

Chapter 6.08

DOGS

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6.08.010 Definitions.

(Repealed by Ord. 18092 §63; November 18, 2002: prior Ord. 17834 §1; April 16, 2001: Ord. 15516 §1; April 9, 1990: P.C. §8.72.010: Ord. 13368 §1; May 17, 1982: Ord. 11857 §1; December 13, 1976: Ord. 11225 §1; November 4, 1974: Ord. 8443 §1; June 22, 1964: Ord. 6862 §1; December 29, 1958). *See Chapter 6.02.*

6.08.020 Vaccination Against Rabies Required; Vaccination Tag.

Any person within the city owning a dog shall have such dog vaccinated against rabies with a licensed vaccine as approved by the Nebraska State Department of Health. All dogs shall be vaccinated against rabies commencing at three months of age and the vaccination shall be repeated at fifteen months; and a booster vaccination shall be given triennially thereafter. Unvaccinated dogs acquired or moved into the City of Lincoln must be vaccinated within thirty days after purchase or arrival, unless under three months of age. It shall be the duty of every veterinarian, at the time of vaccinating any dog, to provide a copy of the rabies vaccination certificate to the Director and to provide a rabies vaccination tag to the owner. The rabies vaccination tag shall be attached to and kept upon the collar or harness of the dog.

Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. (Ord. 18162 §1; April 14, 2003: prior Ord. 15516 §2; April 9, 1990: P.C. §8.72.015: Ord. 11857 §2; December 13, 1976).

6.08.030 License Required.

It shall be unlawful for any person within the city to own a dog over six months of age without procuring a license for such dog as provided in this chapter. Any person convicted of violating this provision shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed six months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. Each day that this violation continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture in this chapter. (Ord. 18092 §64; November 28, 2002: prior Ord. 15516 §3; April 9, 1990: P.C. §8.72.020: Ord. 11360 §1; May 12, 1975: Ord. 10264 §1; October 4, 1971: Ord. 6862 §2; December 29, 1958).

6.08.040 Issuance of License.

The Director shall issue a dog license to the owner of such dog upon payment of the license fees as hereinafter required and upon, and only after, presentation of a valid rabies certificate showing that the dog has been immunized for rabies within the prior three-year period if the last vaccination was with chick embryo low egg passage flurry vaccine, or showing that the dog has been immunized for rabies within the prior one-year period if the last vaccination was with killed or inactivated vaccine. The intervals of any other anti-rabies vaccines shall follow the latest recommendations of the United States Public Health Service.

The license shall set forth the following information:

- (a) The name and address of the owner of the dog;
- (b) The license number of the tag issued for such dog;
- (c) The breed, age, color, name and sex of the dog;
- (d) Such other information as the city may require for the purpose of identification.

At the same time, the Director shall deliver to the owner a metallic license tag, furnished by the city, bearing the license number shown on the license. Such tag shall be of such design as shall be adopted by the Director, having die-stamped thereon the license number, the word "Lincoln," and the year for which issued. The metal tag so issued shall be attached to and kept upon the collar or harness of the dog so licensed.

Said license shall be issued in duplicate, the original of which shall be delivered to the owner of the dog, who shall retain it as evidence of the dog's license; the duplicate shall be retained by the Director. (Ord. 17834 §2; April 16, 2001: prior Ord. 15516 §4; April 9, 1990: P.C. §8.72.030: Ord. 11857 §3; December 13, 1976: Ord. 11360 §2; May 12, 1975: Ord. 6862 §3; December 29, 1958).

6.08.050 Period for Which Valid.

The license period for animals required to be licensed under the provisions of this chapter shall expire on the last day of the month one year from the month of issuance, and renewal shall become past due on the first day of the following month.

A license fee may be prorated in the event an owner wishes to consolidate the expiration dates for two or more licensed animals; in such case, the fee shall be prorated prospectively only, so that in no event shall the owner pay less than the annual fee for each animal so licensed. No license shall be assignable or transferable from one owner to another owner or from one dog to another dog. (Ord. 15516 §5; April 9, 1990: P.C. §8.72.040: Ord. 15247 §1; August 7, 1989: prior Ord. 14956 §1; August 22, 1988: Ord. 6862 §4; December 29, 1958).

6.08.060 License Fee.

(a) The license fee for all dogs shall be the sum of thirty-four dollars; provided, however, the license fee for all spayed female dogs and neutered male dogs shall be the sum of seventeen dollars each. Further provided, the license fee for a dog owned by an individual sixty-two years of age or older shall be the sum of twenty-eight dollars, or fourteen dollars if the dog is a spayed female or a neutered male. Unless previously licensed as spayed or neutered, a dog shall be so licensed only if the license fee is accompanied by a statement signed by a veterinarian describing such dog and verifying the fact that such dog has been spayed or neutered.

(b) In addition to the license fee, any expired license which is renewed later than the expiration date shall not be renewed or issued until the following late fee has been paid by the owner:

Received later than thirty days after license expiration, but before sixty days	\$ 5.00
Received sixty days or more after license expiration, but before ninety days	\$10.00
Received ninety days or more after license expiration	\$15.00

For new licenses, the owner shall be liable for a late fee according to the above schedule if the owner fails to license the animal within thirty days of the date the animal attains the age of six months.

No late fee shall be charged on new licenses if the owner submits proof of purchase or acquisition of the dog within the preceding thirty days; or the owner has moved into the city within the preceding thirty days. (Ord. 19010 §1; October 22, 2007: prior Ord. 18162 §2; April 14, 2003: Ord. 18092 §65; November 18, 2002: Ord. 17522 §1; July 12, 1999: Ord. 16433 §1; July 26, 1993: Ord. 16164 §1; July 20, 1992: Ord. 15516 §6; April 9, 1990: P.C. §8.72.050: Ord. 15247 §2; August 7, 1989: Ord. 14452 §2; August 4, 1986: Ord. 13895 §1; July 23, 1984: Ord. 12900 §1; April 14, 1980: Ord. 11857 §4; December 13, 1976: Ord. 11360 §3; May 12, 1975: Ord. 10264 §2; October 4, 1971: Ord. 6862 §5; December 29, 1958).

6.08.065 License Fee; Exceptions.

Every dog guide, hearing aid dog, and service dog shall be licensed as otherwise required in this chapter, except that the license fee shall be waived upon a showing that the dog is a graduate of a recognized training school for dog guides, hearing aid dogs, or service dogs. Upon the retirement or discontinuance of the dog as a guide dog, hearing aid dog, or service dog, the owner shall, beginning with the next license renewal, be liable for the payment of the license fee provided in Section 6.08.060. (Ord. 17522 § 1; July 12, 1999).

6.08.070 License Tag.

It shall be unlawful for the owner of any dog to permit or allow such dog to wear any other license tag than the identical one issued for such dog, and for the license year for which issued. (Ord. 15516 §7; April 9, 1990: P.C. §8.72.060: Ord. 6862 §6; December 29, 1958).

6.08.080 Wearing of Collars; Removal of License Tag.

Every dog within the city shall wear a collar or harness at all times. It shall be unlawful for any person to remove, or cause to be removed the collar, harness, or metallic license tag, or rabies vaccination tag from any licensed dog. (Ord. 15516 §8; April 9, 1990: P.C. §8.72.070: Ord. 11857 §5; December 13, 1976: prior Ord. 6862 §7; December 29, 1958).

6.08.090 Revocation of Dog License.

The Director may revoke or refuse to issue a dog license for a one year period to any person who has been convicted of seven or more violations of this chapter or Chapter 6.12 during any twelve month period. The Director may impound any dog owned by such person, and dispose of such dog according to Lincoln Municipal Code Section 6.08.250, except that the person under the order of revocation shall not be allowed to redeem the dog. Any decision of the Director under the provisions of this section may be appealed within ten days of the Director's decision to the City-County Health Board by filing a notice of appeal with the Director. The Health Board shall hear and render a decision in this matter. The disposition of any dog shall be stayed during the pendency of such appeal. (Ord. 15516 §9; April 9, 1990: P.C. §8.72.075: Ord. 13904 §6; July 30, 1984).

6.08.100 Exceptions to License; Transient Dogs.

The provisions of this chapter with respect to licensing and vaccination against rabies shall not apply to a dog owned by any person temporarily remaining within the city less than thirty days; or any dog brought into the city for bench or show purposes, provided such dog remains under the control of and near its owner or keeper, or the owner's or keeper's wagon or motor vehicle. It shall be unlawful to bring any dog into the city except in compliance with the laws and rules and regulations of the State of Nebraska regarding the handling of dogs. (Ord. 15516 §10; April 9, 1990: P.C. §8.72.080: Ord. 11857 §6; December 13, 1976: prior Ord. 6862 §8; December 29, 1958).

6.08.110 Exceptions to License; Dogs Held for Sale.

The provisions of this chapter with respect to licensing shall not apply if the dog is being held for sale for the four-month period immediately after said dog is weaned. If at the expiration of the four-month period, said dog is not sold, the owner shall obtain a license therefor. (Ord. 15516 §11; April 9, 1990: P.C. §8.72.081: Ord. 11857 §7; December 13, 1976: prior Ord. 10264 §3; October 4, 1971).

6.08.120 Exceptions to Rabies Vaccination; Dogs Held for Research.

The licensing and vaccination provisions of this chapter with respect to dogs assigned to a bona fide research institution shall not apply if such dogs are kept under strict supervision of research personnel, and are kept in a kennel or similar holding facility. (Ord. 15516 §12; April 9, 1990: P.C. §8.72.082: Ord. 11857 §8; December 13, 1976).

6.08.130 Dogs Running at Large.

It shall be unlawful for the owner of any dog to let such dog run at large, whether licensed or not, at any time within the city, and any dog found to be running at large may be impounded by the Director as in this chapter provided, or if the residence of the owner of such dog is determined by the capturing animal control officer before such dog is delivered to the animal shelter, such dog may be delivered to the owner upon said owner's written acceptance of delivery upon a form to be provided by the Director. If such dog is so delivered to the owner, an impoundment fee as required by Section 6.08.260 shall be paid by the owner to the Director within five days of delivery, and failure to pay said fee shall constitute a separate violation of this section.

The Director shall not release any such dog from being impounded until the owner of said dog shall have obtained a license as provided in this chapter. (Ord. 18636 §1; October 24, 2005; prior Ord. 17522 § 3; July 12, 1999: Ord. 16164 §2; July 20, 1992: Ord. 15516 §13; April 9, 1990: P.C. §8.72.090: Ord. 13368 §2; May 17, 1982: Ord. 12900 §2; April 14, 1980: Ord. 12835 §1; February 11, 1980: Ord. 11857 §9; December 13, 1976: Ord. 11225 §2; November 4, 1974: Ord. 10866 §1; July 23, 1973: Ord. 10264 §4; October 4, 1972: Ord. 6862 §9; December 29, 1958).

6.08.140 Poisoning or Injuring Dogs.

It shall be unlawful for any person to administer, or cause to be administered, poison of any sort whatsoever to any dog, or to neglect or in any manner to mistreat, injure, maim, or destroy except as elsewhere in this chapter specifically authorized, or in any manner to attempt to mistreat, injure, maim, or destroy the property of another, or to place any poison or poisoned food where the same is accessible to any dog. (Ord. 15516 §14; April 9, 1990: P.C. §8.72.100: Ord. 11857 §10; December 13, 1976: prior Ord. 6862 §10; December 29, 1958).

6.08.150 Sanitary Regulations.

The owner of any dog shall keep any yard, enclosure, shelter structure, or dwelling wherein such dog is kept in a clean and sanitary condition so as not to give off offensive odors which are a source of discomfort to persons residing in the vicinity thereof. The owner of any dog shall not allow offal, manure, and waste material of such dog to accumulate or remain in the yard, pen, enclosure, shelter structure and/or dwelling, upon which such dog resides or is confined in any manner which is conducive to the breeding or attraction of flies, mosquitoes, or other noxious insects or in any manner which endangers the public health or safety or which creates an unhealthy environment. The maintenance or permitting of any of the foregoing conditions on any premises is hereby declared to be a public nuisance. The owner of any dog shall in a sanitary manner remove or

dispose of all offal, manure, and waste material accumulating from such dog at least once every five days. (Ord. 17834 §3; April 16, 2001: prior Ord. 15516 §15; April 9, 1990: P.C. §8.72.105: Ord. 15042 §1; November 7, 1988).

6.08.155 Disposal of Dog Waste.

Any person having custody or control of any dog shall have the responsibility for disposing of dog feces or manure of the dog in a sanitary manner. The provisions of this section shall not apply to law enforcement officers while using the dog to perform law enforcement functions or rescue activity.

It shall be unlawful for any person having custody or control of any dog to place, deposit, discard, or dispose of feces or manure on public property or private property of another unless placed in approved garbage or refuse containers on public property or with the consent of the owner of the private property. (Ord. 18092 §66; November 18, 2002).

6.08.160 Barking, Howling, or Yelping Dogs.

It shall be unlawful for any person to own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, or yelping shall annoy or disturb any neighborhood, person, or persons. Provided, however, this section shall not apply to the humane society or the business premises of licensed veterinarians.

Any person convicted of violating this provision shall be guilty of a misdemeanor and shall be punished by imprisonment in the county jail for a period not to exceed three months or by a fine in a sum not more than \$500.00, recoverable with costs, or both such fine and imprisonment, except that each person so convicted shall be fined in a sum of not less than \$50.00 for the first offense; not less than \$75.00 for a second offense; and not less than \$100.00 for the third offense and each offense thereafter. (Ord. 17592 §1; January 24, 2000: prior Ord. 15516 §16; April 9, 1990: P.C. §8.72.110: Ord. 11225 §3; November 4, 1974: Ord. 6862 §11; December 29, 1958).

6.08.170 Dogs Injuring or Destroying Property of Others.

It shall be unlawful for any person to own, or allow to be in or upon any premises occupied or under such person's charge or control, any dog that in any manner injures or destroys any real or personal property of any description belonging to another. If upon the trial of any offense mentioned in this section, it shall appear to the judge that the person be guilty as charged in said complaint, said judge may, in addition to the usual judgment of conviction, order the person so offending to make restitution to the party injured in an amount equal to the value of the property so injured or destroyed. (Ord. 15516 §17; April 9, 1990: P.C. §8.72.120: Ord. 6862 §12; December 29, 1958).

6.08.180 Multi-Dog Household Permits.

It shall be unlawful for any person to have or maintain a multi-dog household within the City of Lincoln without first having obtained such a permit from the Director.

Any person having a multi-dog household shall make application to the Director for said permit. The following shall be submitted with the application:

(a) Proof of current licenses and rabies vaccination for each dog to be owned, kept or harbored on the premises.

(b) A drawing or plan showing the location and dimensions of the premises, dog runs or pens, and distances to neighboring properties. Drawings or plans must be drawn to scale.

(c) The permit fee shall be the sum of \$50.00 in addition to the licensing fee for each dog as required by Sections 6.08.030 and 6.08.060.

Upon a finding by the Director that the premises are in compliance with the terms of the permit and the law, said permit will be issued. Only one multi-dog household permit per premise shall be issued. A permit shall not be granted if permit holder possesses a current commercial breeding kennel permit on the same premises. (Ord. 18092 §67; November 18, 2002).

6.08.182 Commercial Breeding Kennel: Permit Required.

It shall be unlawful for any person to have or maintain a commercial breeding kennel within the City of Lincoln without first having obtained such a permit from the Director.

Any person wanting to operate a commercial breeding kennel shall make application to the Director for a Commercial Breeding Kennel Permit. The following shall be submitted with the application:

(a) Proof of current licenses, rabies vaccination, and registration with a nationally recognized registration organization for each dog to be kept or harbored on the premises.

(b) A drawing or plan showing the location and dimensions of the premises, dog runs or pens, and distances to neighboring properties.

(c) The permit fee shall be \$100 in addition to required licensing fees for each dog as required in Sections 6.08.030 and 6.08.060.

Upon a finding by the Director that the premises are in compliance with the terms of the permit and the law, said permit will be issued. Only one permit per premise shall be issued. A permit shall not be granted if permit holder possesses a current multi-dog household permit on the same premises. (Ord. 18092 §68; November 18, 2002).

6.08.184 Multi-Dog Household and Commercial Breeding Kennel: Terms and Requirements.

(a) Permit is not transferable to another person or premise

(b) The permits shall expire December 31st of each calendar year for which issued. All permits shall be renewed by January 1st of the following year.

(c) A permit holder shall notify the Director of any changes in ownership or death of dogs, property, or any other changes which may affect the status of said permit and shall keep the Director apprised of any change in name or location of the permit holder's kennel.

(d) For a multi-dog household permit, all dogs owned, kept or harbored on the premises shall be spayed and neutered. There shall be no breeding of dogs permitted under this permit.

The commercial breeding kennel permit holders shall limit dog reproduction to no more than one litter of offspring per license year per adult female dog.

(e) It shall be unlawful for any multi-dog household permit holder to own, keep or harbor more five dog over the age of six month on the premises.

It shall be unlawful for any commercial breeding kennel permit holder to keep or harbor more than ten dogs over six months of age on the premises.

(f) All dogs shall be kept confined on the permit holder's premises.

(g) A permit holder may either have a multi-dog household permit or a commercial breeding kennel permit, but not both.

(h) The minimum lot size shall be one acre for any premises in which a multi-dog household or a commercial breeding kennel is to be located. The permit holder shall be allowed to maintain a multi-dog household or commercial breeding kennel permit until such premises is completely or partially sold or a change of ownership occurs, or termination of the permit.

(i) It shall be unlawful to have indoor or outdoor housing facilities, pens, enclosures, or shelter closer than seventy-five feet to a neighboring residence and closer than ten feet to a

neighboring property line. The Director may require additional setbacks, fencing, screening or soundproofing requirements as deemed necessary to ensure the compatibility of the multi-dog household or commercial breeding kennel with the surrounding neighborhood. Factors to be considered in determining such capability are as follows:

- (1) Statements regarding approval/disapproval of surrounding neighbors relative to maintenance of a multi-dog household or commercial breeding kennel at the address applied for;
 - (2) Past history of animal control complaints relating to the dogs of the applicant at the address for which the multi-dog household or commercial breeding kennel is applied for;
 - (3) Facility specifications/dimensions in which the dogs are to be maintained;
 - (4) Animal size, type and characteristics of breed.
- (j) Noise or barking from the dogs shall not interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.
- (k) Any odor or unsanitary conditions caused by the dogs shall not interfere with an adjoining property owner's use and peaceful enjoyment of his/her property.
- (l) It shall be unlawful for the owner, proprietor, employee, or volunteer of any commercial breeding kennel to knowingly sell or offer for sale an ill dog or misrepresent the breed or sex of a dog to any buyer or consumer.
- (m) It shall be unlawful to operate a multi-dog household or commercial breeding kennel thereof in an area within the City of Lincoln that kennels are not allowed by law.
- (n) No dog shall be kept under conditions or circumstances by which a violation of Sections 6.04.310, Cruelty to Animals, or 6.04.315, Animal Neglect, shall be occurring or has occurred.
- (o) Failure to maintain the premises in compliance with the law, or failure to make payment of the permit fee, or failure to maintain proof showing that each dog has been properly licensed or vaccinated against rabies may result in the immediate termination of the commercial breeding kennel permit by the Director.
- (p) Permit holder shall allow an Animal Control Officer to inspect or investigate premises. Failure to permit an Animal Control Officer to investigate or inspect may result in the termination of the multi-dog or commercial breeding kennel permit. (Ord. 18082 §69; November 18, 2002).

6.08.190 Registration and Housing of Guard Dogs.

(a) Each guard dog used within the City of Lincoln shall be licensed as hereinbefore provided and registered as such a guard dog. For registration, the following information shall be provided:

- (1) The business name, address, and telephone number of the commercial or industrial property or place of business where the guard dogs are to be used;
- (2) The name, address, and telephone number of the dog's handler(s) who can be reached at any time during the day or night. For the purpose of this section, a handler is a person who is responsible for and capable of controlling the operations of a guard dog;
- (3) The location where the dog is to be housed and a general description of its use;
- (4) It shall be the responsibility of the owner of said guard dog to notify the Director of any changes recorded as part of the registration.

(b) Housing and facilities where the guard dog is utilized shall have anti-escape fences completely surrounding it, and/or be an anti-escape building sufficient to house guard dogs. All gates and entrances to the area where the guard dog is housed, used, or trained shall be kept locked when not in use and clearly marked with signs warning of such guard dog. The Director may require additional measures be taken to protect the public from accidental contact with any guard dog. (Ord. 15516 §19; April 9, 1990: P.C. §8.72.135: Ord. 13368 §3; May 17, 1982).

6.08.200 Animal Shelter.

The city shall provide an animal shelter. The Mayor may, when necessary, employ or appoint a manager of the animal shelter and such other assistants as may be necessary. (Ord. 15516 §20; April 9, 1990: P.C. §8.72.140; Ord. 11857 §12; December 13, 1976: prior Ord. 8486 §1; July 27, 1964: Ord. 6862 §14; December 29, 1958).

6.08.210 Contract for Service.

The city shall have the authority to enter into a contract with any humane society or any like institution for the purpose of carrying out the provisions for an animal shelter. The manager of the animal shelter shall receive all orders from the Director and shall make all necessary reports requested by the Director, and shall operate the shelter in conformance with procedures established by the Director. (Ord. 15516 §21; April 9, 1990: P.C. §8.72.150; Ord. 11857 §13; December 13, 1976: prior Ord. 8486 §2; July 27, 1964: Ord. 6862 §15; December 29, 1958).

6.08.220 Director's Duties.

The Director shall appoint and be assisted by a chief animal control officer, and additional animal control officers, as necessary. It shall be the duty of the Director:

(a) To carry out and enforce all the provisions of Neb. Rev. Stat. §§ 71-4401 et seq. (Reissue 1986), and the amendments thereto, and all the provisions of this chapter and any amendments thereto, or any ordinance later enacted, relating to dogs;

(b) To establish and maintain, or supervise under contract, an animal shelter at some convenient location, which shall be kept sanitary, properly heated, ventilated and lighted;

(c) To properly house, feed, water and care for all dogs confined in the animal shelter;

(d) To enforce the licensing of all dogs in the city as hereinbefore provided;

(e) To issue citations in the county court against any person failing to license any dog as hereinbefore provided;

(f) To capture and secure all dogs running at large contrary to the provisions of this chapter, and to remove such dogs in a humane manner to the animal shelter.

Whenever there is any violation of any provision of this chapter, the Director or any of the assistants finding such violation shall, except as otherwise provided, take the name and address of such person violating such provision and the description of the dog owned by such person and issue a summons or otherwise notify such person in writing to appear at a time and place to be specified in such summons or notice. Such time shall be at least five days after the violation, unless such person shall demand an earlier hearing. It shall be unlawful for any person to disregard a summons issued as provided herein or to fail to appear in court as provided by such summons. (Ord. 15516 §22; April 9, 1990: P.C. §8.72.160; Ord. 11857 §14; December 13, 1976: prior Ord. 6862 §16; as amended by Ord. 7433; April 17, 1961).

6.08.230 Duty to Place Dogs under Observation; When Required; Procedure.

Any person owning a dog or other animal shall immediately place the dog or other animal under the care and observation of the Director or a licensed veterinarian within the city when the owner has received notification or has knowledge that the dog or other animal has bitten or attacked a person or other animal or that the dog or other animal has been bitten by a rabid animal. If the owner does not immediately submit the dog or other animal to the Director or a veterinarian, the Director shall impound the dog or other animal for care and observation. Expenses of such care and observation shall be the responsibility of the owner. The Director or licensed veterinarian shall impound said dog for care and observation for a period of at least ten days or for such other period

as required by Neb. Rev. Stat. §§ 77-4401 et seq. (Reissue 1985), and the amendments thereto, in compliance with standards adopted by the Board of Health.

It shall be lawful for the Director or an agent of the Director to destroy in a humane manner any dog that has been (a) impounded for observation after the period of observation has expired unless the owner shall, within five days after the notice has been given, redeem such dog by paying such expense incident to such impounding, observation, or treatment, (b) determined by the Director to have rabies, or (c) determined by the Director to present a danger to the public health, safety, and welfare. It shall be unlawful for any person to release any dog held for observation to any person prior to expiration of the observation period. Before any such dog shall be released, the person to whom it is released shall submit proof, in the form of a certificate issued by a licensed veterinarian or other person authorized by law to administer rabies inoculation, that such dog does not have rabies and has been properly inoculated for rabies. (Ord. 15516 §23; April 9, 1990: P.C. §8.72.170: Ord. 13904 §8; July 30, 1984: prior Ord. 11857 §15; December 13, 1976: Ord. 8486 §3; July 27, 1964: Ord. 8029 §2; May 6, 1963: Ord. 6862 §17; December 29, 1958).

6.08.240 Duty of Owner in Case of Dog Bite or Injury to Another Person.

It shall be unlawful for the owner of any dog involved in a bite or bodily injury to another person to fail to immediately prevent further bites or injury, and immediately furnish to the other person or persons injured, or, in case of juvenile, the parent or guardians of said juvenile, the owner's name and address and the rabies tag number or license tag number of the dog. (Ord. 15516 §24; April 9, 1990: P.C. §8.72.175: Ord. 13904 §9; July 30, 1984).

6.08.250 Holding Impounded Dogs.

(a) The Director shall notify the owner of any dog impounded, regardless of reason for impounding, if such owner's identity and address can be ascertained by the Director upon reasonable investigation, within twenty-four hours after such dog is impounded under any of the provisions of this chapter. The notice shall inform the owner that the dog has been impounded and the purpose or reason for such impounding. Notice of impoundment of any animal, including any significant marks of identification, shall be posted at the pound within twenty-four hours after such animal is impounded, as public notification of impoundment.

(b) Any dog not properly licensed or found running at large may be impounded by the Director. All dogs impounded because of not being properly licensed or for running at large shall be held by the Director for not less than seventy-two hours, unless sooner redeemed or released as hereinafter provided; and if not so redeemed or released at the expiration of the time limit of seventy-two hours, may be destroyed in a humane manner unless in the judgment of the Director a suitable home may be found for such dog.

(c) Any properly licensed dog found outside the owner's premises which is not wearing a valid rabies vaccination tag for such dog may be impounded by the Director. All dogs impounded for the lack of a valid rabies vaccination tag only shall be held by the Director for not less than 120 hours, unless sooner redeemed or released as hereinafter provided, and if not so redeemed or released at the expiration of the time limit of 120 hours may be destroyed in a humane manner, unless in the judgment of the Director a suitable home may be found for such dog.

(d) Any dog may be impounded by the Director as is necessary and appropriate in accordance with this title.

(e) In the event said Director shall find a suitable home for such dog within the corporate limits of the city, the person taking such dog shall first present to said Director a license and metallic

tag for that particular dog as provided for hereinbefore in this chapter, and shall also furnish proof of inoculation for rabies as provided in Section 6.08.260 hereof.

(f) The humane society, or like institution with whom the City Council has contracted to enforce the provisions of this chapter, may hold any dog impounded in the animal shelter after the expiration of the time limit as set by this section for the purpose of finding a suitable home for such dog. No such dog shall be released until the new owner has procured a license and metallic tag for such dog under the provisions of this chapter. The proceeds of any sale of any such dog may be retained by the humane society.

(g) Any impounded dog placed with a new owner shall be neutered within fifteen days after release from impoundment, except for dogs under six months of age. Payment for neutering shall be collected at the time of release and shall be forwarded to a licensed veterinarian upon presentation of a statement signed by the veterinarian and the owner stating that the surgery has been performed.

(h) The owner of any dog which is impounded and destroyed under this chapter shall be held responsible for payment of the impoundment fee set out in Section 6.08.260, or the expense incident to the impoundment for observation required by Section 6.08.230, and failure to pay such fee or expense to the Director within fifteen days after destruction of such dog shall constitute a violation of the chapter. (Ord. 15516 §25; April 9, 1990: P.C. §8.72.180: Ord. 13904 §10; July 30, 1984: prior Ord. 13368 §4; May 17, 1982: Ord. 12835 §2; February 11, 1980: Ord. 11857 §16; December 13, 1976: Ord. 6862 §18; December 29, 1958).

6.08.260 Shelter Fee; Release from Shelter.

Any dog held or impounded in the animal shelter because of a violation of any of the provisions of this chapter shall be released to the owner thereof by the Director upon presentation of the following:

- (a) Proof of ownership of such dog;
- (b) A license for the current year showing that such dog has been properly licensed;
- (c) Proof either in the form of a certificate issued and signed by a licensed veterinarian, or other person authorized by law to administer rabies inoculation, that such dog has been properly inoculated for rabies as required by Section 6.08.040, or by depositing a rabies vaccination fee with the Director to be forwarded to the veterinarian upon presentment of a valid rabies vaccination certificate for such dog, in which case the owner's failure to obtain a valid rabies vaccination certificate and tag within five days shall constitute a violation of this section; and

(d) Payment of the daily boarding cost plus the impoundment fee as set out below:

First impoundment per animal	\$35.00;
Second impoundment per animal within 12 months of the first impoundment	\$50.00;
Third impoundment per animal within 12 months of the first impoundment	\$75.00;
Fourth and all ensuing impoundments per animal within 12 months of the first impoundment	\$25.00 times each prior and subsequent impoundment;

(e) In addition, the Director shall require proof of surgical sterilization or a deposit to secure sterilization for any one dog that has been impounded two or more times for violations of this chapter according to Animal Control records. Such proof or deposit shall be provided prior to the release of the impounded dog as follows: (1) for proof of surgical sterilization, the owner shall provide a current written statement signed by a licensed veterinarian that the dog so impounded is

surgically sterile; (2) for a deposit to secure sterilization, the owner shall provide a spaying or neutering deposit to the Director accompanied by forms provided by the Director. The Director shall release the deposit only upon proof in the form of a written statement signed by a licensed veterinarian that the dog so impounded has been surgically spayed or neutered within fifteen days from the date of the deposit. The Director may release the deposit to the veterinarian who performed the surgical sterilization upon the signature of the owner expressly authorizing such release. If the owner shall fail to have such dog spayed or neutered within fifteen days from the date of the deposit, such deposit shall be forfeited.

The owner shall remain responsible for all penalties for violation of any of the provisions of this chapter. All dogs which have remained in the shelter seventy-two hours without being claimed or released may be destroyed in a humane manner, except as otherwise provided in this chapter. (Ord. 18636 §2; October 24, 2005: prior Ord. 17522 § 4; July 12, 1999: Ord. 16226 §1; September 14, 1992: Ord. 15516 §26; April 9, 1990: P.C. §8.72.190: Ord. 14452 §3; August 4, 1986: Ord. 13904 §11; July 30, 1984: Ord. 12900 §3; April 14, 1980: Ord. 12835 §3; February 11, 1980: Ord. 11857 §17; December 13, 1976: Ord. 10564 §1; September 11, 1972: Ord. 6862 §19; December 29, 1958).

6.08.270 Animal Shelter Records and Reports.

The manager of any animal shelter under this chapter shall keep accurate account of all dogs received at the shelter and released to the owner or purchaser, showing the date and from whom received, the description of the dog, the name and address of the person or persons releasing or purchasing. The shelter manager shall keep a like accurate account and description of all dogs destroyed. On the last day of each month, the shelter manager shall forward to the Director an accurate and complete account of all monies received during the month under the provisions of this chapter, together with a statement of the number of dogs in the shelter at the first of the month, the number received, the number destroyed, the number released or sold, the number on hand at the end of the month and other information as required by the Director. (Ord. 15516 §27; April 9, 1990: P.C. §8.72.200: Ord. 11857 §18; December 13, 1976: prior Ord. 6862 §20; December 29, 1958).

6.08.280 Impounding Time Limit.

It shall be unlawful for the Director to destroy, or cause or permit to be destroyed, any dog impounded until the expiration of impounding time limit of seventy-two hours, except that the Director may, when a dog so impounded has been examined by a licensed veterinarian and found by such veterinarian to be suffering from an injury or disease from which recovery is doubtful, destroy such dog in a humane manner. (Ord. 15516 §28; April 9, 1990: P.C. §8.72.210: Ord. 11857 §19; December 13, 1976: prior Ord. 6862 §21; December 29, 1958).

6.08.290 Registration of Persons Delivering Dogs to Shelter.

The Director or shelter manager shall not receive a dog into the shelter from any person unless such person shall give their full name and place of residence which shall be registered in a proper book kept by the shelter manager. It shall be unlawful for any person delivering to or receiving any dog from said shelter to give any false information concerning the same. (Ord. 15516 §29; April 9, 1990: P.C. §8.72.220: Ord. 11857 §20; December 13, 1976: prior Ord. 6862 §22; December 29, 1958).

6.08.300 Interference with Capture of Dogs.

It shall be unlawful for any person to hinder, delay, interfere with or obstruct the Director, or any assistants of the Director, while engaged in capturing, securing or taking to the animal shelter, any dog or dogs subject to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, or any ambulance, wagon or other vehicle used for the collecting or conveying of dogs to the shelter. (Ord. 15516 §30; April 9, 1990: P.C. §8.72.230: Ord. 11857 §21; December 13, 1976: prior Ord. 6862 §23; December 29, 1958).

6.08.310 Dog Kennels Prohibited; Exceptions.

It shall be unlawful for any person to keep, or permit to be kept upon any premises occupied or under such person's charge or control, any dog kennel. Provided, however, the provisions of this section shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, animal hospitals, commercial breeding kennels, commercial boarding kennels, or to multi-dog households.

If upon the trial of the offense mentioned in this section it shall appear to the county judge that the person be guilty as charged in said complaint, said county judge shall, in addition to the usual judgment of conviction, declare said dog kennel a public nuisance, order the party or parties so convicted to abate said nuisance forthwith, and in the event the party or parties convicted shall fail to do so, order the Health Director or the Chief of Police to remove to the animal shelter said dog or dogs so kept and harbored in violation of this section, there to be impounded and disposed of in accordance with the terms of this chapter. The cost of such impoundment and disposal shall be borne by the convicted person. (Ord. 18927 §5; June 4, 2007: prior Ord. 18092 §70; November 18, 2002: Ord. 17834 §4; April 16, 2001: Ord. 15516 §31; April 9, 1990: P.C. §8.72.240: Ord. 14810 §2; December 14, 1987: Ord. 11857 §22; December 13, 1976: Ord. 6862 §24; December 29, 1958).

6.08.317 Fees.

All money received by the Director pursuant to this chapter shall be deposited with the City Treasurer who shall credit such money to the Animal Control Fund. (Ord. 17834 §5; April 16, 2001).

6.08.320 Enforcement.

The enforcement of the provisions of this chapter shall be under the direction of the Director and the Chief of Police. For the purpose of enforcing this chapter or abating any nuisance existing hereunder, the Director or any animal control officer or police officer may enter private premises. (Ord. 15516 §32; April 9, 1990: P.C. §8.72.250: Ord. 11857 §23; December 13, 1976: prior Ord. 6862 §25; December 29, 1958).

6.08.330 False Information.

It shall be unlawful for the owner of any dog to make a false or misleading statement or representation regarding the ownership or control of a dog or licensing of a dog, or regarding the ownership of a dog claimed from, surrendered to, or impounded by the Director or any animal control officers. (Ord. 15516 §33; April 9, 1990: P.C. §8.72.251: Ord. 13904 §12; July 30, 1984).

6.08.340 Animal Control Violation; Citation.

Whenever a police officer or animal control officer of the City of Lincoln shall observe or has probable cause to believe that a violation of this chapter has occurred, it shall be the officer's duty to issue an animal control citation to the appropriate person.

At the time of the commission of the alleged violation, the accused may be served with a printed notice requiring the accused to make such appearance on or before the date specified thereon and advising whether execution of a waiver of appearance and plea of guilty has been made available by the court for such violation. Said notice shall further apprise the accused that upon direct refusal or failure to so appear, a warrant shall be issued for the accused's arrest, that the accused shall appear at said court during the hours fixed by the judges of the county court as shown on said notice.

The judges of the county court shall fix the days and hours during which the office of the clerk of the county court, criminal division, shall be open to the public for the transaction of business pertaining to this section. (Ord. 15516 §34; April 9, 1990: P.C. §8.72.259; Ord. 13904 §13; July 30, 1984: prior Ord. 11857 §24; December 13, 1976: Ord. 11225 §5; November 4, 1974).

6.08.350 Penalty for Violations.

(a) Unless otherwise provided, any person upon whom a duty is placed by the provisions of this chapter who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail for a period not to exceed three months or by a fine in a sum not more than \$500.00, recoverable with costs, or both, except that each person so convicted shall be fined in a sum of not less than \$35.00 for the first offense, not less than \$50.00 for a second offense, and not less than \$100.00 for the third offense and each offense thereafter.

(b) Each day that a violation of any section in this chapter continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this chapter provided. (Ord. 17834 §6; April 16, 2001: prior Ord. 17592 §2; January 24, 2000: Ord. 15516 §35; April 9, 1990: P.C. §8.72.260; Ord. 13904 §14; July 30, 1984: Ord. 13368 §5; May 17, 1982: Ord. 11857 §25; December 13, 1976: Ord. 11225 §6; November 4, 1974: Ord. 10578 §1; September 25, 1972: Ord. 6862 §26; as amended by Ord. 7262; August 15, 1960).

6.08.360 Applicability.

The provisions of this chapter shall not be interpreted, administered, or enforced so as to apply outside the corporate limits of the City of Lincoln. (Ord. 15516 §36; April 9, 1990: P.C. §8.72.265; Ord. 13531 §5; January 17, 1983).

6.08.370 Severability and Savings Clause.

(a) Each section and each subdivision of a section of this title is hereby declared to be independent of every other section or subdivision of a section so far as inducement for the passage of this ordinance is concerned and invalidity of any section or subdivision of a section of this title shall not invalidate any other section or subdivision of a section thereof.

(b) This title shall in no manner affect pending actions, either civil or criminal, founded on or growing out of any ordinance or part of any ordinance hereby repealed; and this title shall in no manner affect rights or causes of action, either civil or criminal, not in suit that may have already accrued or grown out of any ordinance or part of any ordinance hereby repealed. (Ord. 15516 §37; April 9, 1990: P.C. §8.72.270; Ord. 11225 §7; November 4, 1974).