

## CHAPTER 93: ANIMALS

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**GENERAL PROVISIONS****§ 93.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL.** Any vertebrate member of the animal kingdom other than an uncaptured wild creature.

**ANIMAL CONTROL OFFICER.** Any person authorized by law or employed or appointed for the purpose of aiding in the enforcement of this chapter or any other law or ordinance relating to the licensing, control, seizure, or impoundment of animals.

**OWNER.** Any person who owns, possesses, keeps, harbors, or has charge, custody, or control of an animal or permits an animal to habitually remain or be lodged or fed within his or her house, store, building, enclosure, yard, lot, grounds, or premises. **OWNER** does not include any veterinarian or kennel operator temporarily maintaining on his or her premises an animal owned by another person for not more than 30 days.

**RUN AT LARGE.** Not being under the actual control of the owner by means of:

(a) A leash, cord, chain, or other suitable means of physical restraint which is securely fastened or tethered in a manner sufficient to keep the animal on the premises where tethered;

(b) A leash, cord, chain, or other suitable means of physical restraint of 6 feet or less in length physically held by the owner;

(c) Being confined within a cage, receptacle, enclosed vehicle, fenced enclosure, or shelter; or

(d) Being within the real property limits of the owner and in the owner's presence and under direct and effective voice or other control.

**§ 93.02 RUNNING AT LARGE; TETHERING.**

(A) It shall be unlawful for the owner of any cow, hog, horse, mule, sheep, goat, dog, chicken, turkey, goose, or other animal except a cat to permit the animal to run at large at any time on any of the public ways and property or the property of another in the village or to be tethered or staked out in such a manner so as to allow the animal to reach or pass into any public way or property or any property of another.

(B) The owner of a cat may permit the cat to run at large within the corporate limits subject to any restrictions or prohibitions otherwise imposed by the Board of Trustees.

(C) Any animal found running at large or tethered or staked out in violation of this section is a public nuisance and may be impounded or destroyed as provided in this chapter.

(D) Nothing in this section shall be construed to permit anyone to own an animal in the corporate limits of the village that is prohibited by the Board of Trustees.

Penalty, see § 10.99

**Statutory reference:**

*Authority to regulate, see Neb. RS 17-526 and 17-547*

*Fine for permitting collarless dog to run at large, see Neb. RS 54-607*

**Cross reference:**

*Restrictions on cats; prohibited animals, see Title XVII*

**§ 93.03 WILD ANIMALS.**

No wild animals may be kept within the corporate limits except wild animals kept for exhibition purposes by circuses and educational institutions.

Penalty, see § 10.99

**§ 93.04 KILLING, POISONING, AND INJURING.**

It shall be unlawful for any person to kill, administer or cause to be administered poison of any sort to, or in any manner injure, maim, or destroy or attempt to injure, maim, or destroy any animal or to place any poison or poisoned food where it is accessible to an animal, except that:

(A) This section shall not apply to any law enforcement officer or animal control officer acting within his or her power and duty;

(B) This section shall not apply if the animal is vicious, dangerous, or showing characteristics of rabies and cannot be captured without danger to the persons attempting to effect a capture of the animal; and

(C) Any owner of a dog that he or she wishes to be destroyed may place the dog in an animal pound or shelter or with a licensed veterinarian to be humanely destroyed and disposed of according to the provisions in this chapter or other provisions of law.

Penalty, see § 10.99

**§ 93.05 ENCLOSURES.**

All pens, cages, sheds, yards, or any other area or enclosure for the confinement or animals not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the enclosure is located.

Penalty, see § 10.99

**§ 93.06 ABANDONMENT, NEGLECT, AND MISTREATMENT.**

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDON.** To leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water, or other care as is reasonably necessary for the animal's health.

**ANIMAL.** Any vertebrate member of the animal kingdom. The term does not include an uncaptured wild creature.

**CRUELLY MISTREAT.** To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

**CRUELLY NEGLECT.** To fail to provide any animal in one's care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal's health.

**HUMANE KILLING.** The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

**LAW ENFORCEMENT OFFICER.** Any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of the village or any other city or village, or any other public official authorized by the village or any other city or village to enforce state or local animal control laws, rules, regulations, or ordinances.  
(Neb. RS 28-1008)

(B) *Enforcement powers; immunity.*

(1) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for, or impound the animal.

(2) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed in Neb. RS 29-422 to 29-429.

(3) Any law enforcement officer acting under this section shall not be liable for damage to property if such damage is not the result of the officer's negligence.  
(Neb. RS 28-1012)

(C) *Violation.* A person who intentionally, knowingly, or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.  
(Neb. RS 28-1009)

**Statutory reference:**

*Serious illness or injury to animal; death of animal; felony, see Neb. RS 28-1008 and 28-1009*

**§ 93.07 PITTING.**

(A) For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**BEARBAITING.** The pitting of any animal against a bear.

**COCKFIGHTING.** The pitting of a fowl against another fowl.

**DOG FIGHTING.** The pitting of a dog against another dog.

**PITTING.** Bringing animals together in combat.  
(Neb. RS 28-1004)

(B) (1) No person shall knowingly:

(a) Promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting an animal against another;

(b) Receive money for the admission of another person to a place kept for such purpose;

(c) Own, use, train, sell, or possess an animal for such purpose; or

(d) Permit any act as described in this division (B)(1) to occur on any premises owned or controlled by him or her.

(2) No person shall knowingly and willingly be present at and witness as a spectator dogfighting, cockfighting, bearbaiting, or the pitting of an animal against another as prohibited in division (B)(1) of this section.

(Neb. RS 28-1005) Penalty, see § 10.99

**§ 93.08 IMPOUNDMENT.**

(A) This section shall apply to the impoundment of animals to which § 93.24 does not apply.

(B) Any animal found in violation of the provisions of this chapter shall be impounded. All impounded domestic animals shall be given proper care, treatment, and maintenance.

(C) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound and at the office of the Village Clerk within 24 hours after impoundment as public notification of impoundment. Notice of the impoundment of any licensed dog shall also be mailed to the owner listed on the license application by regular U.S. mail to the address listed on the application.

(D) Each impounded domestic animal shall be kept and maintained at the pound for a period of not less than 5 days after public notice has been given unless reclaimed earlier by the owner. The owner may reclaim the animal during the period of impoundment by payment of any general impoundment and daily board fees set by resolution of the Board of Trustees and on file in the office of the Village Clerk, except that in addition, an unusual or other nondomesticated or wild animal shall only be released upon condition that the owner shall immediately remove the animal from the village or destroy it. A diseased animal may be released upon a determination that the health and safety of the public is no longer threatened. The owner of any released animal shall be required to comply with any licensing and rabies vaccination requirements applicable to such animal within 72 hours after release.

(E) If the animal is unclaimed at the end of required waiting period after public notice has been given, the animal control officer may destroy and dispose of the animal in a humane manner in accordance with applicable rules and regulations, except that if in the judgment of the officer a suitable home can be found for the animal, the animal shall be turned over to the person who can provide such home and the new owner shall be required to pay all fees and meet all applicable licensing and vaccinating requirements. The village shall acquire legal title to any unlicensed dog or any other animal impounded in the animal shelter for a period longer than the required waiting period after giving notice. The owner of the animal shall remain liable for payment of the fees established by the Board of Trustees.

***Statutory reference:***

*Authority to establish pens and pounds, see Neb. RS 17-548 and 71-4408*

*Authority to impound and sell animals, see Neb. RS 17-526 and 17-547*

**§ 93.09 OFFICER'S COMPENSATION.**

If the Board of Trustees so provides, any official appointed or designated to destroy and dispose of animals under the provisions of this chapter shall be paid, in addition to his or her regular salary or other compensation, the sum set by the Board for each animal so destroyed and disposed of.

***Statutory reference:***

*Authority to compensate keeper of pound, see Neb. RS 17-548*

**§ 93.10 INTERFERENCE WITH POLICE.**

It shall be unlawful for any person to hinder, delay, or interfere with any police officer or animal control officer who is performing any duty enjoined upon that person by the provisions of this chapter or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open, of the animal shelter, any ambulance wagon, or any other vehicle used for the collecting or conveying of animals to the shelter.

***Cross reference:***

*Obstructing a peace officer prohibited, see § 132.05*

**§ 93.11 MAINTENANCE OF HORSES**

It shall be unlawful to keep or maintain more than two horses within the corporate limits of the Village. Any horses kept in the corporate limits shall be maintained on no less than two acres of suitably enclosed property, which enclosure shall be constructed at least 150 feet from any existing dwelling unit, with the exception of the dwelling of the owner. (*Ref. Stratton Municipal Ordinance 160, passed October 20, 2003.*)

***RABIES***

**§ 93.20 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***CAT.*** A cat which is a household pet.

***DEPARTMENT.*** The state Department of Health and Human Services.

***DOMESTIC ANIMAL.*** Any dog or cat.

***HYBRID ANIMAL.*** Any animal which is the product of the breeding of a domestic dog with a nondomestic canine species.

***OWN.*** To possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. This term does not apply to domestic or hybrid animals owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than 30 days.

***OWNER.*** Any person possessing, keeping, harboring, or having charge or control of any

domestic or hybrid animal or permitting any domestic animal to habitually be or remain on or be lodged or fed within the person's house, yard, or premises. This term does not apply to veterinarians or kennel operators temporarily maintaining on their premises domestic or hybrid animals owned by other persons for a period of not more than 30 days.

***RABIES CONTROL AUTHORITY.*** Village health and law enforcement officials who shall enforce the provisions of this subchapter relating to the vaccination and impoundment of domestic or hybrid animals. Such public officials shall not be responsible for any accident or disease of a domestic or hybrid animal resulting from the enforcement of such sections.

***VACCINATION AGAINST RABIES.*** The inoculation of a domestic or hybrid animal with a rabies vaccine as approved by the rules and regulations adopted and promulgated by the department. The vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the state.

(Neb. RS 71-4401)

#### **§ 93.21 VACCINATION REQUIRED; COST; EXEMPTIONS.**

(A) Every domestic animal in the village shall be vaccinated against rabies with a licensed vaccine and revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. Young domestic animals shall be initially vaccinated at the age specified in the rules and regulations. Unvaccinated domestic animals acquired or moved into the village shall be vaccinated within 30 days after purchase or arrival unless under the age for initial vaccination.

(B) (1) Except as provided in division (B)(3) of this section, every hybrid animal in the village shall be vaccinated against rabies and shall be revaccinated at intervals specified by rules and regulations adopted and promulgated by the department. A young hybrid animal shall be initially vaccinated at the age specified in such rules and regulations. An unvaccinated hybrid animal acquired or moved into the village shall be vaccinated within 30 after purchase or arrival unless under the age for initial vaccination.

(2) The rabies vaccine used to vaccinate a hybrid animal pursuant to this section shall be sold only to licensed veterinarians.

(3) An owner of a hybrid animal in the village prior to the date of development of a licensed vaccine determined scientifically to be reliable in preventing rabies in a hybrid animal shall have one year after such date to comply with this section.

(Neb. RS 71-4402)

(C) The cost of rabies vaccination shall be borne by the owner of the domestic or hybrid animal.

(Neb. RS 71-4404)

(C) (1) The provisions of this subchapter with respect to vaccination shall not apply



to any domestic or hybrid animal owned by a person temporarily remaining within the village for less than 30 days, to any domestic or hybrid animal brought into the village for field trial or show purposes, or to any domestic or hybrid animal brought into the village for hunting purposes for a period of less than 30 days. Such domestic or hybrid animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any domestic or hybrid animal into the village which does not comply with the animal health laws and import rules and regulations of the state which are applicable to domestic or hybrid animals.

(2) Domestic or hybrid animals assigned to a research institution or a similar facility shall be exempt from this subchapter.

(Neb. RS 71-4405) Penalty, see § 10.99

### **§ 93.22 SEIZURE BY AUTHORITY; CONFINEMENT BY OWNER; TESTING.**

(A) (1) Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized by the rabies control authority for a period of not less than 10 days if:

(a) The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;

(b) The animal is not vaccinated and is a dog, cat, or another animal of a species determined by the department to be a rabid species; or

(c) The animal is of a species which has been determined by the department to be a rabid species not amenable to rabies protection by immunization, whether or not the animal has been vaccinated.

(2) If, after observation and examination by a veterinarian, at the end of the 10-day period the animal shows no clinical signs of rabies, the animal may be released to its owner.

(B) (1) Except as provided in division (B)(2) of this section, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with § 93.21, or if such an injury to a person is caused by an owned dog, cat, or other animal determined by the department to be a rabid species amenable to rabies protection by immunization which has been vaccinated, the animal shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least 10 days and shall be observed and examined by a veterinarian at the end of the 10-day period. If no clinical signs of rabies are found by the veterinarian, the animal may be released from confinement.

(2) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in division (B)(1) of this section. The agency shall maintain ownership of and shall control and supervise the actions of the animal for a period of 15 days following the injury. If during such period the death of

the animal occurs for any reason, a veterinarian shall within 24 hours of the death examine the tissues of the animal for clinical signs of rabies.

(C) Any dog, cat, or other animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within 72 hours of the time of the bite or abrasion shall be immediately subject to any tests which the department believes are necessary to determine whether the animal is afflicted with rabies. The 72-hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed.

(Neb. RS 71-4406) Penalty, see § 10.99

### **§ 93.23 DOMESTIC ANIMAL BITTEN BY RABID ANIMAL.**

In the case of domestic or hybrid animals known to have been bitten by a rabid animal, the following rules shall apply:

(A) If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with § 93.21, the bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place the domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than 6 months; and

(B) If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with § 93.21, the domestic or hybrid animal shall be subject to the following procedure:

(1) The domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than 30 days following vaccination;

(2) If the domestic or hybrid animal is not immediately revaccinated, the domestic or hybrid animal shall be confined in strict isolation in a kennel for a period of not less than 6 months under the supervision of a veterinarian; or

(3) The domestic or hybrid animal shall be destroyed if the owner does not comply with either division (B)(1) or (2) of this section.

(Neb. RS 71-4407) Penalty, see § 10.99

### **§ 93.24 ANIMAL POUND; IMPOUNDMENT; RELEASE; FEES.**

(A) (1) The rabies control authority may authorize an animal pound or pounds or may enter into a cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.

(2) Any dog or hybrid of the family Canidae found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for the dog or hybrid of the family Canidae shall be impounded. The rabies control authority may require the impoundment of domestic or hybrid animals other than dogs or hybrid of the family Canidae. All impounded domestic or hybrid animals shall be given proper care, treatment, and maintenance. Each impounded domestic or hybrid animal shall be kept and maintained at the pound for a period of not less than 72 hours unless reclaimed earlier by the owner.

(3) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated domestic or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and by complying with the rabies vaccination requirement of this subchapter within 72 hours of release. Any vaccinated domestic or hybrid animal impounded because its owner has not presented a valid certificate of rabies vaccination and a valid rabies vaccination tag for the domestic or hybrid animal may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(4) At the expiration of impoundment a domestic or hybrid animal may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this subchapter within 72 hours of release. If the domestic or hybrid animal is unclaimed at the end of 5 days, the authorities may dispose of the domestic or hybrid animal in accordance with applicable laws or rules and regulations.  
(Neb. RS 71-4408)

(B) Impoundment fees shall be paid by the owner. Fees for impoundment at public facilities shall be established by the rabies control authority.  
(Neb. RS 71-4411)

### **§ 93.25 PROCLAMATION OF DANGER.**

Whenever in its opinion the danger to the public safety from a species of rabid animals is great or imminent, the Board of Trustees shall issue a proclamation ordering all owners of any such species to muzzle the animal or to confine it for a period of not less than 30 days or more than 90 days from the date of the proclamation or until the danger is passed. The animal may be harbored by any good and sufficient means in a house, garage, or yard on the premises on which the owner may reside. Upon issuance of a proclamation, all owners of any such species shall muzzle or confine the animal as provided in this section.  
Penalty, see § 10.99

**§ 93.26 ENFORCEMENT.**

(A) When the owner of any domestic or hybrid animal or other animal fails or refuses to comply with § 93.22 or 93.23, the rabies control authority shall obtain an order for seizure of the animal pursuant to Neb. RS Chapter 29, article 8.  
(Neb. RS 71-4410)

(B) In the village, all ordinances, codes, or rules and regulations concerning the control of rabies or the vaccination of domestic or hybrid animals against rabies shall be enforced by the village health and law enforcement officials or those other officers with regulatory authority as specified by the Board of Trustees.  
(Neb. RS 71-4412)

**§ 93.27 LICENSE AND TAX REQUIRED.**

Any person who shall own, keep or harbor an animal over the age of one (1) year within the Municipality shall within thirty (30) days after acquisition of the said animal acquire a license for each such animal annually by or before the first (1<sup>st</sup>) day of January of each year. The said tax shall be delinquent from and after January thirty-first (31<sup>st</sup>); provided, the possessor of any animal brought into or harbored within the corporate limits subsequent to January first (1<sup>st</sup>) of any year shall be liable for the payment of the animal tax levied herein and such be delinquent if not paid within thirty (30) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of three dollars (\$3.00) and a tag fee of one dollar (\$1.00) for each animal, plus any outstanding impoundment fee chargeable to the applicant. Said license shall not be transferrable and no refund will be allowed in case of death, sale or other disposition of the licensed animal. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color and sex of each animal owned and kept by him. A certificate that the animal has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (*Ref. 17-526, 54-603, 71-4412 RS Neb. and Stratton Municipal Ordinance 159, passed April 15, 2002.*)

**DOGS****§ 93.40 COLLAR OR HARNESS REQUIRED.**

(A) It shall be the duty of every owner of a dog to securely place upon the neck of the dog a good and sufficient collar with a metallic plate thereon. The plate shall be plainly inscribed with the name of the owner.  
(Neb. RS 54-605)

(B) The owner of a dog may use a harness instead of a collar as long as the harness meets all other requirements of division (A) of this section.  
Penalty, see § 10.99

**§ 93.41 REMOVAL OF COLLAR, HARNESS, OR TAGS.**

It shall be unlawful for any person to remove, or cause to be removed, the collar, harness, metallic license tag, or rabies tag from any dog without the consent of the owner of the dog.

Penalty, see § 10.99

**§ 93.42 LIABILITY OF OWNER.**

It shall be unlawful for the owner to allow a dog to injure or destroy any real or personal property of any description belonging to another person. The owner of the dog, in addition to the usual judgment upon conviction, may be made to be liable to the person injured in an amount equal to the value of the damage sustained.

Penalty, see § 10.99

***Statutory reference:***

*Authority to guard against injuries or annoyances, see Neb. RS 17-526*

*Statutory liability for damages, see Neb. 54-601, 56-602, and 54-606*

**§ 93.43 BARKING AND CHASING; COMPLAINTS.**

(A) It shall be unlawful for the owner to allow a dog to annoy or disturb any neighborhood or person by loud, continued, or frequent barking, howling, or yelping or to habitually bark at or chase pedestrians, drivers, or owners of horses or vehicles while they are on any public sidewalks, streets, or alleys in the village.

(B) Upon the written complaint of 2 or more affected persons from different households, filed within any 30-day period with the Village Clerk or animal control officer, that any dog owned by the person named in the complaint is an annoyance or disturbance, or otherwise violates the provisions of this section, the village police or animal control officer shall investigate the complaint and, if in his or her opinion the situation warrants, notify the owner to silence and restrain the dog.

(C) The provisions of this section shall not be construed to apply to any village animal shelter.

Penalty, see § 10.99

***Statutory reference:***

*Authority to guard against annoyances, see Neb. RS 17-526*

**§ 93.44 PROHIBITED ANIMALS.**

(A) The term "Prohibited Animals" as used herein shall include the following:

**Villages - General Regulations**

(1) Any animal with a propensity, tendency or disposition to attack, to cause injury or damage or otherwise endanger the safety of human beings or domestic animals.

(2) Any animal which attacks a human being one (1) time or attacks a domestic animal on two (2) or more occasions without provocation;

(3) Any animal previously determined to be a potentially dangerous animal by Municipal Law Enforcement 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. An animal shall not be defined as a "prohibited animal" if the bite, attack or endangerment was to a person who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal, or who was tormenting, abusing or assaulting the animal, or who has, in the past, been observed or reported to have tormented, abused, or assaulted the animal, or who was committing or attempting to commit a crime at the time of the bite, attack, or endangerment.

(4) Any Pit Bull dog. The term "Pit Bull dog" shall refer to any dog which exhibits those distinguishing characteristics which: (1) substantially conform to the standards established by the American Kennel Club for American Staffordshire Terriers or Staffordshire Bull Terriers; or (2) substantially conform to the standards established by the United Kennel Club for American Pit Bull Terriers. The standards referred to above shall remain on file with the Village Clerk of the Village of Stratton, Nebraska. Technical deficiencies in the dog's conformance to the standards in this paragraph shall not be construed to indicate that the subject dog is not a 'Pit Bull' under this ordinance.

(B) No person may own, harbor or care for a "prohibited animal" as defined herein within the Village limits.

(C) The keeping, maintaining, owning or harboring of a "prohibited animal" within the Village limits is hereby declared a nuisance as being against the public safety.

(D) It shall be the duty of Municipal Law Enforcement to capture and remove in a humane manner to the Municipal Animal Shelter any "prohibited animal" described above. However, Municipal Law Enforcement shall have the authority to kill any animal having characteristics described in Section 1.a. or 1.b. hereof when such characteristics make attempted capture dangerous to the law enforcement officer or others in the vicinity.

(E) Any person who shall violate or refuse to comply with the enforcement of the provisions of the foregoing section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

(F) Whenever a nuisance exists as defined in the foregoing section, the Village may proceed by a suit in a Court of competent jurisdiction to enjoin and abate the same in a manner provided by law. In any criminal prosecution, the Court, in addition to any penalty

imposed, may enter an order of abatement as part of the judgment in such case. (*Ref. Stratton Municipal Ordinance 162, passed January 16, 2006*)

Ordinance 179

AN ORDINANCE OF THE VILLAGE OF STRATTON, NEBRASKA, AMENDING CHAPTER 93, TITLE 27 OF THE MUNICIPAL CODE OF THE VILLAGE OF STRATTON, NEBRASKA TO CHANGE THE LICENSE FEE FOR DOGS; TO REPEAL ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HERewith; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF STRATTON:

Section 1. That Section 93.27 of the Stratton Municipal Code of Ordinances be amended to read as follows:

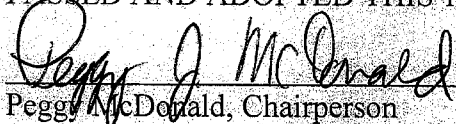
93.27 LICENSE AND TAX REQUIRED

Any person who shall own, keep, or harbor a dog over the age of one (1) year within the Municipality shall within thirty (30) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1<sup>st</sup>) day of January of each year. The said tax shall be delinquent from and after January thirty-first (31<sup>st</sup>); provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to January first (1<sup>st</sup>) of any year shall be liable for the payment of the dog tax levied herein and such be delinquent if not paid within thirty (30) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of four dollars (\$4.00) and a tag fee of one dollar (\$1.00) for each dog, plus any outstanding impoundment fee chargeable to the applicant. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed dog. The owner shall state at the time the application is made upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71-4412 RS Neb. And Stratton Municipal Ordinance 159, passed April 15, 2002.)

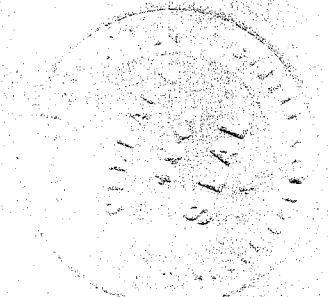
Section 2. That Chapter 93, Title 27 of the Stratton Municipal Code and any other ordinance or section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with the provisions is herewith repealed.

Section 3. The ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND ADOPTED THIS 19<sup>TH</sup> DAY OF FEBRUARY, 2013.

  
Peggy J. McDonald, Chairperson

  
Lorrinda Cheatham, Clerk





Ordinance 184

AN ORDINANCE OF THE VILLAGE OF STRATTON, NEBRASKA, AMENDING CHAPTER 93 OF THE MUNICIPAL CODE OF THE VILLAGE OF STRATTON, NEBRASKA TO SET A LIMIT ON THE NUMBER OF DOGS PER RESIDENCE; TO REPEAL ALL OTHER ORDINANCES OR SECTIONS OF ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CHAIRPERSON AND THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF STRATTON:

Section 1. That Chapter 93 of the Stratton Municipal Code of Ordinances be amended by adding Title 45 to read as follows:

93.45 NUMBER OF DOGS

It shall be unlawful for any person to keep or harbor more than three dogs at any residence or other parcel of land within the Village of Stratton except as herein provided. A person shall be permitted to keep a female dog with a litter, except that no more than one litter may be kept at any time, and no more than one litter may be kept in any twelve-month period. Litters may be kept a maximum of 180 days under this exception, after which the animals are considered as individual dogs and must comply with the licensing requirements and number limitations of this article.

Section 2. That any other ordinance of section passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict with the provisions is herewith repealed.

Section 3. The ordinance shall take effect and be in full force from and after its passage, approval, and publication or posting as required by law.

PASSED AND ADOPTED THIS 21<sup>ST</sup> DAY OF JANUARY, 2014.

  
\_\_\_\_\_  
Peggy McDonald, Chairwoman

Attest:

  
\_\_\_\_\_  
Lorrinda Cheatham, Clerk



**VILLAGE OF STRATTON**

**ORDINANCE NO. 209**

AN AMENDING MUNICIPAL CODE SECTION 93.44 OF CHAPTER 93 OF TITLE IX RELATING TO PROHIBITED ANIMALS; TO REPEAL CONFLICTING ORDINANCES AND SECTIONS; TO PROVIDE AN EFFECTIVE DATE

BE IT ORDAINED BY THE CHAIRMAN AND BOARD OF TRUSTEES OF THE VILLAGE OF STRATTON, NEBRASKA:

SECTION 1. Section 93.44 of Chapter 93 of Title IX entitled "Prohibited Animals", of the Municipal Code of the Village of Stratton, Nebraska is hereby amended by amending and/or adding the following:

**§93.44 PROHIBITED ANIMALS**

(A) The term "Prohibited Animals" as used herein shall include the following:

- (1) Any animal with a propensity, tendency or disposition to attack, to cause injury or damage or otherwise endanger the safety of human beings or domestic animals.
- (2) Any animal which attacks a human being one (1) time without provocation or has severely injured or killed a domestic animal while off the owner's property or attacks a domestic animal on two or more occasions without provocation.
- (3) Any animal previously determined to be a potentially dangerous animal by Municipal Law Enforcement and the owner has received notice of which determination and such animal again aggressively bites, attacks, or endangers the safety of humans or domestic animals. An animal shall not be defined as a "prohibited animal" if the bite, attack or endangerment was to a person who, at the time, was committing a willful trespass or any other tort upon the property of the owner of the animal, or who was tormenting, abusing or assaulting the animal, or who has, in the past, been observed or reported to have tormented, abused, or assaulted the animal, or who was committing or attempting to commit a crime at the time of the bite, attack or endangerment.
- (4) Except as provided in subsection (B) of this section, any llamas, mules, cattle, sheep, goats, swine, hogs or similar animals or any chickens, ducks, geese, turkeys, guineas, ostriches, peacocks or other fowl.

(B) No person may own, harbor or care for a "prohibited animal" as defined herein within the Village limits, except such persons who continue, without interruption, to reside on a property where animals described in Section (A)(5), above, were located prior to passage and approval of this ordinance and which continue to be located on such property without

interruption. The foregoing exemption shall not apply if (1) the number of animals on the property where they are located is increased; or (2) if the property on which they are located changes ownership; or (3) if the prohibited animals include animals other than the type located on the property at the effective date of this ordinance. The burden of establishing rights to exempt status under this provision shall be upon the owner of the animals.

- (C) The keeping, maintaining, owning or harboring of a "prohibited animal" within the Village limits is hereby declared a nuisance as being against the public safety.
- (D) It shall be the duty of Municipal Law Enforcement to capture and remove in a humane manner any "prohibited animal" described above. However, Municipal Law Enforcement shall have the authority to kill any animal having characteristics described in Section (A)(1) or (A)(2) hereof when such characteristics make attempted capture dangerous to the law enforcement officer or others in the vicinity.
- (E) Any person who shall violate or refuse to comply with the enforcement of the provisions of the foregoing section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than one hundred dollars (\$100.00) for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.
- (F) When a nuisance exists as defined in the foregoing section, the Village may proceed by a suit in a Court of competent jurisdiction to enjoin and abate the same in a manner provided by law. In any criminal prosecution, the Court, in addition to any penalty imposed, may enter an order of abatement as part of the judgment in such case.

SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall be published or posted and shall be in full force and take effect July 18, 2022.

Passed and approved this 18th day of July, 2022.

\_\_\_\_\_  
Jilene Chivell Griffiths, Chairman

ATTEST:

\_\_\_\_\_  
Tara Hedrick, Village Clerk

(SEAL)