

Ordinance #260

AN ORDINANCE OF THE VILLAGE OF LODGEPOLE , NEBRASKA, TO AMEND CHAPTER SIX “POLICE REGULATIONS “ ARTICLE ONE “DOGS” SECTION 6-107 DOGS; RUNNING AT LARGE” AND SECTION 6-117 “ DOGS; IMPOUNDING ” AND “ARTICLE TWO “ANIMALS GENERALLY” SECTION 6-201 “ANIMALS RUNNING AT LARGE” OF THE CODIFIED ORDINANCES OF THE VILLAGE OF LODGEPOLE, NEBRASKA TO REVISE THE PROCESS FOR REPORTING DOGS AT LARGE , FOR PROSECUTING THE OFFENSE OF DOG AT LARGE; AND FOR IMPOUNDING DOGS; TO REPEAL ANY ORDINANCE OR PART OF ORDINANCE IN CONFLICT THEREWITH; AND TO PROVIDE FOR AN EFFECTIVE DATE OF THIS ORDINANCE.

Be it ordained by the Chair person and Board of the Village of Lodgepole, Nebraska:

Section 1. That Chapter §6-107 of the Codified Ordinances of the Village of Lodgepole, Nebraska are hereby amended to read as follows:

6-107 DOGS; RUNNING AT LARGE.

(A) No person having the charge, custody or control of any dog shall permit it to go loose or run at large in any public way, or upon the property of another, or to be tethered or staked out in such a manner as to allow such animal to reach to or pass into any public way or upon the property of another. Every dog found running at large upon the streets and public grounds of the Village or upon the property of another is hereby declared to be a public nuisance. Upon the signed written complaint of any affected person, filed with the Village Clerk, identifying the animal, the owner of the animal and the date, time and location such animal was in violation, the Village Attorney shall review said complaint and if the situation meets the statutory requirements, file a complaint and prosecute the same in the appropriate court, with penalties in accordance with 6-401.

(B) All dogs within the jurisdiction of the Village, other than those upon the premises of the owner, keeper or harbinger thereof, or upon the premises of someone duly authorized by the owner, keeper or harbinger thereof to have possession, custody or control of, or over the same, are required to be under the immediate control of the owner, keeper or harbinger thereof or of someone duly authorized by the owner, keeper or harbinger thereof to have immediate control over the same. Any dog observed by Village personnel to be in violation of this section may be impounded by the Village personnel, and may be dealt with as provided by and set forth in § 6-117.

(C) If any domestic animal is found by any person to be running at large as provided herein, it shall be presumptive evidence that the animal was not under control and was allowed to run at large by the owner.

Section 2. That Chapter §6-117 of the Codified Ordinances of the Village of Lodgepole, Nebraska are hereby amended to read as follows:

6-117 DOGS; IMPOUNDING AND DESTRUCTION OF UNLICENSED DOGS OR DOGS RUNNING AT LARGE

- (a) Village personnel or law enforcement may capture, secure and remove in a humane manner to an animal shelter designated by the Village Board which shall destroy and bury, as hereinafter provided, any and all dogs that are not licensed as provided in Section 6-101, or that, whether licensed or not, are found to be running at large in violation of Section 6-107 or are dangerous animals in violation of Section 6-109.
- (b) No licensed animal taken by Village personnel, or by any law enforcement officer of the County as provided in this section shall be killed until at least ten days have expired after its impounding. Unlicensed animals shall be held at least three days before being destroyed.
- (c) The Village shall utilize a safe, suitable and conveniently located animal shelter for the impounding, keeping and destruction of domestic animals, where all animals shall be treated in a humane manner and shall be provided with adequate food and fresh water each day.
- (d) For animals found to be running at large, the period of impounding shall constitute the time allowed for the owner to claim or redeem his or her dog. For every dog so claimed or redeemed, the owner shall pay redemption fees as follows:
 - (1) Thirty dollars (\$30.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day thereafter, for the first occasion of impounding such dog or cat, to a maximum of one hundred dollars (\$100.00), plus applicable licensing fees;
 - (2) Forty-five dollars (\$45.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day thereafter, for the second occasion of impounding such dog or cat, to a maximum of one hundred fifty dollars (\$150.00), plus applicable licensing fees;
 - (3) Fifty dollars (\$50.00) per day for the first day of impounding, and fifteen dollars (\$15.00) per day for each day thereafter, for the third or more occasion of impounding such dog or cat, to a maximum of two hundred dollars (\$200.00), plus applicable licensing fees; and
 - (4) Applicable impounding fees and the costs of disposal of the dog or cat, in the event that the owner does not claim the animal or orders the disposal of the animal.
- (e) The shelter personnel shall release, during such period, from the animal shelter any dog found running at large to any person who proves ownership thereof, provided that before such animal is released, adequate proof shall be presented that all redemption, impound and licensing fees and all penalties have been paid and that such animal has been vaccinated against rabies as provided in Section 6-101. Any owner who fails to redeem his or her animal within the time provided shall be liable as provided in subsection (d)

hereof and for the costs of disposal of the animal. If possible, Village personnel shall notify the owner of any licensed animal of any impoundment. Such notice shall be by personal service or mailed to the address appearing on the license application.

- (f) Any animal that remains in the shelter beyond the applicable impoundment period without being claimed, redeemed or released shall be destroyed and buried as provided in this section, unless, in the judgment of the shelter, a suitable home may be found for such animal. If a suitable home is found for any such dog within the corporate limits of the Village, the person taking such animal from the animal shelter shall first present to the Village Clerk a license and metallic tag, microchip or tattoo for that particular animal and a receipt for the payment of the shelter fee and any other penalties provided in this chapter. The Village acquires legal title to any animal impounded in its animal shelter at the expiration of the applicable impoundment period.

Section 3. That Chapter §6-201 of the Codified Ordinances of the Village of Lodgepole, Nebraska are hereby amended to read as follows:

6-201 ANIMALS; RUNNING AT LARGE.

(A) No person having the charge, custody or control of any horse, mule, cow, sheep, goat, swine, dog, poultry or other animal shall permit it to go loose or run at large in any public way, or upon the property of another, or to be tethered or staked out in such a manner as to allow such animal to reach to or pass into any public way or upon the property of another. Every domesticated animal found running at large upon the streets and public grounds of the Village or upon the property of another is hereby declared to be a public nuisance. Any animal observed by any Village personnel or county law enforcement officer to be in violation of this section may be impounded by the Village personnel or by the law enforcement officer, as the case may be, and shall, upon the impoundment, be dealt with in accordance with, as provided by and set forth in § 6-117.

(B) Upon the signed written complaint of any affected person, filed with the Village Clerk, identifying the animal, the owner of the animal and the date, time and location such animal was in violation, the Village Attorney shall review said complaint and if the situation meets the statutory requirements, file a complaint and prosecute the same in the appropriate court, with penalties in accordance with 6-401.

(C) If any domestic animal is found by any person to be running at large as provided herein, it shall be presumptive evidence that the animal was not under control and was allowed to run at large by the owner.

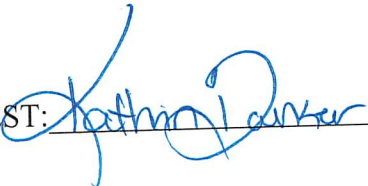
Section 4: That all Ordinances in direct conflict herewith are repealed.

Section 5: This 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 approved this 1st day of November, 2022.



Chairperson

ATTEST:  Village Clerk