

**ORDINANCE NO. 510**

**AN ORDINANCE TO AMEND SECTION 93.45 OF THE ANSLEY BASIC CODE AS FOLLOWS: SECTION (A) REDEFINING DANGEROUS DOG; REDEFINING MEDICAL TREATMENT; REMOVING THE SECTION ON POTENTIALLY DANGEROUS DOG; AMENDING SECTION (B) (2) REQUIRING A DANGEROUS DOG TO BE RESTRAINED SECURELY BY A CHAIN OR LEASH WHEN OUTSIDE THE SECURED PEN OR STRUCTURE; TO REPEAL ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE; AND TO PRESCRIBE THE TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT.**

**BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ANSLEY, NEBRASKA that:**

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

**ANIMAL CONTROL AUTHORITY.** An entity authorized to enforce the animal control laws of the village, and includes any local law enforcement agency or other agency designated by the village to enforce the animal control laws of the village.

**ANIMAL CONTROL OFFICER.** Any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal.

**DANGEROUS DOG.**

(a) Any dog that when unprovoked:

(i) Inflicts an injury on a human being that may or may not require medical treatment; or

(ii) Injures or kills a domestic animal; or

(iii) Has killed a human being; or

(iv) Chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack.

(b) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

(c) A dog shall not be defined as a **DANGEROUS DOG** if the individual was tormenting, provoking, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, provoked, abused, or assaulted the dog.

(d) A dog shall not be defined as a **DANGEROUS DOG** if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in Neb. RS 20-203, 28-520, or 28-521, was committing any other tort upon the property of the owner of the dog, was

tormenting, provoking, abusing, or assaulting the dog, or has, in the past, been observed or reported to have tormented, provoked, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(e) A dog shall not be defined as a **DANGEROUS DOG** if the dog is a police animal as defined in Neb. RS 28-1008.

**DOMESTIC ANIMAL.** A cat, dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit.

**MEDICAL TREATMENT.** Consultation with or treatment administered by a physician or other licensed health care professional, or any visual and/or physical evidence that would enable a reasonable person to conclude an attack had occurred.

**OWNER.** Any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog.

(B) (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 30 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) The owner of a dangerous dog shall be required to restrain the dog securely by a chain or leash **both** when the dog is on the property of the owner and outside the secured pen or structure and when the dog goes beyond the property of the owner.

(3) Except as provided in division (B)(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 owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides 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 with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this section if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least 30 days but not to exceed 90 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 division shall permit the rescindment of the declaration of dangerous dog. (Neb. RS 54-618)

(C) (1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a 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 dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. 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. (Neb. RS 54-619)

(D) Failure to comply.

(1) Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of this section. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated this section. (Neb. RS 54-620)

(2) In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner. (Neb. RS 54-621)

(E) (1) Any owner whose dangerous dog inflicts on a human being a serious bodily injury as defined in Neb. RS 28-109 is guilty of a Class I misdemeanor for the first offense, whether or not the same dangerous dog is involved.

(2) It is a defense to a violation of division (E) (1) of this section that the dangerous dog was, at the time of the infliction of the serious bodily injury, in the custody of or under the direct control of a person other than the owner or the owner's immediate family. (Neb. RS 54-622.01)

(F) Effect of prior conviction. If a dangerous dog of an owner with a prior conviction under this section attacks or bites a human being or domestic animal, in addition to any other penalty, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner. (Neb. RS 54-623)  
Penalty, see ss 10.99

*Statutory reference: Owner felony liability; serious bodily injury second offense, see Neb. RS 54-622.01  
Prior conviction; ownership of dangerous dog prohibited for ten years after, see Neb. RS 54-623.*

That all ordinances or parts thereof in conflict with this ordinance are hereby repealed.

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

Passed and approved this 7<sup>th</sup> day of December, 2015.

ATTEST:

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James L. Morgan, Chairperson

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Lanette C. Doane, Clerk

(Seal)