

CITY OF CRETE, NEBRASKA

ORDINANCE NO. 2171

AN ORDINANCE OF THE CITY OF CRETE, NEBRASKA TO AMEND CRETE MUNICIPAL CODE SECTIONS 6-102.01, 6-102.06, 6-108.10, 6-108.11, 6-109.04, 6-115, AND THE CITY'S MASTER FEE SCHEDULE, AND TO REPEAL CRETE MUNICIPAL CODE SECTIONS 6-108.02, 6-108.03, 6-108.04, 6-108.05, 6-108.06, 6-108.07, 6-108.08, 6-109, 6-109.01, 6-109.02, 6-109.03, 6-109.05, 6-109.06, AND 6-112, ALL TO REMOVE THE LICENSING REQUIREMENTS, INCLUDING LICENSE FEES, FOR DANGEROUS DOGS, DOMESTIC DOGS AND CATS, AND SERVICE AND POLICE ANIMALS.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CRETE, NEBRASKA:

Section 1. That Section 6-102.01 of the Crete Municipal Code be amended to read as follows:

6-102.01 Animal Regulations; Animal Control Authority; Responsibilities

The Animal Control Authority shall be responsible for:

- (1) enforcing the animal control laws and regulations of the Municipality and the state within the corporate city limits;
- (2) issuing tickets for violations of animal control laws and regulations of the Municipality and collecting fines established by the Municipality for such violations;
- ~~(3) processing applications as described in this Article;~~
- ~~(4) issuing licenses for domestic dogs, domestic cats, and dangerous dogs;~~
- ~~(5) collecting taxes established by the Municipality for such licenses and applications;~~
- (6) impounding animals as described within this Article;
- (7) collecting fees and fines established by the Municipality;
- (8) coordinating with the local veterinarians for the confinement, care, release, or the expeditious and humane disposal of impounded animals; and
- (9) the maintenance of related records.

Section 2. That Section 6-102.06 of the Crete Municipal Code be amended to read as follows:

6-102.06 Animal Regulations; Fines; Prosecution

(1) The City Council approves and establishes the following fines for violations of this Article to be payable at the municipal police station:

- (a) Possession of a prohibited animal (§6-104): Four hundred dollars (\$400.00).

- (b) Prohibited animal running-at-large (§6-105): Four hundred dollars (\$400.00).
- (c) Possession of a dangerous dog in violation of any provision of this Article (§6-108) other than those listed within this section: Three hundred dollars (\$300.00).
- (d) Dangerous dog running-at-large (§6-108.09): Three hundred dollars (\$300.00).
- (e) No collar on dangerous dog (§6-108.10): Twenty five dollars (\$25.00).
- (f) No metallic plate with rabies vaccination and name of owner, e.g. rabies vaccination or dangerous dog license or name of owner, on collar of dangerous dog (§6-108.10): Twenty five dollars (\$25.00) each.
- (g) Failure to secure and maintain liability insurance for dangerous dog (§6-108.12): Two hundred dollars (\$200.00).
- (h) Dangerous dog bite or attack (§6-108.13): Four hundred dollars (\$400.00).
- ~~(i) Failure to license domestic dog or cat (§6-109): Fifty dollars (\$50.00).~~
- (j) No collar on domestic dog or cat (§6-109.04): Ten dollars (\$10.00).
- (k) No metallic plate with rabies vaccination and name of owner, e.g. rabies vaccination or domestic dog or cat license or name of owner, on collar of domestic dog or cat (§6-109.04): Ten dollars (\$10.00) each.
- (l) Domestic dog or cat running-at-large (§6-110): Twenty five (\$25.00).
- (m) Domestic dog inflict injury on human or domestic dog, domestic cat, or domestic animal (§6-111): One hundred dollars (\$100.00).
- (n) Interference with service or police animal (§6-112.02): Four hundred dollars (\$400.00).
- (o) No rabies vaccination (§6-113.02): One hundred dollars (\$100.00).
- (p) Torture, poison, slaughter, or injure of any animal (§6-116): Five hundred dollars (\$500.00).
- (q) Animal cruelty (§6-117): Three hundred dollars (\$300.00).
- (r) Offensive noise (§6-118): Fifty dollars (\$50.00).
- (s) Animal fighting (§6-119): Five hundred dollars (\$500.00).
- (t) Public nuisance animal enclosure (§6-121): Fifty dollars (\$50.00).
- (u) Destruction of ticket (§6-122): Fifty dollars (\$50.00).
- (v) Interference with officer, trap, or vehicle (§6-123): Four hundred dollars (\$400.00).

(2) All money collected by the municipal police under this section shall be transferred to the Municipal Treasurer.

(3) Should any fine not be paid within ten days from the date of offense or issuance of citation or if no fine is identified for a particular offense, the municipal police shall forward all necessary information to the municipal attorney. The municipal attorney may file a complaint in the appropriate court.

(4) Payment of any fine is an admission of guilt for said offense.

(5) This fine schedule notwithstanding, the court may assess and impose a fine up to and including five hundred dollars (\$500.00) for any violation identified within this Article.

Section 3. That Section 6-108.10 of the Crete Municipal Code be amended to read as follows:

6-108.10 Animal Regulations; Dangerous Dogs; Collar With Metallic Plate Required

(1) It shall be the duty of every owner of any dangerous dog to securely place upon the neck of such dangerous dog a good and sufficient collar affixed thereon:

(a) a metallic plate issued by a veterinarian signifying current rabies vaccination; and

~~(b) a metallic plate issued by the Animal Control Authority signifying appropriate licensure; and~~

(c) a separate metallic plate or the reverse of ~~one of~~ the aforementioned metallic plates plainly inscribed with the name of such owner.

Section 4. That Section 6-108.11 of the Crete Municipal Code be amended to read as follows:

6-108.11 Animal Regulations; Dangerous Dogs; Owner Duties; Confinement Required; Warning Signs

(1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the Animal Control Authority after the procedures are completed.

(2) No owner of a dangerous dog shall permit the dangerous dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash and fitted with a muzzle.

(3) Except as provided in subsection (4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the dangerous dog if the owner has obtained written permission prior to such relocation from the Municipal Animal Control and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides.

(5) The Animal Control Authority shall monitor the owner and such dog for a period of at least thirty days but not to exceed ninety days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this subsection shall permit the Animal Control Authority to rescind any previous declaration of a dangerous dog.

(6) While unattended on the owner's property, ~~as identified on the dangerous dog license application~~, the dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dangerous dog from escaping.

(7) Maintenance of a dangerous dog or other dangerous animal is not permitted in areas where such structures or pens are not authorized by zoning regulations.

(8) If permitted by zoning regulations, such pen or structure shall be at least two lengths of the dangerous dog wide, four lengths of the dangerous dog long, and two lengths of the dangerous dog high, and must be constructed with chain link fencing and securely fastened on all four sides and top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot.

(a) The pen or structure shall also protect the dangerous dog from the elements.

(b) The pen or structure shall be at least ten feet from any property line of the owner.

(c) The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

Section 5. That Section 6-109.04 of the Crete Municipal Code be amended to read as follows:

6-109.04 Animal Regulations; Domestic Dogs And Cats; Collar With Metallic Plate Required

(1) It shall be the duty of every owner of any domestic dog or cat to securely place upon the neck of such domestic dog or cat a good and sufficient collar affixed thereon:

(a) a metallic plate issued by a veterinarian signifying current rabies vaccination; and

~~(b) a metallic plate issued by the Animal Control Authority signifying appropriate licensure; and,~~

(c) a separate metallic plate or the reverse of ~~one of~~ the aforementioned metallic plates plainly inscribed with the name of such owner.

Section 6. That Section 6-115 of the Crete Municipal Code be amended to read as follows:

6-115 Animal Regulations; Notice Of Impounded Animals; When Released; Unclaimed Animals

(1) The municipal animal pound shall make public notice of all impounded animals, including any significant marks of identification by posting at the pound for a period of no less than five days.

(2) The municipal animal pound may release any animal during impoundment when the owner of any ~~unvaccinated~~ domestic dog or cat reclaims the animal by payment of prescribed fees, to include the fee for the municipal pound to vaccinate the animal, ~~and completing licensing requirements or the owner of any unlicensed domestic dog or cat reclaims the animal by payment of the prescribed fees and completing licensing requirements. Non-resident owners are not required to license the animal if it will remain in the municipality for less than thirty days.~~

(3) If, after five days, the domestic dog or cat is unclaimed and fees not paid as described herein, the municipal animal pound may:

(a) Release the domestic dog or cat to the Rabies Control Authority for transport and transfer to a licensed Humane Society;

(b) With the consent of the Rabies Control Authority, release any domestic dog or cat to someone other than the owner, who shall pay prescribed fees, to include the fee for the municipal pound arranging a rabies vaccination fee ~~and complete licensing requirements~~; or

(c) Euthanize the domestic dog or cat and dispose of its remains.

Section 7. That the City's Master Fee Schedule relating to Animal Regulations be amended to read as follows:

Animal Regulations

Domestic Dog and Cat License Fee	
Spayed female or neutered male	\$10.00
Unspayed female or unneutered male	\$20.00
Dangerous Dog License Fee	\$50.00
State License Fee	\$1.25
Impoundment Fee – Domestic Animals	\$20.00 for first offense; \$40.00 for subsequent offenses
Impoundment Fee – Livestock	\$75.00 for first offense; \$150.00 for subsequent offenses
Impoundment Fee – Dangerous or Prohibited Animal	\$200.00 for first offense; \$300.00 for subsequent offenses
Boarding and Care of Impounded Animals	Daily boarding rate, as billed
Euthanasia Charge	As billed by veterinarian

Section 8. That the following sections of the Crete Municipal Code are hereby repealed in their entirety:

6-108.02 Animal Regulations; Dangerous Dogs; License Required; Relocation Restricted;

6-108.03 Animal Regulations; Dangerous Dogs; License Application; Annual Renewal;

6-108.04 Animal Regulations; Dangerous Dogs; Application Information; Enclosure Inspection;

6-108.05 Animal Regulations; Dangerous Dogs; License Fee;

6-108.06 Animal Regulations; Dangerous Dogs; License Transfer Prohibited; No Refund;

6-108.07 Animal Regulations; Dangerous Dogs; Metallic Identification Plate;

6-108.08 Animal Regulations; Dangerous Dogs; Failure To Pay; Notice; Impoundment; Disposition;

6-109 Animal Regulations; Domestic Dogs And Cats; License Required; Annual Renewal;

6-109.01 Animal Regulations; Domestic Dogs And Cats; License; Application Information;

6-109.02 Animal Regulations; Domestic Dogs And Cats; License Fee;

6-109.03 Animal Regulations; Domestic Dogs And Cats; Metallic Identification Plate;

6-109.05 Animal Regulations; Domestic Dogs And Cats; License Transfer Prohibited; No Refund;

6-109.06 Animal Regulations; Domestic Dogs And Cats; Failure To Pay License Fee;
and

6-112 Animal Regulations; Service And Police Animals; License Required.

Section 9. That all ordinances or parts of ordinances in conflict herewith are hereby repealed and that any partial repeal shall not affect the other parts of ordinances that can be given effect without the repealed parts.

Section 10. This Ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this 2nd day of May, 2023.

CITY OF CRETE, NEBRASKA

By: _____
David Bauer, Mayor

ATTEST: _____
Jerry Wilcox, City Clerk

4887-8482-5439, v. 1