



City of Grand Island

Tuesday, November 13, 2007

Council Session

Item F1

#9142 - Consideration of Amending City Code Chapter 5 Relative to Animal Fee Schedule

Staff Contact: Dale Shotkoski

Council Agenda Memo

From: Dale M. Shotkoski, City Attorney

Meeting: November 13, 2007

Subject: Revisions to Grand Island City Code
Chapter 5 – Animals – Proposed Fee Schedule Changes

Item #'s: F-1

Presenter(s): Dale M. Shotkoski, City Attorney

Background

City Code Section 5-12 outlines fees for animal licenses. It has been proposed by the Humane Society, and considered by the Animal Advisory Board, that fee increases be adopted for the annual dog and cat licenses. The increase in fees will assist in off-setting increasing costs involved in animal control duties.

Discussion

A new provision in the City Code would be to include a fee for an owner keeping in their possession and on their property, an animal that has been declared potentially dangerous or dangerous. There are kennel requirements contained within the code, and inspections of these kennels is part of animal control, which is time consuming and costly. A proposed fee of \$50 for the kennel inspection fee for a potentially dangerous animal is being proposed, as well as a \$100 annual fee to keep a dangerous animal on a person's property. The purpose of the fee is to off-set the increased cost of animal control in monitoring potentially dangerous animals in the community.

Alternatives

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

1. Move to approve the revisions to Chapter 5 of the Grand Island City Code.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approved the recommended revisions to Chapter 5 of the Grand Island City Code.

Sample Motion

Move to approve the amendments to Chapter 5, Animals, of the Grand Island City Code.

ORDINANCE NO. 9142

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Sections 5-12 and 5-18 pertaining to registration fees and number of animals; to repeal Sections 5-12 and 5-18 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 5-12 of the Grand Island City Code is hereby amended to read as follows:

§5-12. Registration Fee; Amounts; Delinquent

(A) The owner of any dog or cat over the age of ~~three~~ six months in the City of Grand Island shall pay an annual pet license fee for said dog or cat. Such fee shall be ~~adopted by the humane society board~~ adopted by the governing body and identified in the City of Grand Island Fee Schedule.

The annual pet license as provided in this section shall be for the period of January 1 through December 31 of the licensing year. The pet license provided for by this section shall be secured by each new owner or new resident within thirty days of establishing residency in the City or after acquiring said animal, notwithstanding the fact that the dog or cat may have been registered within the annual period by a previous owner or that the dog or cat had been registered with another authority other than the City of Grand Island.

(B) The fee required in (A) above shall become due on January 1 of the licensing year and shall become delinquent on ~~February 1~~ March 1 of each year. The owner of any dog or cat in the City of Grand Island registering the same after said fee has become delinquent shall pay a surcharge in accordance with the fees ~~adopted by the humane society board~~ adopted by the governing body and identified in the City of Grand Island Fee Schedule.

(C) No dog or cat shall be registered and licensed unless and until the owner shall display a certificate of a licensed veterinarian showing that such dog or cat has been vaccinated for rabies.

(D) The owner of any dog or cat that has been declared "potentially dangerous" or "dangerous" shall pay, in addition to the pet license above, an annual kennel inspection fee. Such fee shall become due at the time of the declaration, and then shall be paid annually thereafter with the annual fee becoming due on January 1 of the year following the declaration, and shall become delinquent on February 1 of said year. The kennel inspection fee shall be adopted by the governing body and identified in the City of Grand Island Fee Schedule.

SECTION 2. Section 5-18 of the Grand Island City Code is hereby amended to read as follows:

§5-18. Number of Animals; Limits

(A) No residential property shall have more than one of the following animals over weaning age per half acre of outdoor enclosure area where said animals are of the following livestock species:

- (1) horses;
- (2) mules;
- (3) donkeys;
- (4) cows;
- (5) sheep;
- (6) goats; and

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(7) llamas;

(i.e. two acres of outside enclosure area may be occupied by two horses and two cows, not four horses and four cows).

(B) No person, except for commercial retail establishments that offer live fowl (including chickens) for retail sale and governmental and/or non-profit educational facilities, shall keep or maintain on his or her property any fowl (including chicken hens) in a number that exceeds four (4) per one acre with a minimum of land being one (1) acre (i.e., two acres may be occupied by eight (8) fowl).

(C) All properties which do not comply with subsection (A) or (B) shall either be brought into compliance by October 3, 2006 or shall obtain a conditional use permit as provided by §36-82 of this Code. The issuance of the conditional use permit shall be subject to the following conditions:

(1) A description of the species and numbers of animals to be kept on the premises during the term of the conditional use permit shall accompany this application.

(2) Written waivers approving the proposed conditional use permit shall be obtained from all persons residing within one hundred fifty (150.0) feet of the subject property and shall accompany the application.

(3) If the subject property shall be brought into compliance with Section (A) or (B) above for one hundred eighty (180) or more consecutive days, the conditional use permit shall terminate and shall not be renewed or reissued.

(D) No residential property shall have more than thirty (30) rabbits at any one time.

(E) No residential property shall have more than 64 birds over six months of age at any one time.

(F) For the purposes of this section, the number of animals permitted to be kept under subsection (A) shall be reduced by one if rabbits are also kept on said property, and also by one if birds or fowl are kept on said property.

(G) No residential property shall have more than four dogs and/or cats over ~~three~~four months of age.

(H) No residential property shall have more than four different species of animals sheltered and/or enclosed outside the residence.

SECTION 3. Sections 5-12 and 5-18 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 4. 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 5. 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.

Enacted: November 13, 2007.

Margaret Hornady, Mayor

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Attest:

RaNae Edwards, City Clerk