



# City of Grand Island

Tuesday, September 05, 2006

Study Session

## Item -1

**Review of Chapter 5 of the Grand Island City Code Relative to  
Animals**

Staff Contact: Dale Shotkoski

# Council Agenda Memo

**From:** Dale M. Shotkoski, Interim City Attorney  
**Meeting:** September 5, 2006  
**Subject:** Revisions to Grand Island City Code-Chapter 5, Animals  
**Item #'s:** 1  
**Presenter(s):** Dale M. Shotkoski, Interim City Attorney

## Background

One of the goals set this year by Administration, the Mayor and City Council was to revise and update the Grand Island City Code. As the effort to update the code is continued, meetings were held with Brad Driml of the Humane Society to discuss changes to Chapter 5.

## Discussion

Recent meetings have been held by the Animal Advisory Board to discuss proposed changes to Chapter 5 of the Grand Island City Code and the board would recommend the following revisions.

- The Board would recommend that the definition of "vicious animal" be eliminated from the language of Section 5-37. Under the proposed revision, violations previously enforced under the definition of "vicious animal" will be enforced under the definition of "dangerous animal".
- The Board would further recommend that the definition of "scratch" include "any scraping with the claws or by oral captivity. This revision includes the specification of oral captivity. Section 5-36 of the City Code pertains to dangerous or potentially dangerous animals on an owner's property.
- The Animal Advisory Board would recommend that a dangerous animal should be securely confined in an enclosed and locked pen or structure while attended.
- It is further recommended that any dangerous or potentially dangerous animal in violation of Sections 5-36 and 5-37 may be immediately impounded by the

Humane Society with the owner of the animal being responsible for the costs incurred by the Humane Society for the care of said animal.

- The Board also recommends that the Humane Society be authorized to confiscate any dangerous or potentially dangerous animal who has bitten or inflicted a wound on a human or domestic animal and eliminate the requirement of written notice before doing so.

After much discussion by the Animal Advisory Board and receipt of public input, the Board would recommend that citizens not be able to maintain more than ten chickens, including no more than two roosters. Chickens and/or roosters must be fenced, screening the visibility of the birds from other residences.

The City Code Revision Committee met with Brad Driml of the Humane Society to discuss the proposed revisions to Chapter 5 of the City Code which were recommended by the Animal Advisory Board. The City Code Revision Committee would recommend the proposed revisions recommended by the Animal Advisory Board be accepted with the exception of chickens. The City Code Revision Committee would recommend that no chickens or roosters be allowed within the city limits of the City of Grand Island.

## **Conclusion**

This item is presented to the City Council in a Study Session to allow for any questions to be answered and to create a greater understanding of the issue at hand.

It is the intent of City Administration to bring this issue to a future council meeting for the revision of Chapter 5 of the Grand Island City Code.

ORDINANCE NO. \_\_\_\_

An ordinance to amend Chapter 5 of the Grand Island City Code; to amend Chapter 5 for housekeeping issues; to amend the definition of dangerous animal and potentially dangerous animal; to delete the definitions for fowl, vicious animal and Zoological Park; to amend the regulations regarding dangerous and potentially dangerous animals to comply with state law; to prohibit chickens and/or roosters; to remove references to vicious animals; to repeal Chapter 5 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. Chapter 5 of the Grand Island City Code is hereby amended to read as follows:

**CHAPTER 5  
ANIMALS  
Article I. General**

**§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

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, according to the records of the Central Nebraska Humane Society: (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 by an Humane Society officer and the owner has received notice of such determination and such animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog shall not be defined as a dangerous dog if the threat, any injury that is not a severe injury, or the damage was

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~~sustained by a person who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the dog, who was tormenting, abusing, or assaulting the dog, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or who was committing or attempting to commit a crime. Any animal that (a) has 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~~
- ~~(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. ~~The Central Nebraska 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. ~~(a) Any animal that when unprovoked (1) inflicts a non-severe injury 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 of attack or (b) any specific 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.~~

~~(a) Any animal 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 of 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 out of doors on the premises of

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the owner, the animal shall be in an adequately 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 has killed a human being as well as any animal that while off of its owner's property kills another domestic animal. Also 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. An animal that has previously been declared dangerous or potentially dangerous that bites or inflicts a wound on a human or on a domestic animal will not be considered sufficiently controlled and may be declared a vicious animal by the Director of the Humane Society.~~

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.

~~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.~~

#### **§5-2. Animal Advisory Board; Establishment**

There is hereby established the Animal Advisory Board of the City of Grand Island, whose duty it shall be to advise the mayor and city council on all matters relating to this chapter. The board shall be composed of seven members: four members appointed by the mayor subject to confirmation by the city council; and the chief of police or his/her designee, the director of the humane society or his/her designee, and the director of the department of health or his/her designee. Appointed members shall serve without compensation. The Animal Advisory Board shall meet during the first week of January and the first week of July of each year and/or such other occasions as may be established by said board. Attendance by any four or more members shall constitute a quorum.

#### **§5-3. Composition and Term**

Said advisory board shall be composed of one veterinarian and three representatives from the community at large. The chief of police or his/her designee, the director of the humane society or his/her designee, and the director of the department of health or his/her designee shall serve as ex officio members. The original appointees to the Animal Advisory Board shall serve terms as follows: One for one year, one for two years, and one for three years. Thereafter, all appointments shall be for three year terms, provided, any appointment to fill a vacancy shall only be for the unexpired portion of the term of the member being replaced. The mayor may remove any appointed member without cause.

#### **§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 contracting agency shall be designated humane society 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.

#### **§5-5. Interference with Humane Society Officer**

It shall be unlawful for any person to interfere with a humane society officer in the performance of his duties.

## Article II. Commercial Animal Establishments

### §5-6. Commercial Animal Establishments

All provisions of this chapter relating to the care and control of animals shall apply to commercial animal establishments as to all animals not kept for sale or resale; and, as to all animals kept for sale or resale, all provisions shall apply except for the enclosure distance requirements set forth in §5-16 and §5-17; the limitations of the number of animals set forth in §5-18; the minimum area requirements set forth in §5-18; the prohibition of chickens and roosters set forth in §5-41.1 [Committee recommendation]; and the registration of dogs and cats set forth in §5-12.

### §5-7. Permits Required

No person, partnership, or corporation shall operate a commercial animal establishment within the City of Grand Island without first obtaining a commercial permit. Operation of a commercial animal establishment without a commercial animal establishment permit shall constitute a public nuisance, subject to abatement pursuant to §20-15 of the Grand Island City Code.

### §5-8. Commercial Permits; Fee; Renewal

(A) A commercial permit fee as adopted by the humane society board and identified in accordance with the City of Grand Island Fee Schedule shall be paid to the humane society health department for each commercial animal establishment within the City.

(B) Each permit shall be effective for one year, beginning on August 1 of each year and ending on July 31 of the following year.

(C) Renewal applications shall be made no sooner than thirty days prior to, nor later than thirty days after, the first day of August.

### §5-9. Commercial Permits; Transfer

Permits may be transferred upon a change of ownership of a commercial animal establishment upon payment of a transfer fee as adopted by the humane society board and identified in accordance with the City of Grand Island Fee Schedule.

### §5-10. Commercial Establishments; Inspections

It shall be a condition of the issuance of a permit for operating a commercial animal establishment, that the City or the Health Department shall be permitted to inspect the premises and all animals thereon semi-annually. Refusal to allow an inspection by an authorized agent of the City or Health Department shall be a ground for revocation of said permit.

All commercial animal establishments shall comply with the Minimum Standards of Sanitation, Care, and Adequate Housing to be promulgated and adopted by the Animal Advisory Board and approved by the Mayor and City Council. Copies of the Minimum Standards of Sanitation, Care, and Adequate Housing shall be on file with the City Clerk and the humane society, and shall be available for public inspection.

### §5-11. Commercial Permits; Revocation

The city council may, after notice and hearing as provided by law, revoke or suspend any commercial permit for one or more of the following causes:

(A) Refusal by the commercial permit holder to allow the City or the humane society to inspect the premises or examine the animals thereon.

(B) The conviction of the commercial permit holder or any of his or her employees for the offense of cruelty to animals, whether or not said conviction is based upon the treatment of any animal on the premises of the commercial animal establishment.

(C) Three or more convictions of the commercial permit holder and/or any of his or her employees for violations of any provision of this chapter within any twelve month period where said violations are based upon the care and/or control of the animals on the premises of said establishment.

**Article III. Animal Pet Licenses**

**§5-12. Registration Fee Tax; Amounts; Delinquent**

(A) The owner of any dog or cat over the age of six months in the City of Grand Island shall pay an annual pet license fee tax for said dog or cat. Such fee shall be adopted by the humane society board and identified in accordance with 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 tax required in (A) above shall become due on January 1 of the licensing year and shall become delinquent on March 1 of each year. The owner of any dog or cat in the City of Grand Island registering the same after said fee tax has become delinquent shall pay a surcharge in accordance with the fees adopted by the humane society board 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.

**§5-13. Pet Tag; Issuance**

(A) Upon the payment of the pet license fee tax required by §5-12, the owner shall be issued a metal tag for each dog or cat registered, which tag shall be marked and numbered with the year for which the tag is purchased and fee tax paid, and the number corresponding with the number of the dog or cat on the fee tax list. The pet tag must be attached to a collar or a harness and must be worn by each dog or cat at all times.

(B) Each dog or cat registered must be listed and numbered by the treasurer.

(C) If a pet license tag is lost, a replacement tag must be issued upon payment of a fee as adopted by the humane society board and identified in accordance with the City of Grand Island Fee Schedule.

**Article IV. Animal Care**

**§5-14. Shelter Required**

No owner shall fail to provide his or her pets with shelter of sufficient size to allow each pet to lie down, and of sufficient construction to shield the pets from the wind, sun, and from precipitation.

**§5-15. Enclosure Required**

No owner shall fail to confine his or her animals within an enclosure of sufficient size and design to prevent the animal from escaping or to restrain said animal by a rope, chain, or stake in such a manner as to prevent such animal from going onto any public property or onto the property of another.

**§5-16. Enclosures; Requirements**

(A) All enclosures and restraints required by §5-15 which are used to confine horses, mules, donkeys, cows, sheep, goats or llamas shall be no less than 150 feet from any residence other than the residence of the owner of said enclosure unless a waiver or variance is obtained as provided in subsection (C) below.

(B) All enclosures and restraints required by §5-15 which are used to confine rabbits, birds, or chickens fowl shall be at least fifteen (15) feet from any privately-owned property abutting the owner's property. Enclosures for chickens, including roosters, shall be a solid fence that screens visibility of the chickens from any other residence. [AAB recommendation]

(C) The owner of any animal affected by subsection (A) may keep or maintain an enclosure within the prohibited distance by either obtaining a waiver from all property owners within the prohibited distance stating that said property owners do not object to the keeping of animals within the prohibited distance, and filing the same with the humane society, or obtaining a variance from the city council; provided, that no variance shall be granted by the city council for a distance less than 75 feet. The council shall consider the following factors in determining whether or not to issue a variance:



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(1) That the variance, if allowed, is in harmony with the general purpose and interest of this animal ordinance;

(2) That there are practical difficulties or practical hardships in the way of carrying out the strict letter of this animal ordinance;

(3) For the purpose of supplementing the above requirements, the council in making the determination whether there are practical difficulties or particular hardships, shall also take into consideration the extent to which the following facts, favorable to the applicant, have been established by the evidence:

(i) that the majority of the applicant's neighbors have presented no objection to the proposed variance;

(ii) that the variance, if granted, would not be a threat to the public health, safety, and welfare;

(iii) that the variance, if granted, would not materially reduce the marketability of surrounding real property.

(4) Upon the filing of a request for variance under this subsection, the city clerk shall cause notice of the time and place of the hearing for variance to be mailed to the head of all residences within one hundred fifty (150) feet of the enclosure for which the variance is sought.

**§5-17. Enclosures; Registration Required**

(A) The location of all enclosures with the distance requirements as set forth by §5-16 shall be registered with the humane society within ten days of placing any animal upon an unregistered location. Said registration shall be non-reoccurring for each owner, but shall be nontransferable.

(B) The location of all enclosures in existence prior to the effective date of this ordinance shall be registered with the humane society within 90 days of the effective date of this ordinance.

**§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

(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) All residential properties which do not comply with this subsection as of May 1, 1997 shall either be brought into compliance by September 1, 1997 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) above for one hundred eighty (180) or more consecutive days, the conditional use permit shall terminate and shall not be renewed or reissued.

(C) No residential property shall have more than thirty (30) rabbits ~~or fowl~~ at any one time.

(D) No residential property shall have more than ten (10) chickens at any one time. No residential property shall have more than two (2) roosters at any one time. Roosters shall be counted within the maximum number of chickens allowed. [AAB recommendation]

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

~~(E)(E)~~ 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.

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

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

**§5-19. Reserved**

**§5-20. Shelters and Enclosures; Sanitation**

No owner shall fail to keep the shelters and enclosures on his or her property in a sanitary condition. As a minimum, owners shall not fail to:

(A) Remove or dispose of in a sanitary manner, the bedding, offal manure, and waste materials accumulating from livestock at least once every seven (7) days.

(B) Remove or dispose of in a sanitary manner, the bedding, offal manure, and waste materials accumulating from all other animals at least once daily.

(C) Clean and disinfect said shelters and enclosures so as to prevent the breeding of flies and insects and the emission of deleterious and offensive odors therefrom.

**§5-21. Food, Water, Health Care; Owner's Duty**

(A) No owner shall fail to provide food and water for his or her animals, or fail to seek veterinary care for any such animals that are sick or injured. Food and water container shall be of sufficient weight and design as to preclude readily tipping over and spilling the contents.

(B) No owner shall leave his or her pets without shelter in subzero degree or stormy weather.

**§5-22. Cruelty to Animals Prohibited**

(A) No person shall beat, mistreat, torment, tease, or otherwise abuse any animal.

(B) No person shall cause, instigate, or permit any fight or other combat between animals, or between animals and humans.

**§5-23. Abandonment of Animals Prohibited**

No owner of an animal shall abandon such animal.

**§5-24. Exposing Poison Prohibited**

No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal; provided, that it shall not be unlawful for a person to expose common rat poison mixed only with vegetable substances on his or her own property.

**§5-25. Accidents Involving Animals; Duties**

No person who, as the operator of a motor vehicle, strikes an animal, shall fail to stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner, the police, or the animal control agency for the City.

**§5-26. Ear Cropping, Dewclaw Removal, and Taildocking; Prohibition**

No person, other than a licensed veterinarian, shall crop the ears, remove the dewclaws, or dock the tail of an animal.

**§5-27. Restricted Sale of Chicks and Ducklings**

Chickens or ducklings younger than eight weeks of age may not be sold in quantities of less than twenty-five to a single purchaser.

**§5-28. Animals as Prizes Prohibited**

No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

ORDINANCE NO. \_\_\_\_\_ (Cont.)

**§5-29. Performing Animal Exhibitions**

(A) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.

(B) All equipment used on a performing animal shall fit properly and be in good working condition.

**Article V. Rabies Control**

**§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.

(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.

**§5-31. Vaccination Certificate**

Every veterinarian who vaccinates a dog, cat, or ferret for rabies shall provide the owner thereof with a certificate showing the date of such vaccination. A copy of each such certificate or a compilation thereof providing notification that a vaccination certificate has been issued shall be provided by each veterinary hospital or veterinary clinic to the humane society by the 10th of each month following the date of issuance.

**§5-32. Vaccination Certificate; Duty to Exhibit**

The owner of a vaccinated dog, cat, or ferret shall exhibit the certificate of vaccination to any humane society officer upon demand.

**Article VI. Animal Control**

**§5-33. Stallions, Jacks, and Bulls**

No owner of any stallion, jack, or bull shall indecently exhibit the same or permit any such animal to be bred to any mare, jenny, or cow, except where the same is not exposed to public view.

**§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 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.

**§5-34.1. Animal Training and Shows**

Animals may be off a leash when they are being trained for hunting or an animal show at a facility that is owned, leased or operated by a nationally recognized organization or a local affiliate sanctioned by such organization for the training, showing and betterment of animals such as the American Kennel Club or the United Kennel Club. Animals may be off of a leash at an animal show that is sanctioned by a nationally recognized animal organization if such show obtains a permit from the Grand Island Humane Society. The application for said permit shall set forth the date and place of the show or event, and list the types of activities that will be taking place at the event. If the activities at such animal show do not violate any of the provisions of the Grand Island City Code other than the running at large ordinance, or involve inhumane treatment of the animals at such event then a permit shall

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be issued by the Grand Island Humane Society and a copy of the permit shall be sent to the Grand Island City Clerk and to the Grand Island Police Department.

**§5-34.2. Animals Used and Trained for Law Enforcement; Exemption**

Any animal used by law enforcement agencies including but not limited to the City of Grand Island Police Department, the Hall County Sheriff's Department or the Nebraska State Patrol shall be exempted from the provisions of the Grand Island City Ordinances including the Animal Running at Large and Dangerous Dogs Ordinances while such animal is being trained or used for law enforcement purposes.

**§5-35. Isolation of Female Animals in Heat**

No owner of a female cat or dog in heat shall fail to take reasonable measures to isolate said female from male cats and dogs to prevent contact with such male animals except for planned breeding.

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

(A) ~~While unattended on the owner's property, a dangerous animal~~ ~~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 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.

**§5-37. Dangerous Animals ~~and Vicious 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 immediately impounded by humane society officers. The owner shall be responsible for the costs incurred by the humane society for the care of the dangerous animal confiscated by the humane society or for the destruction of any dangerous animal if the action by the humane society is pursuant to law, 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).~~

~~(C)(D)~~ (D) In the event an animal conforming to the definition of dangerous or potentially dangerous bites or inflicts a wound on a human or domestic animal, the dangerous animal shall be immediately confiscated by a humane society officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner, subsequent to service of written notice on the animals' owner pursuant to §5-47 of this code, such animal may be declared a vicious animal and if the animal is declared to be vicious, ownership of such animal shall be relinquished to the Humane Society in accordance with §5-47(C).

~~(E) Any animal that has killed a human being as well as any animal that while off of its owner's property kills another domestic animal may be declared vicious and if declared vicious, ownership shall be relinquished to the Humane Society.~~

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

**§5-38. Animal Noise**

(A) No owner shall allow conditions to exist on said owner's property whereby the owner's animal or animals annoy or disturb any neighborhood or any person by loud, continuous, or frequent barking, howling, yelping, or crowing.

(B) No owner shall allow conditions to exist on said owner's property whereby the owner's roosters can be heard crowing. [AAB recommendation]

**§5-39. Pet Excreta; Removal by Owner**

The owner of any animal which deposits excreta on public property, or private property, shall be responsible for its removal. It shall be a violation of this section for the owner to fail to immediately remove such excreta when notified of its existence and location, either by the City or by the owner of the property on which the excreta was deposited.

**§5-40. Wild Animals Prohibited**

(A) No person shall keep, or permit to be kept on their residential premises any wild animal as a pet, for display, or for exhibition purposes, except as those on an Approved Animal List to be promulgated and adopted by the Animal Advisory Board and approved by the Mayor and City Council. Copies of the Approved Animal List shall be on file with the City Clerk and the humane society, and shall be available for public inspection.

(B) No person or commercial animal establishment shall offer any wild animal for sale unless included on the Approved Animal List.

(C) The owner of any wild animal listed on the Approved Animal List over the age of six (6) months shall pay an annual wild animal license fee tax- as adopted by the humane society board and identified in accordance with the City of Grand Island Fee Schedule. The annual wild animal license, as provided in this section, shall be for the period of January 1 through December 31 of the licensing year. The wild animal license provided for by this section shall be secured by each owner or new resident within thirty (30) days of establishing residency in the City or after acquiring said animal, notwithstanding the fact that the wild animal may have been registered within the annual period by a previous owner or that the wild animal may have been registered in another authority other than the City of Grand Island. The wild animal license ~~fee tax~~ shall become due on January 1 of the licensing year and shall become delinquent on March 1 of each year. ~~The wild animal license tax for 1997 shall become due on May 1, 1997 and shall become delinquent on July 1, 1997.~~

(D) In the event a person wishes to keep or permit to be kept on his residential premises, any wild animal not listed on the Approved Animal List, application in writing may be made to the Animal Advisory Board for adding said species to the Approved Animal List. The primary factor to be considered by the Animal Advisory Board in adding a species to the Approved Animal List shall be whether allowing animals of said species to be kept within the corporate limits of the City of Grand Island presents a risk to public health, safety and welfare or the health, safety and welfare of other species already allowed to be kept as pets.

**§5-41. Swine Prohibited**

No person shall keep or maintain swine, including the species known as miniature potbellied pigs, on his or her residential premises within the City.

**§5-41.1. Roosters and Chickens Prohibited**

No person shall keep or maintain roosters or chickens on his or her residential premises within the city. [Committee recommendation]

**§5-42. Impoundment of Animals at Large**

All animals not under restraint may be taken into custody by any police officer or humane society officer and impounded in the animal shelter and there confined in a humane manner.

**§5-43. Rabies Control; Reporting and Impoundment**

(A) Any unvaccinated dog or cat suspected of biting or scratching any person or exposing an individual to the possibility of contracting rabies shall be taken into custody by a humane society officer or police officer and impounded in the animal shelter for a period of not less than ten days, or such additional period as directed by a licensed veterinarian or medical professional treating the aforementioned injury.

(B) Any dog or cat currently vaccinated for rabies which is suspected of biting or scratching any person shall be confined by the owner of the animal for a period of not less than ten days; provided, that impoundment in the animal shelter shall be required if the victim, victim's legal guardian, or the victim's physician requests such impoundment; and provided further, that if said owner has on any prior occasion of a dog or cat bite or scratch,

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failed or refused to confine the animal as required by this section, said animal shall be impounded at the animal shelter or a veterinary clinic of the owner's choosing.

(C) Any ferret suspected of biting any person or exposing an individual to the possibility of contracting rabies shall be taken into custody by a humane society officer or police officer for immediate euthanization for the determination of rabies. Any ferret suspected of scratching any person shall be taken into custody by a humane society officer or police officer for immediate euthanization for determination of rabies if there is reasonable cause to believe said ferret has exposed such person to the possibility of contracting rabies.

(D) No owner of an animal suspected of biting or scratching any person, upon information and notice of the incident, shall fail or neglect to immediately place the animal in the custody of the humane society officer or police officer for impoundment at the animal shelter. Upon request and authorization by the owner of any animal impounded for observation under subsections (A), (B) or (C) above, said animal may be placed in the custody of a licensed veterinarian for the requisite observation period.

(E) All incidents of biting or scratching shall be reported in writing to the humane society by the medical professional treating the injury, the injured party, or in the case of a minor child, the parent or guardian.

(F) The term "scratching" as used in this section shall include only those incidents which result from known or suspected aggressive action or attack by a dog, cat or ferret.

**§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 ~~as adopted by the humane society board and identified 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) 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 ~~adopted by the humane society board and identified set forth in accordance with~~ the City of Grand Island Fee Schedule.

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

(F) 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 ~~in an amount adopted by the humane society board and identified in 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) 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.

**Article VII. Penalties**

**§5-45. General Penalty**

Any person violating any provision of this chapter shall be fined pursuant to §1-7 of this code. If a violation is of a continuing nature, each day of the violation shall constitute a separate violation.

**§5-46. Nuisance**

Any owner or any person in possession of any animal regulated by this chapter who fails to care for and control said animal shall be deemed to be maintaining a nuisance subject to abatement pursuant to §20-15 of the Grand Island City Code upon written request by the Director of the Department of Health, the Grand Island Police

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Department, the Director of the Humane Society, or the Code Enforcement Officer to the City Attorney, the abatement of which shall be the forfeiture of the animal or animals in violation. The procedure for abatement of nuisances set forth in §20-15 of the Grand Island City Code shall be followed in all cases not involving an imminent threat to public health, safety or welfare or the health, safety or welfare of the animal or animals in violation.

In the event continuation of a public nuisance might cause irreparable harm or poses a serious threat to public health, safety or welfare or the health, safety or welfare of residents of the property in violation, the written notice to abate pursuant to §20-15 of the Grand Island City Code shall not be required as a condition precedent to commencing a legal action to obtain abatement of the nuisance and the City of Grand Island, with the consent of the Mayor, may immediately file an action requesting such temporary or permanent order as is appropriate to expeditiously and permanently abate said nuisance and protect the public health, safety or welfare or the health safety or welfare of the residents of the property in violation.

### Article VIII. Appeal Procedure

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

~~(C)(D)~~ The owner of any animal declared a potentially dangerous animal, ~~or~~ 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 2. Chapter 5 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

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SECTION 3. 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 4. 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: September 12, 2006.

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Jay Vavricek, Mayor

Attest:

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RaNae Edwards, City Clerk