

ORDINANCE NO.9965

An ordinance to amend Chapter 5 of Grand Island City Code; to amend Sections 5-1, 5-30 and 5-46; to clarify and/or make general corrections to various code sections, to repeal 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. Sections 5-1, 5-30 and 5-46 the Grand Island City Code are hereby amended to read as follows:

5-1 Definitions

As used in this chapter, the following terms mean:

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 live, member of the Animal Kingdom with the following exceptions:

- A. Human beings;
- B. Animals that are sold commercially as food for human consumption;
- C. Animals that are slaughtered as food for human or animal consumption;
- D. Animals that are slaughtered or processed for human use;
- E. Animals that are used for scientific research conducted at commercial or academic facilities;
- F. Animals that are used as commonly acceptable bait for lawful fishing activities;
- G. Vermin;
- H. Uncaptured wild creatures; or
- I. Livestock as defined in Neb Rev. Stat. §54-902.

Animal Abuse. To knowingly, willfully, intentionally or inhumanely kill, maim, injure, torture, or beat an animal with the following exceptions:

- A. Euthanization or treatment by a Veterinarian or at a Veterinary Hospital or Clinic;
- B. Euthanization or treatment at an Animal Control Facility;
- C. Killing or injuring by members of law enforcement or Animal Control Officers in the course of their duties;
- D. Killing or injuring by persons protecting themselves or others from potential death or serious injury; or
- E. Training or disciplining an animal using commonly accepted methods.

Animal Control Authority. The entity contracted to enforce the City of Grand Island's animal control laws. This also includes any law enforcement agencies authorized to enforce local, State, or Federal animal control laws.

Animal Control Officer. Any person employed or designated by any Animal Control Authority or law enforcement agency to enforce local, State, or Federal animal control laws.

Animal Shelter. Any facility operated by the City or by the duly authorized Animal Control Authority for the purpose of impounding or caring for animals held under the authority of this chapter.

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Anti-Escape Barrier. Any housing, fencing, or device humanely designed to prevent a dog from leaving an area.

Auctions Facility. Any commercial establishment 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.

Bedding. Dry material such as straw, cedar or wood chips, or any other absorbent material that provides insulation.

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

Bite. Any seizure with the teeth or mouth by an animal which causes injury or harm.

Boarding Kennel. Any commercial facility used to house animals owned by persons other than the owner or operator.

Breeder. Any person or entity engaged in breeding and/or selling more than ten (10) animals in any twelve (12) month period.

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

Commercial Animal Establishment. Any pet shop, grooming shop, auction facility, riding school or stable, performing animal exhibition, or kennel with the following exceptions:

- A. An animal shelter;
- B. A veterinary hospital or clinic;
- C. A commercial facility that sells, slaughters, or processes animals; or
- D. A commercial or academic animal research facility.

Cruelly mistreat. To knowingly and intentionally kill, maim, disfigure, torture, beat, kick, hit, strike in any manner, 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.

Dangerous Animal. An animal that has killed a human being; has inflicted injury on a human being that requires medical treatment, or has killed a domestic animal without provocation with the following exceptions:

- A. An animal that is provoked;
- B. An animal that is serving as a guard for persons or property; or
- C. An animal that kills or injures a person who is trespassing.

Domestic animal. Shall mean a cat, a dog, or livestock.

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. The agency or organization the City contracts with or designates to enforce the

provisions of Chapter 5 - Animals of the Grand Island City Code related to public health and welfare.

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

Humane killing. The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

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 or poultry commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, domesticated cervine animals, chickens, ducks, ratite birds, or turkeys.

Medical treatment. Treatment administered by a physician or other licensed health care professional.

Mutilation. Intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to accepted veterinary practices.

Owner. Any person(s), or legal entity having permanent control of an animal, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person, or housing, feeding, or controlling an animal for more than three (3) days with the following exceptions:

- A. A boarding kennel; or
- B. A veterinarian, veterinary hospital, or veterinary clinic.

Performing Animal Exhibition. Any spectacle, display, act, circus, fair, or event in which animals perform.

Pet. Any animal kept for pleasure or companionship rather than solely for 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 an injury on a human being that does not require medical treatment; or
 - 2. Injures a domestic animal; or
 - 3. 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 animal with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Poultry. Domesticated fowl which are bred for the primary purpose of producing eggs or meat, including but not limited to chickens, ducks, ratite birds, turkeys, geese, waterfowl, and game birds, excluding doves and pigeons.

Restraint. Securing an animal by a leash or lead which results in it being under the control of owner or

custodian or being confined within the real property limits of its owner or custodian.

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. Any dog or other animal outside the premises of its owner or custodian and not controlled by a leash, cord, chain, rope, cage or other suitable means of physical restraint.

Shelter. Any structure with a roof and at least three (3) walls designed and capable of protecting and/or housing one or more animals while providing protection from the elements and affording any animal housed or protected in it, the space to sit, stand, lie down, and turn around.

Torture. Intentionally subjecting an animal to pain, suffering, or agony with the following exceptions:

- A. The slaughter of animals as food for human or animal consumption;
- B. The slaughter or processing of animals for human use;
- C. The use of animals for scientific research conducted at commercial or academic facilities;
- D. The use of animals as commonly acceptable bait for lawful fishing activities;
- E. The extermination of vermin;
- F. The euthanization or treatment of an animal by a Veterinarian or at a Veterinary Hospital or Clinic;
- G. The euthanization or treatment of an animal at an animal control facility;
- H. The killing or injuring of animals by members of law enforcement or Animal Control Officers in the course of their duties;
- I. The killing or injuring of animals by persons protecting themselves or others from potential death or serious injury; or
- J. The training or disciplining of animals using commonly accepted methods.

Vermin. Animals that infest places where humans live, work, or control and which are commonly considered objectionable, excluding animals used solely as feeder animals. Examples include but are not limited to rodents, insects and bee colonies.

Wild Animal. Any animal that is native to a foreign country, of foreign origin or character, not native to the United States, not native to the State of Nebraska, and/or is any wild, poisonous, or potentially dangerous animal not normally considered domesticated, including but not limited to monkeys, raccoons, skunks, snakes and lions but excluding birds and those animals listed on the Approved Animal List.

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. Owner shall provide proof of vaccination upon request.
- 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.

5-46 Nuisance Owner

- A. Any owner or custodian in possession of any animal or bee hive regulated by this Chapter may be

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declared a Nuisance Owner upon written request by the Animal Control Authority, Animal Advisory Board or Law Enforcement of the City of Grand Island for any one of the following:

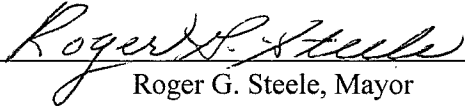
1. The owner is convicted of one or more violations of this Chapter on four (4) separate occasions in a twenty-four (24) month period; or
 2. The owner has failed to comply with the requirements of §5-36.1 of City Code after the animal has been deemed Potentially Dangerous or Dangerous; or
 3. The owner of a deemed Potentially Dangerous or Dangerous animal has violated §5-37 of City Code; or
 4. The owner of an animal has been convicted of a violation of §5-22 of City Code;
 5. The owner of an animal has been convicted of a violation of §5-23 of City Code; or
 6. The owner of and animal has been convicted of a violation of any equivalent State Statute of this or any other State.
- B. Upon written request by the Animal Control Authority, Animal Advisory Board or Law Enforcement officials to declare an owner a Nuisance Owner, the owner must surrender the animal or bee hive(s) to the Animal Control Authority within five (5) days of receiving notice of Nuisance Ownership. Service of Nuisance Ownership shall be by personal service or certified U.S. Mail to the last known address of the owner. The animal or bee hive(s) will be impounded by the Animal Control Authority until a final determination of Nuisance Ownership has been made.
- C. In the event continuation of the nuisance ownership might cause irreparable harm to the animal or poses a serious threat to public health, safety or welfare, or the health, safety or welfare of residents of the property where the animal or bee hive(s) resides, the animal or bee hive(s) shall be impounded immediately by the Animal Control Authority and held until final determination of Nuisance Ownership is made.
- D. The owner may accept the Notice of Nuisance Ownership as a final determination, or the owner may appeal the Notice of Nuisance Ownership pursuant to Article VIII of this Chapter.
- E. Upon either acceptance of a Nuisance Ownership determination or after appeal and a determination by the Animal Advisory Board of Nuisance Ownership, the disposition of the animal or bee hive(s) will be at the discretion of the Animal Control Authority and what it determines appropriate.
- F. The owner will be responsible for payment of all impoundment fees as established by the Animal Control Authority.
- G. Nuisance owners shall be prohibited from owning or residing with any animal or keeping bees within the corporate limits of the City of Grand Island for a period of five (5) years from the date of determination. Owners found to be in violation of this subsection shall be subject to the Animal Control Authority immediately impounding and disposing of the animal or bee hive(s). Ultimate disposition of the animal or hive(s) will be at the discretion of the Animal Control Authority.
- H. Any person violating any provision of this section shall be fined pursuant to §1-7 of this code. If a violation is of a continuing nature, i.e., each day after the deadline that the animal or bee hive(s) is in the possession of a prohibited owner, each day of the violation shall constitute a separate violation.

SECTION 2. Any ordinance or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. 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.

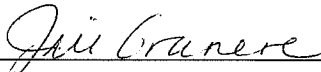
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Enacted: February 27, 2024



Roger G. Steele, Mayor

Attest:



Jiff Granere, City Clerk

