

# **City of Seward, NE**

**Tuesday, August 2, 2016**

**Regular Session**

## **Item G16**

### **CONSIDERATION OF AN ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR THE DOG PARK - City Atty Hoffschneider**

**Administrative Report: Following review and discussion, Council to consider approval of the ordinance.**

**Staff Contact:**

ORDINANCE NO.\_\_\_\_

AN ORDINANCE TO ESTABLISH A DOG PARK IN THE CITY OF SEWARD; ESTABLISH RULES FOR DOG PARKS; AMEND THE POLICE REGULATIONS; REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SEWARD AS FOLLOWS:

SECTION ONE: A new Section 6-127 of the Municipal Code of Seward which will read as follows is hereby adopted:

Establishment and regulation of a dog park. The City of Seward hereby establishes a Dog Park located along East Seward Street and Plum Creek Trail. The City of Seward Parks and Recreation Department shall be responsible for establishing the boundaries of the Dog Park. The Seward Parks and Recreation Department may promulgate and post guidelines at the Dog Park based on the Rules and Regulations herein.

SECTION TWO: A new Section 6-128 of the Municipal Code of Seward which will read as follows is hereby adopted:

Dog Park Rules and Regulations.

- a) Dogs are permitted to run loose in the Dog Park, but must be on a leash prior to entering the Dog Park and returned to a leash prior to exiting the Dog Park.
- b) The City of Seward shall not be responsible for any person or dog using the Dog Park.
- c) All dog owners are responsible for their own dog or dogs once entering the fenced-in area of the Dog Park.
- d) All dogs must bear its permit ID pursuant to the Seward City Code.
- e) Female dogs which are in season or in heat are not permitted in the Dog Park.
- f) Dogs known to exhibit vicious, fierce, aggressive or dangerous behavior are not permitted in the park at any time.
- g) No food, whether for animal or human consumption, shall be allowed within the Dog Park.
- h) All dog owners must clean up dog dropping made by their dogs. All droppings must be placed in a bag before depositing them in provided receptacles. Failure of an owner to clean up after his or her pet can lead to dismissal from the park.
- i) Digging is not permitted, and dog owners must fill in any holes left by their dog.
- j) Children must be accompanied by an adult at all times.
- k) All dogs must have current vaccinations.
- l) No smoking is allowed in the Dog Park.
- m) Glass containers are not allowed in the Dog Park.
- n) No bicycles, skateboards or motorized vehicles are allowed in the park.
- o) Dog owners shall maintain visual contact with their dogs at all times.
- p) All gates shall be immediately closed after any person enters or exits the Dog Park.
- q) No alcohol is permitted in the Dog Park.

- r) The Dog Park may only be used between sunrise and sunset. No person or animal shall be allowed in the Dog Park between sunset and sunrise.
- s) All Seward Recreation and Park rules and the Municipal Code of Seward apply to the Dog Park, except as provided herein.

SECTION THREE: Section 6-110 of the Municipal Code of Seward shall be amended as follows:

6- 110 DOGS; RUNNING AT LARGE. It shall be unlawful for the owner of any dog to allow such dog to run at large at any time within the corporate limits of the Municipality, except within the confines of an approved dog park. It shall be the duty of the Municipal Pound Superintendent or Municipal Police to cause any dog found to be running at large within the Municipality to be taken up and impounded. " Running at Large" shall mean any dog found off the premise of the owner, and not under control of the owner or a responsible person, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint.

SECTION FOUR: Section 6-212 of the Seward City Code shall be amended as follows:

6- 212 REGULATION OF ANIMALS WITHIN THE CORPORATE LIMITS.

A. Definitions. The following words and phrases when used in this Article, shall have the following meanings respectively ascribed to them:

ANIMAL shall mean any living creature, domestic or wild.

ANIMAL SHELTER shall mean any premises designated by City administrative authority for the purpose of impounding and caring for animals held under authority of this Article.

AT LARGE: Every animal shall be considered running at large when it is physically off the property of the owner and not under the immediate restraint of a competent person.

EXOTIC ANIMAL shall include:

~~a-1.~~ 1. Canines, felines and other animals not customarily domesticated in the United States.

2. Marsupials, primates, bears, and birds of prey.

3. Any species prohibited and/or regulated by the State of Nebraska by statute, and

4. Any mix or breed of any of the species mentioned above.

FOWL shall mean any two legged, feathered, winged creature.

KENNEL shall mean any person engaged in the business of breeding, buying, selling or boarding dogs, cats and/ or other domestic animals.

LIVESTOCK shall mean all cattle, swine, horses, mules, bison, sheep, goats and other grazing animals.

OWNER shall mean any person, group of persons, association of persons, partnership or corporation who shall own, keep or harbor any animal or permit the same to habitually remain or be fed in or about such owner's premises.

RESTRAINT: An animal is under restraint only when controlled by a leash or when in the immediate company of a competent person and obedient to that person's command or when on or within a vehicle being driven or parked on the streets of the City.

WILD ANIMAL shall mean any live monkey or ape, raccoon, skunk, fox, opossum, coyote, wolf, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

**B. Livestock, Hoofed And Exotic And Wild Animals Prohibited; Permits Required.**

1. It shall be unlawful for any person to keep, own or harbor any fowl, livestock, hoofed, exotic or wild animal within the City limits of the City of Seward unless a permit has been obtained. This section shall not apply to educational institutions, exhibitions sponsored by the Seward County Agricultural Society or Veterinary Clinics.

2. Permits authorizing the keeping of fowl, livestock, hoofed, exotic or wild animals within the City limits shall be issued by the City Administrator in his sound discretion, with right of appeal to the City Council. The following criteria shall be considered by the City Administrator when issuing such permits:

a. The applicant must comply with all city, state and federal statutes regarding the animal in question.

b. The applicant must provide proof that there are no objections from property owners or residents living within 200 feet in all directions from the property lines of the applicant.

c. The applicant must provide a description of the type of enclosure for confinement of the animal and the same must be suitable for the type of animal and approved by the City Administrator.

d. The applicant, after issuance of the permit, must continue to comply with all city, state and federal statutes or the permit can be revoked by the City Administrator subject to right of appeal to the city Council.

e. The applicant must provide a certificate from a licensed veterinarian verifying that the animal has no health problems that could adversely affect the health, safety and welfare of the citizens of the City of Seward.

3. No household or residence shall have more than three ( 3) animals requiring a permit. This section shall not apply to small caged birds or aquatic or amphibious animals kept solely as pets.

4. No venomous snakes shall be permitted in the City of Seward.

5. Upon issuance of a permit authorized under this ordinance, the permit holder shall immediately post a notice provided by the City which states Animal( s) Requiring City Permit Located on the Premises". Such notice shall be displayed in a conspicuous location visible to the public at the front entrance of the house.

**C. Proper Control to Prevent a Public Nuisance Required. It shall be unlawful for any owner to fail to exercise proper care and control of his animals to prevent**

them from becoming a public nuisance. Excessive, continuous or untimely barking, molesting passers by, chasing vehicles, habitually attacking other domestic animals trespassing upon private property, noxious or offensive odors emanating from their living conditions or unsanitary living conditions shall be deemed a nuisance.

D. Animals Running at Large Prohibited. It is unlawful for any animal to run at large within the city, except within the confines of an approved dog park. Every animal shall be considered running at large when it is physically off the property of the owner of the animal, and not under immediate restraint of a competent person.

E. Securing of Vicious Animals Required.

1. No person shall have, keep, harbor or allow to remain upon his premises any vicious or notoriously cross animal or an animal that may manifest a disposition to bite or attack any person without having the same properly secured and muzzled.

2. Proof of the fact that the animal has bitten or attacked any person at any place where a person is legally entitled to be is evidence that the animal is vicious within the meaning of this section.

3. If, after conviction under this section, it appears that the animal is still living, the County Judge may, in addition to any other penalties provided for in this section, order the Chief of Police or his designee to forthwith cause such animal to be destroyed and for that purpose, any such person in charge of such duty shall have the right to enter upon any premises within the City.

F. Residences With Over Three Pets Deemed Kennels.

1. Any residence which shall keep over three (3) pets of the same species, over the age of three ( 3) months, shall be considered a kennel, and shall be subject to all ordinances covering kennels and all zoning ordinances in connection therewith.

2. Subsection 1 shall not apply to small caged birds or aquatic or amphibian animals kept solely as pets.

G. Penalty. Any person violating any portion of this section shall be subject to a fine not to exceed the sum of five hundred dollars (\$ 500. 00)( Ord. No. 26- 92, 11- 17- 92, Amended by Ord 17- 09, 12- 01- 2009)

SECTION FIVE: Repeal of Inconsistent Ordinances. All prior Ordinances or parts of prior Ordinances adopted by the City of Seward in conflict herewith are hereby repealed.

SECTION SIX: Effective Date. This Ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting in pamphlet form as required by law.

Dated this \_\_\_\_ day of August, 2016.

CITY OF SEWARD, NEBRASKA

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Joshua Eickmeier, Mayor

ATTEST: \_\_\_\_\_  
Bonnie Otte  
Assistant Administrator/  
Clerk-Treasurer/  
Budget & Human Resource Director