



City of Grand Island

Tuesday, July 26, 2005

Council Session

Item F4

**#8989 - Consideration of Amending Chapter 5 of the Grand Island
City Code Relative to Dangerous Animals**

Staff Contact: Doug Walker

Council Agenda Memo

From: Douglas R. Walker, City Attorney

Meeting: July 26, 2005

Subject: Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Dangerous Animals

Item #'s: F-4

Presenter(s): Douglas R. Walker, City Attorney

Background

Three ordinances are being proposed for revision. Ordinance 5-30 regards rabies vaccinations and the change being proposed would make the City Code consistent with state law which requires a dog, cat or ferret to be vaccinated before it is more than three months of age. The second ordinance being proposed for revision is Section 5-36, which would strike some of the language from the dangerous or potentially dangerous animal ordinance, which has been used by owners to avoid constructing a pen that meets city requirements when an animal has been determined as dangerous. The third proposal would be to deal with feral cat issues which have cost the Humane Society a substantial amount of money in recent years.

Discussion

The Animal Advisory Board and the Humane Society is recommending the changes to the City Code set forth in the proposed ordinance. The change to Section 5-30 would make the city ordinance consistent with State Code. The change to Section 5-36 would enable the Humane Society to require that pens be constructed and prevent owners from claiming that their dogs are not unattended while outside on their property and thus avoid requirements of having a secure pen which would protect the public. The change to Section 5-44 has been proposed by the Humane Society because of the costliness of retaining feral cats and other non-domestic animals for a minimum of three days as is currently required by the City Code. This code section is being amended so that it reflects that domestic animals will be kept for a minimum of three days so that pet owners would have an opportunity to claim lost pets from the Humane Society before they would be euthanized or placed for adoption.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve the ordinance amending the city animal code.
2. Do not pass the ordinance amending the city animal code.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the ordinance making the proposed changes to the City Code be adopted.

Sample Motion

Motion to suspend three separate readings and adopt the ordinance.

ORDINANCE NO. 8989

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Section 5-30 pertaining to rabies vaccination; to amend Section 5-36 pertaining to dangerous animals or potentially dangerous animals; to amend Section 5-44 pertaining to the disposition of impounded animals; to repeal Sections 5-30, 5-36 and 5-44 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

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

SECTION 1. Section 5-30 of the Grand Island City Code is hereby amended to read as follows:

§5-30. Rabies Vaccination

(A) No owner of a dog, cat or ferret over the age of three (3) months shall fail to cause the same to be vaccinated against rabies by a duly licensed veterinarian. ~~All dogs, cats or ferrets shall initially be vaccinated within 30 days after reaching three (3) months of age; or all dogs, cats, and ferrets shall be vaccinated within ten days of a person obtaining ownership of such dog, cat, or ferret, whichever date is later in time.~~

(B) No owner of a dog, cat, or ferret vaccinated as required by subsection (A) shall fail to have such dog, cat, or ferret revaccinated within ten days of the expiration date set forth for the original or any subsequent vaccination of said dog, cat, or ferret.

SECTION 2. Section 5-36 of the Grand Island City Code is hereby amended to read as follows:

§5-36. Dangerous Animals or Potentially Dangerous Animals on Owner's Property

(A) ~~While unattended on the owner's property,~~ a dangerous animal or potentially dangerous animal shall be securely confined, in a humane manner, indoors or outdoors in a securely enclosed and locked pen or structure suitably designed to prevent the animal 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 animal from the elements. The owner of a dangerous animal shall post a warning sign on the property where the animal is kept that is clearly visible and that informs persons that a dangerous animal is on the property.

(B) All pens or structures for confining dangerous animals or potentially dangerous animals constructed after May 1, 1997 shall be at least five (5.0) feet from any privately-owned property abutting the animal owners' property.

ORDINANCE NO. 8989 (Cont.)

SECTION 3. Section 5-44 of the Grand Island City Code is hereby amended to read as follows:

§5-44. Impounded Animals; Disposition

(A) All domestic animals impounded pursuant to §5-42 shall be retained until redeemed by their owner upon payment of an impoundment fee in accordance with the City of Grand Island Fee Schedule.

~~(B)~~ All animals that are not domestic animals, including but not limited to feral cats, may be humanely euthanized as soon as they are captured or otherwise taken into custody.

~~(C)~~~~(B)~~ All animals impounded pursuant to §5-43 shall be retained until completion of the observation period and the determination by a licensed veterinarian that said animal is not infected with rabies, and then may be redeemed by its owner upon payment of the fees for impoundment and cost of care as set forth in accordance with the City of Grand Island Fee Schedule.

~~(D)~~~~(C)~~ Any domestic animal not claimed by its owner within three clear working days after being impounded under §§5-42 or 5-43, shall become the property of the contracting agency and may be placed for adoption or humanely euthanized by said agency at its discretion. The foregoing time period shall not include the day of impoundment.

~~(E)~~~~(D)~~ Any animals determined to have rabies by a licensed veterinarian shall be destroyed as soon as possible after that determination is made.

~~(F)~~~~(E)~~ All domestic animals impounded pursuant to the City of Grand Island Fee Schedule shall be retained until redeemed by their owner upon payment of fees for impoundment and cost of care as set forth in the Grand Island Fee Schedule. Any domestic animal not claimed within three (3) clear working days after being impounded or such extended period as is granted in writing by the contracting agency to allow the animal's owner to construct a pen or structure in conformance with §5-36 shall become the property of the contracting agency and may be placed for adoption or humanely euthanized by said agency at its discretion. The foregoing time period shall not include the day of impoundment.

~~(G)~~~~(F)~~ No dog or cat impounded under §5-37, §5-42 or §5-43 shall be released until said animal is vaccinated and licensed as required by the provisions of this ordinance.

SECTION 4. Sections 5-30, 5-36 and 5-44 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 5. The validity of any section, subsection, sentence, clause, or phrase of this ordinance shall not affect the validity or enforceability of any other section, subsection, sentence, clause, or phrase thereof.

SECTION 6. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

ORDINANCE NO. 8989 (Cont.)

Enacted: July 26, 2005.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk