period, the dog shall become the property of the City to be disposed of as the City deems appropriate. Such payment shall be required for each succeeding 30-day period. If any such payment is not made prior to the end of each succeeding 30-day period, the dog shall become the property of the City to be disposed of as the City deems appropriate.
- (2) The amount of the payment shall be determined by the City based on the current rate for board at the animal shelter and the condition of the dog after its examination by a veterinarian acting for the City. Any such payment received by the City in excess of the amount determined by the City to be due for the board and care of the dog shall be refunded by the City upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian is found not guilty in any legal proceeding brought under this Section, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the board and care fees determined by the City to be due, unless waived.
- (3) Notwithstanding the foregoing, if it is determined by a veterinarian acting for the City that such dog is diseased or disabled beyond any useful purpose, the dog shall immediately become the property of the City to be humanely disposed of as the City deems appropriate.

Sec. 6-128 POTENTIALLY DANGEROUS DOG; DECLARATION.

- (1) The City shall initiate administrative proceedings to declare a dog to be potentially dangerous if it meets the definition of “potentially dangerous dog” under Section 6-125. The City shall provide written notice of such declaration to the dog’s owner either by regular mail to the owner’s last known address or to the owner personally. The notice shall contain:
 - (a) The name and address of the owner whose dog is subject to such declaration;
 - (b) The name, description and license number of the dog that is subject to such declaration;
 - (c) A description of the facts which form the basis of such declaration;
 - (d) A copy of Sections 6-101 through 6-139 and state that noncompliance will result in an owner being declared a reckless owner by the City;

- (e) Effective date of the declaration, which shall be not less than ten days after the date of mailing or personal service of the notice; and
 - (f) Notification that an appeal may be filed within ten days of the date of mailing or personal service of the notice, if the owner objects to such declaration,
- (2) An owner whose dog is declared to be a potentially dangerous dog shall be required to comply with Section 6-131 immediately; Sections 6-129 and 6-132 within 30 days of the date of declaration; and Section 6-130 within 90 days of the effective date of the declaration, unless a written appeal is filed with the City; provided, noncompliance with any of the sections set forth above in this paragraph shall result in the owner being declared a reckless owner by the City under Section 6-138.
 - (3) An appeal of such a declaration shall be heard at a hearing by the City Council Police Committee within 10 days of the date of the filing of a written appeal and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration. The filing fee for each appeal shall be \$200.00 paid to the City at the time of filing the appeal. A decision to affirm or reverse such decision shall be entered within 10 days of the date of the hearing.
 - (4) An owner may request termination of the declaration if there are no additional incidents of the type specified in Section 6-125(3) for at least 48 months following the date of the declaration. Such request for termination shall be made in writing and shall be heard by the City Council Police Committee within 30 days of the date of the filing of the written request for termination. Said hearing shall provide an opportunity for the owner to appear and offer evidence to support termination of the declaration. The owner must provide written documented evidence that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factors. The filing fee for each request for termination shall be \$200.00 and shall be paid to the City at the time of the filing of the written request for termination. A decision to continue or terminate such declaration shall be entered within 10 days of the date of the hearing.
 - (5) An owner whose dog has been declared potentially dangerous can elect to euthanize the dog or permanently remove the dog from the city's jurisdiction as opposed to complying with Sections 6-129 through 6-132. If the owner elects to remove the dog from the city's jurisdiction, the owner will be required to sign a separate written agreement prepared by the city confirming the dog will never be brought back inside the city's jurisdiction. Should the owner fail to comply with said agreement any time in the future, the city would enforce Section 6-137.

Sec. 6-129 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; SPAYING OR NEUTERING; MICROCHIP IDENTIFICATION AND LICENSE REQUIRED. Any dog declared dangerous or potentially dangerous shall be spayed or neutered, implanted with microchip identification by a licensed veterinarian at the owner's expense and written proof of spaying or neutering and the microchip identification number being provided to the City within 30 days after such declaration is entered.

Sec. 6-130 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; CLASSES REQUIRED. The owner of any dog declared dangerous or potentially dangerous shall be required

to attend, at the owner's expense, a responsible pet ownership class approved by the City within 90 days after such declaration is entered.

Sec. 6-131 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; RESTRAINED. It shall be unlawful for any person owning, harboring, or having the care of a dangerous or potentially dangerous dog to permit such dog to go beyond the property of such person unless the dog is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than 6 feet, and properly muzzled to prevent the dog from biting. (Penalties refer to Sections 6-401 through 6-403 or Addendum to Code Violations Bureau Fee Schedule).

Sec. 6-132 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; PROOF OF INSURANCE. The owner of any dog declared dangerous or potentially dangerous shall be required to present written proof of public liability insurance of not less than \$100,000.00 to the City within 30 days after such declaration. Such insurance shall be required to remain in effect as long as such dog is declared dangerous or potentially dangerous and shall be verified annually at the time of licensing.

Sec. 6-133 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; IMPOUNDMENT. Any dog declared dangerous or potentially dangerous that bites a human being without provocation shall be immediately impounded by any City law enforcement officer or animal control officer. The owner shall be responsible for the reasonable costs incurred for the care of such impounded dangerous dog and the dog may be destroyed upon determination by the court.

Sec. 6-134 DANGEROUS AND POTENTIALLY DANGEROUS DOGS AT LARGE; DESTRUCTION. Any dog declared dangerous dog or potentially dangerous as defined in Section 6-125 and/or 6-126 and is found at large and unattended upon public property, park property, or a public right-of-way, or upon the property of someone other than its owner, thereby creating a hazard to person or property, may, in the discretion of the chief of police or his authorized designee, or any City law enforcement officer or animal control officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to confine or capture a dangerous dog found at large nor shall it have a duty to notify the owner of such dog prior to its destruction.

Sec. 6-135 DANGEROUS DOG; DETERMINATION.

- (1) The City shall initiate administrative proceedings to declare a dog to be dangerous if it meets the definition of "dangerous dog" under Section 6-125. The City shall provide written notice of such declaration to the dog's owner either by regular mail to the owner's last known address or to the owner personally. The notice shall contain:
 - (a) The name and address of the owner whose dog is subject to such declaration;
 - (b) The name, description and license number of the dog that is subject to such declaration;
 - (c) A description of the facts which form the basis of such declaration;
 - (d) A copy of Sections 6-101 through 6-139 and state that noncompliance will result in an owner being declared a reckless owner by the City;
 - (e) Effective date of the declaration, which shall be not less than 10 days after the date of mailing or personal service of the notice; and

- (f) Notification that an appeal may be filed within 10 days of the date of mailing or personal service of the notice, if the owner objects to such declaration.
- (2) An owner whose dog is declared to be a dangerous dog shall be required to comply with Sections 6-131 and 6-136 immediately; Sections 6-129 and 6-132 within 30 days of the date of declaration and Section 6-130 within 90 days of the effective date of the declaration, unless a written appeal is filed with the City; provided, noncompliance with any of the sections set forth above in this paragraph shall result in the owner being declared a reckless owner by the City under Section 6-138.
- (3) An appeal of such a declaration shall be heard at a hearing by the City Council Police Committee within 10 days of the date of the filing of a written appeal and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration. The filing fee for each appeal shall be \$200.00 paid to the City at the time of filing the appeal. A decision to affirm or reverse such decision shall be entered within 10 days of the date of the hearing.
- (4) An owner may request termination of the declaration if there are no additional incidents of the type specified in Sections 6-125(2) and 6-125(3) for at least 48 months following the date of the declaration. Such request for termination shall be made in writing and shall be heard by the City Council Police Committee within 30 days of the date of the filing of the written request for termination. Said hearing shall provide an opportunity for the owner to appear and offer evidence to support termination of the declaration. The owner must provide written documented evidence that the dog's behavior has changed due to environment, health, age, training, neutering or other relevant factors. The filing fee for each request for termination shall be \$200.00 and shall be paid to the City at the time of the filing of the written request for termination. A decision to continue or terminate such declaration shall be entered within 10 days of the date of the hearing.
- (5) An owner whose dog has been declared dangerous can elect to euthanize the dog or permanently remove the dog from the city's jurisdiction as opposed to complying with Sections 6-129 through 6-132 and 6-136. If the owner elects to remove the dog from the city's jurisdiction, the owner will be required to sign a separate written agreement prepared by the city confirming the dog will never be brought back inside the city's jurisdiction. Should the owner fail to comply with said agreement any time in the future, the city would enforce Section 6-137.

Sec. 6-136 DANGEROUS DOGS; CONFINED. No person owning, harboring, or having the care of a dangerous dog shall permit such dog to go unconfined while unattended on the premises of such person. 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, if allowed by zoning regulations, 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 no less than one foot or have a concrete pad with sides secured to the concrete pad. The pen or structure shall also protect the dog from the elements. The owner of a dangerous dog shall post a City approved warning sign on the property where the dog is kept so that the sign is clearly visible at all times and inform the public that a dangerous dog is on the property.

Sec. 6-137 DANGEROUS AND POTENTIALLY DANGEROUS DOGS; FAILURE TO COMPLY. Any dangerous or potentially dangerous dog may be immediately confiscated by any City law enforcement officer or animal control officer if the owner is in violation of this Section. The owner shall be responsible for the reasonable costs incurred by the City for the care of such confiscated dangerous dog or potentially dangerous, or for the destruction of any dangerous or potentially dangerous dog. In addition to any other penalty, a court may order the City to dispose of a dangerous or potentially dangerous dog in an expeditious and humane manner.

Sec. 6-138 RECKLESS OWNER.

- (1) The City shall initiate administrative proceedings to declare an owner a reckless owner, and to revoke all pet license(s) issued to such person, if such owner has been convicted of one (1) or more violations of this chapter on two (2) separate occasions in a 24-month period or whose dog(s) has been determined to be dangerous or potentially dangerous and who has not complied with the requirements of this chapter pertaining to dangerous or potentially dangerous dog(s), the city shall provide written notice of such declaration to the owner either by regular mail to the owner's last known address or to the owner personally. The notice shall contain:
 - (a) The name and address of the owner who is subject to such declaration and revocation;
 - (b) The name(s), description(s) and license number(s) of any animal(s) associated with such violations licensed to the owner;
 - (c) A description of the violations or requirements which form the basis of such declaration and revocation, including the case numbers, if any;
 - (d) A summary of the effects of such declaration, including the revocation of said pet license(s) and surrender of said animal(s);
 - (e) Effective date of the declaration and revocation which shall be not less than ten days after the date of mailing or personal service of the notice; and
 - (f) Notification that an appeal may be filed within 10 days of the date of mailing or personal service of the notice, if the owner objects to such declaration and revocation.
- (2) Upon effect of such declaration and revocation, unless an appeal of such is filed with the City in accordance with this section, such reckless owner shall be required to surrender said animal(s) to any City law enforcement officer or animal control officer within 24 hours. Failure to surrender such animal(s) shall result in immediate impoundment by the City. Such surrendered or impounded animal(s) shall immediately become the property of the City and may be disposed of by the City as they deem appropriate.
- (3) An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any additional animal(s) in the City for a period of 48 months from the effective date of the declaration and revocation.
- (4) An appeal of such declaration and revocation shall be heard by the City Council Police Committee which shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation. The filing fee for each appeal shall be \$200.00 payable to the City at the time of the filing of said appeal. A determination to affirm or reverse such declaration and revocation shall be entered

within 10 days of the date of the hearing by the City Council Police Committee.

Sec. 6-139 PIT BULLS; LEASH AND MUZZLE REQUIRED. It shall be unlawful for any persons owning, harboring or having the care of a pit bull to permit such dog to be outdoors unless confined in a securely fenced yard or unless the dog is under the control of a person 19 years of age or older, restrained securely by a harness and leash no longer than six feet and properly muzzled to prevent the dog from biting. For purposes of this section, pit bull shall be defined as any dog that is an American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, Dogo Argentina, Presa Canario, Cane Corso, American Bulldog, or any dog displaying the majority of such physical traits of any one or more of the above breeds (more so than any other breed), or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds. The A.K.C and U.K.C standards for the above breeds are on file at the City office.

(END OF SECTION)