



City of Grand Island

Tuesday, June 17, 2003

Study Session

Item -3

Discussion Concerning Revision to Dog Ordinance

The Animal Advisory Board has received complaints this year about the number of dogs running at large and about our dog bite ordinances. The City Attorney has been working with the Animal Advisory board to revise the Ordinances to clearly define the requirements for preventing animals to run at large. The Animal Advisory Board is also proposing that changes be made to the potentially dangerous dog ordinances so when these animals bite, the city will be able to take action more quickly in the event that there are further problems with dog bites.

Staff Contact: Doug Walker

Proposed City Codes Changes to Chapter 5, Animals

§5-1. Definitions

Potentially Dangerous Dog. (a) Any dog that (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.

Deleted: when provoked

§5-34. Running at Large; Restraint Required

~~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 take up and 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 picked up and impounded.~~

Deleted: 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.

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

(A) While unattended on the owner's property, a dangerous ~~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 constructed after May 1, 1997 shall be at least five (5.0) feet from any privately-owned property abutting the animal owners' property.

§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 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 §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 impounded for violation of §5-36 or §5-37 shall be governed by §5-44.

Article VIII. Appeal Procedure

§5-47. 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 ~~potentially dangerous animal, a dangerous animal or vicious animal, written notice declaring the animal potentially dangerous, dangerous or a 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.~~

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(B) In the case of a ~~potentially dangerous or~~ 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 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, 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.