



# City of Grand Island

Tuesday, July 08, 2003  
Special Mtg/Council Session

## Item F2

### **#8823 - Consideration of Change to the Grand Island City Code Relative to Dog Ordinances**

*The Animal Advisory Board has been working on making proposals to the City Council to revise the Grand Island Dog and Animal Control Ordinances. The changes that are being recommended are to help protect the public by expediting the process of removing dangerous animals from the community. The proposed revisions would strengthen the code section for dogs running at large. The changes also include speeding up the process of declaring potentially dangerous dogs vicious in the event that these dogs are not controlled by their owners and are running at large and committing repetitive violations.*

Staff Contact: Doug Walker

## ORDINANCE NO. 8823

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Section 5-1 pertaining to the definition of potentially dangerous dog and the definition of running at large; to amend Section 5-34 pertaining to animal restraint requirements; to amend Section 5-36 pertaining to the confinement of potentially dangerous dogs; to amend Section 5-37 pertaining to impoundment of potentially dangerous dogs; to amend Section 5-47 pertaining to the appeal procedure for dogs declared potentially dangerous; to repeal Sections 5-1, 5-34, 5-36, 5-37, and 5-47 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 5-1 of the Grand Island City Code is hereby amended to read as follows:

### **§5-1. Definitions**

As used in this chapter, the following terms mean:

Animal. Any live, vertebrate creature other than human beings.

Animal Shelter. Any facility operated by the City or the contracting agency for the purpose of impounding or caring for animals held under the authority of this chapter.

Auctions. Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.

Birds. Any feathered vertebrate, including pigeons, but excluding poultry.

Bite. Any seizure with the teeth by an animal ~~which causes an abrasion, puncture or wound of the skin.~~

Circus. A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, or kennel (this term shall not include a veterinary hospital or veterinary clinic).

Contracting Agency. The person, association, corporation, or partnership with which the City has contracted to enforce the provisions of this chapter.

Dangerous Animal. Any animal that (a) has killed or inflicted severe injury on a human being on public or private property; (b) has killed a domestic animal without provocation while the animal was off the owner's property; or (c) has been previously determined to be a potentially dangerous animal according to this chapter and such animal subsequently and aggressively bites, attacks, or endangers the safety of humans or domestic animals. Under (a) and (c) herein, the animal shall not be considered a dangerous animal if the conduct of the animal in question is directed at a person:

- (1) Who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal;
- (2) Who, at the time, was tormenting, abusing, or assaulting the animal;
- (3) Who, in the past, has been observed or reported to have tormented, abused, or assaulted the animal; or

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(4) Who, at the time, was committing or attempting to commit a crime against the person, against public peace, or relating to the property.

Enclosure. Any tract of land intended to restrain or contain an animal by means of a building, fence, or any other means.

Fowl. Any poultry, other than pigeons.

Grooming Shop. A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.

Health Department. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society. An agency with which the City contracts to enforce the provisions of Chapter 5 - Animals of the Grand Island City Code.

Humane Society Officer. Any police officer, Health Department employee, or employee of the contracting agency who is performing the duty of enforcing the provisions of this chapter.

Kennel. Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

Livestock. Any hoofed animal commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, and miniature pot belly pigs.

Owner. Any person, partnership, or corporation owning, keeping, harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

Performing Animal Exhibition. Any spectacle, display, act, or event other than circuses in which performing animals are used.

Pet. Any animal kept for pleasure rather than utility.

Pet Shop. Any person, partnership, or corporation, whether operated separately or in connection with another business except for a licensed kennel, that buys, sells, or boards any species of animal.

Potentially Dangerous Animal~~Dog~~. (a) Any ~~animal dog that when provoked~~ (1) bites or inflicts a wound ~~that is not severe~~ on a human or injures a domestic animal 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 or attack; or (b) any dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Restraint. Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

Residence. The structure used as a domicile by a person or a family.

Riding School or Stable. Any place which has available for hire, boarding and/or riding instruction, any horse, pony, donkey, mule, or burro.

Running at large. Running at large shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is unattended and out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises.

Scratch. Any scraping with the claws by an animal which causes an abrasion, puncture or wound of the skin.

Severe Injury. Any physical injury to a person that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery, or one or more broken bones, or that creates a potential danger to the life or health of a victim.

Shelter. Any structure with a roof and walls designed and/or intended to house one or more animals.

Veterinary Hospital or Veterinary Clinic. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseased and injured animals.

Vicious Animal. Any animal that conforms to the definition of a dangerous animal and that could not be controlled or restrained by its owner at the time of any occurrence underlying the animal's declaration as a dangerous animal or which cannot be sufficiently controlled or restrained by the animal's owner to prevent any such occurrence in the future.

Wild Animal. Any live animal normally found living in a state of nature and not normally subjected to domestication, including but not limited to: monkeys, raccoons, skunks, snakes, and lions, but excluding birds.

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*Zoological Park.* Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency.

SECTION 2. Section 5-34 of the Grand Island City Code is hereby amended to read as follows:

### **§5-34. Running at Large; Restraint Required**

~~No owner shall permit his or her animals to run at large off the premises of such owner unless such animal is under effective control of such owner or responsible person.~~

It shall be unlawful for any owner to suffer or permit any dog or other animal to run at large within the corporate limits of the City of Grand Island. "Running at Large" shall mean any dog or other animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal by holding a leash, cord, chain, wire, rope, cage or other suitable means of physical restraint or if the animal is unattended and out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash or chain to prevent the animal from leaving the owner's premises. It shall be the duty of the city animal control officer or other appropriate city law enforcement officer to impound any dog found running at large within the City of Grand Island. Every dog found running at large in violation of this or any other section of the Grand Island City Code is declared to be a public nuisance and may be impounded.

SECTION 3. 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 in a securely enclosed and locked pen or structure suitably designed ~~to prevent the entry of young children and~~ 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.

SECTION 4. Section 5-37 of the Grand Island City Code is hereby amended to read as follows:

### **§5-37. Dangerous Animals; Restraint; Impoundment; Confiscation**

(A) No owner of a dangerous or potentially dangerous animal shall fail to keep such animal securely muzzled and restrained by a leash or chain whenever off the owner's property.

(B) Any dangerous animal or potentially dangerous animal in violation of §5-36 or §5-37 of the Grand Island City Code may be impounded by humane society officers pending the owner paying the costs of confinement, licensing and vaccination, if applicable, and demonstrating the ability of complying with said sections thereafter.

(C) In the event an animal previously declared dangerous or potentially dangerous has been cited for running at large on two separate occasions subsequent to service of written notice on the animal's owner pursuant to

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§5-47 of this code, such animal shall be declared a vicious animal and ownership of such animal shall be relinquished to the Humane Society in accordance with §5-47(C).

(D) Disposition of any dangerous animal or potentially dangerous animal impounded for violation of §5-36 or §5-37 shall be governed by §5-44.

SECTION 5. Section 5-47 of the Grand Island City Code is hereby amended to read as follows:

### **§5-47. Dangerous, Potentially Dangerous, and Vicious Animals; Declaration; Appeal; Disposition**

(A) If it shall appear to the Director of the Humane Society that any animal conforms to the definition of a dangerous animal, potentially dangerous animal, or vicious animal, written notice declaring the animal a dangerous, potentially dangerous, or vicious animal shall be delivered to the animal's owner either by personal service or by mail addressed to the last known address of said owner.

(B) In the case of a dangerous animal or potentially dangerous animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall either provide reasonable proof of compliance with §5-36 and §5-37 of the Grand Island City Code or shall deliver said animal to the Humane Society for impoundment and disposition pursuant to §5-37(B). Refusal or failure by the owner of any animal declared a dangerous animal or potentially dangerous animal to comply with this subsection shall be a violation of the Grand Island City Code and shall be subject to abatement as a public nuisance pursuant to §5-46.

(C) In the case of a vicious animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall surrender the animal to the Humane Society for humane euthanization. Refusal or failure by the owner of any animal declared a vicious animal to comply with this subsection shall be a violation of the Grand Island City Code and shall be subject to abatement as a public nuisance pursuant to §5-46.

(D) The owner of any animal declared a potentially dangerous animal, dangerous animal or vicious animal by the Director of the Humane Society may appeal the Director's decision to the Animal Advisory Board by submitting a letter of appeal to the Director within 72 hours of either receiving personal service or mailing of the written notice of declaration. At the time of submitting the letter of appeal to the Director, any animal declared a vicious animal shall be surrendered to and impounded by the Humane Society pending a hearing of the appeal by the Animal Advisory Board. The Animal Advisory Board shall hold a hearing within ten (10) days of delivery of the letter of appeal to the Director. The hearing shall be conducted informally. The animal's owner and Director of the Humane Society shall present oral or written statements or reasons supporting or opposing the declaration to the Animal Advisory Board. Statements by each participant shall be limited to a total time of one hour or less. Upon conclusion of the hearing the Animal Advisory Board may reverse, modify or affirm the declaration of the Director. Notice of the determination of the Animal Advisory Board shall be given to the animal's owner and the Director of the Humane Society, either personally or by United States Mail.

SECTION 6. Sections 5-1, 5-34, 5-36, 5-37, and 5-47 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 7. 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. 8823 (Cont.)

Enacted: July 8, 2003.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk