



# City of Grand Island

Tuesday, March 24, 2015

Council Session

## Item F-6

**#9531 – Consideration of Amending Chapter 5 of the Grand Island City Code Relative to Animal Auctions**

Staff Contact: Stacy Nonhof, Assistant City Attorney

# Council Agenda Memo

**From:** Stacy R. Nonhof, Assistant City Attorney

**Meeting:** March 24, 2015

**Subject:** Amending Chapter 5 of City Code Exempt the State Fair and Prohibit Auctioning of Dogs and Cats

**Item #'s:** F-6

**Presenter(s):** Stacy R. Nonhof, Assistant City Attorney

## Background

An article in the *Grand Island Independent* regarding a fundraising auction by Grand Island Central Catholic raised the issue of whether or not dogs and cats should be allowed as auction items. During a discussion of bee keeping in the city limits, the question of exempting the State Fair and Central Community College from the provisions of Chapter 5 of City Code was raised. The Animal Advisory Board has met multiple times and has declared that the State Fair and Central Community College should be exempt from the provisions of Chapter 5 of City Code and that dogs and cats should not be allowed as auction items. What is being presented tonight are the changes approved by the Animal Advisory Board.

## Discussion

The Animal Advisory Board has voted to exempt the State Fair and post-secondary educational institutions from the provisions of Chapter 5 of City Code and to prohibit the auctioning of dogs and cats. This proposed ordinance is the result of discussions and public meetings on these issues. By a unanimous vote, the Animal Advisory Board has approved this ordinance.

This ordinance specifically exempts the State Fair and any post-secondary educational institution from the provisions of Chapter 5 of City Code. The purpose of doing this is to allow the State Fair to bring in exhibits that may otherwise be illegal under City Code. For post-secondary institutions, such as Central Community College, this exemptions allows them to offer classes on topics that may otherwise be prohibited by City Code.

This ordinance adds a provision to City Code that now specifically prohibits any group, educational institution, corporation, partnership, corporation or any other legal entity

from offering a dog or cat as an item in an auction to raise funds. The discussion at the Animal Advisory Board regarding this topic centered on preventing people from bidding on an animal that they ultimately do not want and then having that animal abused, neglected, abandoned or turned over to the Humane Society.

### **Alternatives**

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

1. Move to approve
2. Refer the issue to a Committee
3. Postpone the issue to future date
4. Take no action on the issue

### **Recommendation**

The Animal Advisory Board recommends that the Council approve the Ordinance amending Chapter 5 of City Code.

### **Sample Motion**

Move to approve the Ordinance.

ORDINANCE NO. 9531

An ordinance to amend Chapter 5 of Grand Island City Code; to amend Section 5-4; and to add Section 5-7.2; to clarify and/or make general corrections to various code sections, to repeal 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 5-4 and Section 5-7.2 of the Grand Island City Code is hereby amended to read as follows:

**§5-4. Enforcement; Jurisdiction; Agencies; Duties**

(A) This chapter shall be enforced only within the corporate limits of the City of Grand Island.

(B) The Code provisions of this chapter shall be enforced by the agency with which the City contracts to enforce said provisions and the Police Department. All employees of said Animal Control Authority shall be designated animal control officers for the purposes of this chapter.

(C) The Health Department shall assist in enforcement of code provisions relating to public health, safety and welfare.

(D) This Chapter shall not apply to:

(1) Care or treatment of an animal by a veterinarian licensed under the Nebraska Veterinary Practice Act until December 1, 2008, and the Veterinary Medicine and Surgery Practice Act on and after December 1, 2008;

(2) Commonly accepted care or treatment of a police animal by a law enforcement officer in the normal course of his or her duties;

(3) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;

(4) Commonly accepted practices of hunting, fishing, or trapping;

(5) Commonly accepted practices occurring in conjunction with rodeos, animal racing, or pulling contests;

(6) Humane killing of an animal by the owner or by his or her agent or a veterinarian upon the owner's request;

(7) Commonly accepted practices of animal husbandry with respect to farm animals and commercial livestock operations, including their transport from one location to another and nonnegligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;

Approved as to Form	☐ _____
March 20, 2015	☐ City Attorney

ORDINANCE NO. 9531 (Cont.)

(8) Use of reasonable force against an animal, other than a police animal, which is working, including killing, capture, or restraint, if the animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;

(9) Killing of house or garden pests;

(10) Commonly followed practices occurring in conjunction with the slaughter of animals for food or byproducts; and

(11) Commonly accepted animal training practices;

(12) The Nebraska State Fair; and

(13) Post-secondary educational institutions.

**§5-7.2. Auctioning of Domestic Canines and Felines.**

No person, partnership, corporation, group, educational institution, or any other legal entity shall offer domestic canines or felines as items for bid in an auction to raise funds for said person, partnership, corporation, group, educational institution, or any other legal entity.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. 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: March 24, 2015.

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Jeremy L. Jensen, Mayor

Attest:

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RaNae Edwards, City Clerk