

**VILLAGE OF ELMWOOD
ANIMAL ORDINANCE NO. 2016-002**

AN ORDINANCE TO AMEND ORDINANCE NO. 309 OF THE ELMWOOD MUNICIPAL CODE TO ADD DEFINITIONS, CLARIFY RESPONSIBILITY FOR ANIMALS OWNED, ADD REQUIREMENTS FOR CAT AND DOG OWNERS, ADD CONSEQUENCES OF LICENSED OR UNLICENSED CATS OR DOGS RUNNING AT LARGE WITH ASSOCIATED PENALTIES, AND TO PROVIDE FOR THE EFFECTIVE DATE THEREOF:

BE IT ORDAINED BY THE CHAIRPERSON AND BOARD OF TRUSTEES OF THE VILLAGE OF ELMWOOD, NEBRASKA:

Article I: General

Purpose of the Ordinance:

- Protecting citizens from rabies by specifying such preventive and control measures as may be necessary;
- Protecting animals from abuse, neglect, inhumane treatment and health hazards, particularly rabies; Providing security to residents from annoyance, intimidation, and injury from cats, dogs, and other animals;
- Encouraging responsible pet ownership;
- Providing for the assessment of penalties for violators and for the enforcement and administration of this Ordinance.

Definitions:

For the purposes of this chapter the following words shall have the meanings indicated unless their context clearly requires otherwise:

ABANDON: shall mean to leave any animal 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: shall mean any vertebrate member of the animal kingdom except man. The term shall not include an uncaptured wild creature.

ANIMAL CONTROL AUTHORITY: shall mean an entity authorized to enforce the animal control laws of a Municipality.

ANIMAL CONTROL OFFICER: shall mean any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of this act or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals and shall include 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.

BITE: shall mean seizure of a person or domestic animal with the jaws or teeth of any cat, dog or other animal capable of transmitting rabies so that the person so seized has been wounded or pierced and further includes contact of the saliva of cat, dog or other animal with any break or abrasion of the skin.

CAT: shall mean all members of the feline family.

CAT OF LICENSING AGE: shall mean any cat which has attained the age of four (4) months.

CONFINED: shall mean the restriction of the cat, dog or other animal at all times by the owner in a manner that will isolate the cat, dog or other animal from the public and other cats, dogs or other animals.

CONTROL: shall mean any owned animal that is either secured by a leash or lead, or within the premises of its owner, or confined within a crate or cage, or confined within a vehicle, or within the premises of another person with the consent of that person.

CRUELLY MISTREAT: shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise set upon any animal;

CRUELLY NEGLECT: shall mean 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 DOG OR CAT: shall mean any dog or cat that, according to the records of an animal control authority:

- has killed or inflicted severe injury on a human being or public or private property
- has killed a domestic animal without provocation while the dog or cat was off the owner's property
- has been previously determined to be a potentially dangerous dog or cat by an animal control authority and the owner has received notice of such determination and such dog or cat again aggressively bites, attacks, or endangers the safety of humans or domestic animals. A dog or cat shall not be defined as a dangerous dog or cat if the threat, any injury that is not a severe injury, or the damage was sustained by a person who, at the time, was committing a wilful trespass as defined in section Neb. Rev. Stat. 20-203, 28-520, or 28-521 or any other tort upon the property of the owner of the dog or cat, who was tormenting, abusing, or assaulting the dog or cat, who has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or cat, or who was committing or attempting to commit a crime;

DOGS/CATS OWNER: Any person who shall harbour or permit any dog/cat to be for ten (10) days or more in or about his or her house, store, or enclosure, or to remain to

be fed, shall be deemed the owner and possessor of such dog/cat and shall be deemed to be liable for all penalties herein prescribed.

DOMESTIC: shall mean a cat or dog

FERAL CAT: shall mean a cat that:

1. Is born in the wild or is the offspring of an owned or feral cat and is not socialized;
2. Is a formerly owned cat that has been abandoned and is no longer socialized;
or
3. Lives on a farm.

FERAL CAT CARETAKER: means any person other than an owner who provides food, water or shelter to, or otherwise cares for, a feral cat.

FERAL CAT COLONY: means a group of cats that congregate, more or less, together as a unit. Although not every cat in a Colony may be Feral, any nonferal cats that congregate with a colony shall be deemed to be a part of it.

FERAL CAT COLONY CARETAKER: means any Feral Cat Caretaker who is approved by a Sponsor to care for a Feral Cat Colony.

HUMANE KILLING: shall mean the destruction of an animal by a method which causes the animal a minimum of pain and suffering.

IMPOUNDED: shall mean taken into the custody of the public animal control facility in the city, town, or county where animal is found.

KENNEL: a pack or collection of dogs on a single premise, including a commercial boarding or training kennel, commercial breeder kennel, domestic charitable corporation kennel, personal kennel or veterinary kennel.

LAW ENFORCEMENT OFFICER: shall mean any member of the Nebraska State Patrol, any county or deputy sheriff, any member of the police force of any city or municipality, or any other public official authorized by a city or municipality to enforce state or local animal control laws, rules, regulations, or ordinances. (Ref. 28-1008 RS Neb.) (Ord. No. 91-5, 3/5/91)

PITTING: Dog fighting shall mean the pitting of a dog against another dog. Pitting shall mean bringing animals together in combat.

POTENTIALLY DANGEROUS DOG OR CAT: shall mean any dog or cat that when unprovoked:

- inflicts a nonsevere injury on a human or injures a domestic animal either on public or private property, or;
- chases or approaches a person upon streets, sidewalks, or any public grounds in menacing fashion or apparent attitude of attack, or;
- any specific dog or cat with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

PUBLIC NOTICE: Flyers will be posted by Village personnel in prominent locations around the village for 5 days after the dog or cat has been impounded by a person(s) appointed by the Village Board of Trustees.

SEVERE INJURY: shall mean any physical injury that results in disfiguring lacerations requiring multiple sutures or cosmetic surgery or one or more broken bones or that creates a potential danger to the life or health of the victim.

SCRATCH: shall mean a wound, usually superficial, inflicted by nails, claws, or something pointed pulled across the skin, etc.

STRAY ANIMAL: shall mean any owned animal that is not controlled. The stray animal owner is responsible for all costs relating in the apprehension and impoundment of the animal found not under control.

ARTICLE II: Cruelty/Neglect of Animals

It shall be unlawful for any person willfully and cruelly to injure or kill any animal by any mode or means causing it unnecessary fright or pain, and it shall further be unlawful for any person, by neglect or otherwise, to cause or allow any animal to endure pain, suffering, or injury, or to fail or neglect to aid or attempt alleviation of any pain, suffering or injury so caused to any animal.

(a) No owner shall fail to provide his or her animals with sufficient wholesome food and water, proper shelter and protection from the weather.

(b) No person shall beat, torment, overload, overwork or otherwise abuse an animal.

(c) It shall be unlawful to fail to maintain a clean healthy coat on an animal so as not to impair vision, hearing, mobility, or the use of bodily functions.

(d) No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same that involves baiting or inciting an animal toward intent to fight.

(e) No person shall be permitted to keep animals in violation of the Humane Care for Animal Act or the Animal Welfare Act.

(f) No owner may abandon any animal where it may become a public charge or may suffer injury, hunger or exposure.

(g) No person shall kill or wound, attempt to kill or wound, or take the nest or eggs or young of any bird that is protected by Federal or State law

(h) No person shall keep or permit to be kept or display for exhibition purposes any wild animal contrary to Federal, State and local laws or regulations.

(i) It shall be unlawful to fail to provide veterinarian care for a sick or injured dog, cat or other animal so as to prevent undue suffering.

(j) No person shall leave any animal unattended in a motor vehicle or enclosed trailer when the outside temperature shall exceed 30 degrees Celsius (86 degrees Fahrenheit) or contain any animal in such manner that the animal does not have proper air circulation while confined in a motor vehicle, trailer, kennel, dog house, or any type of container or structure in which an animal may be confined.

(k) Any person who, as the operator of a motor vehicle, strikes an animal shall stop at once and render such assistance as may be possible; or shall immediately report such injury to the animal owner, if known; or the appropriate law enforcement agency; or to the local humane society.

ARTICLE III: Control of animals.

It shall be unlawful:

(1) To permit any dog, cat, or other animal, whether licensed or not, to run at large within the village. A dog, cat, or other animal shall be deemed to be running at large when off the premises of its owner, or not on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six (6) feet, held by its owner or other person able to control such dog or other animal

a) Tethered dogs, cats, or other animals must have access at all times to water, adequate shelter and dry ground. Multiple dogs, cats, or other animals should not be tethered together and should have their own water and shelter.

b) Tethers must be at least 10 ft long and in a manner to prevent injury or strangulation. It must be attached to a properly fitting collar/harness with a rotating toggle attachment. The tether should not wrap directly around the animal's neck.

c) No dog, cat, or other animals may be tethered in cases of extreme weather conditions.

d) No person shall permit a tethered dog to bark, whine, howl or make excess noises so as to cause a nuisance.

2. To permit any animal, whether licensed or not, to enter any public body of water, pond, fountain, or stream.

3. To permit any animal to enter any place, including a public building or hall, where food is stored, prepared, served or sold to the public, provided, however, that this section shall not apply to any disabled person with a support dog, to veterinary offices or hospitals, or to animal shows or exhibitions where at least twenty-four (24) hours advance notice has been given to the health department.

4. To permit any animal to trespass on private or public property without the consent of the property owners.

5. To permit any dog to chase, run after or jump at vehicles using the public thoroughfares.

6. To permit any dog or cat to habitually snap, growl, snarl, jump upon or otherwise threaten persons lawfully using any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk.

7. To keep, harbor, or maintain any vicious animal or animal with vicious propensities in a manner which may or does endanger the safety of persons or property off his premises or lawfully on his premises.

8. To own, harbor, keep, or be in charge of any dog, cat, or other animal, which has been declared vicious by the local Animal Safety Commission or police authorities or to permit such dog, cat or other animal to be upon a public street or highway, or upon any premises other than those of the person owning such dog, cat or other animal or those of a person who has given permission to said owner to keep or harbor such dog, cat or other animal on his premises unless such dog, cat or other animal wears a muzzle securely fastened about its mouth in such a manner that it cannot bite and is on a leash, tether, chain, rope or the like, the overall length of which, including the hand grip, shall not exceed six (6) feet held by its owner or other person able to control such dog, cat or other animal and while on the premises of the owner, shall not be allowed to come in contact with any person who is not a member of the immediate household.

9. To permit any dog, cat, or other animal to howl, yelp, whine, or meow or bark or make noise in such a manner as to disturb any person or neighborhood.
10. To allow any place where any animal is or may be kept to become unclean or unsanitary.
11. To harbor, keep or raise any live cattle, equine, swine (including pot-bellied pigs), sheep, fowl or goats anywhere in the village.
12. To harbor or be in charge of any dog, cat, or other animal, or cause, suffer, or allow such dog, cat, or other animal to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property unless:
 - a. The person who so curbs such dog, cat, or other animal, shall immediately remove all feces deposited by such dog, cat, or other animal by any sanitary method approved by the health department.
 - b. The feces removed shall be disposed of by the person owning, harboring, keeping, or in charge of any dog, cat, or other animal curbed in accordance with the provisions of this ordinance, in a sanitary manner approved by the health department.
13. All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, becoming unsightly or cause objectionable odors.
14. To fail to report animal bite.
 - a. To fail to report an animal bite, whether to a human or another domestic animal within twenty four (24) hours to the Village Office. If the Village Office is not open during this time period contact the Village Chairperson. This includes bites of a family pet to a family member.
 - b. Fail to comply with the mandated rabies observation period. All biting animals must be observed by a licensed veterinarian within 24 hours of the bite.
 - c. It shall be unlawful for the owner of a biting animal to euthanize, sell, give away or otherwise dispose of, or have inoculated against rabies the biting animal until it has been released from the rabies observation confinement by the veterinarian.
15. To permit any dog, cat, or other animal to bite, scratch, or in any other manner, break the skin of any person within the Village of Elmwood.

16. To permit any dog, cat, or other animal to bite, scratch, or in any other manner, break the skin of any other domestic animal within the Village of Elmwood.

17. No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital, hound running area, or animal refuge in an escape-proof enclosure. "Dangerous animal" means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile.

It is no defense to a violation that the person violating such has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this Act shall be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of such, the animal with regard to which the conviction was obtained shall be confiscated and placed in an approved facility, with the owner thereof to be responsible for all costs connected with the seizure and confiscation of such animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge.

ARTICLE IV: ANIMAL SAFETY COMMISSION

Creation; composition and chairman.

There is hereby created an Animal Safety Commission consisting of the following three (3) members: A Village Board of Trustee member, a Community Health person, and an unbiased community member. Any one of these shall act as chairperson of the commission.

Quorum.

Two (2) members of the commission shall constitute a quorum. A majority vote shall be required for all decisions of the commission

Duties.

The commission shall conduct public hearings and dispose of cases involving alleged vicious dog or cat or other animal that are not in accordance with the procedures hereinafter set forth. It shall also conduct public hearings and dispose of cases involving alleged treatment of dog or cat or other animal that are not in accordance with the procedures hereinafter set forth.

Procedures.

Hearings shall be held not less than five (5) days nor more than thirty (30) days after the commission has received notification of receipt by the chairperson of a written complaint or complaints upon which the bases of the decision to convene a public hearing. The

owner of the animal involved shall be given not less than five (5) days prior notice of said hearing, served upon such owner either personally or by certified or registered mail.

The purpose of the hearing shall be to determine whether the dog or cat or other animal is a vicious animal constituting a public nuisance which should be abated, destroyed or removed from the village or whether another appropriate means of resolving the controversy exists. In the case of dogs or cats that are mistreated the purpose of the hearing shall be to determine whether the dog or cat or other animal is not being cared for in accordance with this procedure.

All hearings shall be conducted in accordance with rules formulated and established by the commission.

At the conclusion of said hearing, the commission may enter such order as it determines appropriate to resolve the controversy, and in the event that it finds the dog or cat or other animal constitutes a public nuisance which should be abated, destroyed or removed from the village, it shall so order and it shall notify the owner of the animal of its findings. The animal owner will be required to destroy or remove the same from the village within ninety-six (96) hours from the date of the notice. If such dog, cat or other animal is found to be within the confines of the village after said ninety-six-hour period shall have elapsed, said dog, cat or other animal shall be destroyed or removed by the person(s) designated by the Village Board of Trustees of Elmwood. Said owner shall be responsible for all expenses incurred as to the abatement, removal and/or euthanasia of the animal.

If the dog or cat or other animal is found to not being cared for in accordance with this procedure the animal owner shall be required to remove the same from the village within ninety-six (96) hours from the date of the notice. If the dog or cat or other animal has not been removed from the confines of the village after the said ninety six (96) hour period shall have elapsed said dog, cat, or other animal shall be removed and impoundment procedures will be followed by the person(s) designated by the Village Board of Trustees of Elmwood. Said owners shall be responsible for all expenses incurred as a result of the impoundment.

ARTICLE V: Dogs and Cats

Required.

All dogs and cats harbored, kept or maintained in the village shall be licensed annually.

DOG AND CAT APPLICATIONS:

Applications for dog and cat licenses shall be on forms which are provided by the village and are available on the Village of Elmwood website (www.elmwoodnebraska.com) or at the village office. The application shall include a statement of the owner's name, address and telephone number as well as information concerning the breed, sex, age, color and markings of the dog or cat for which the license is sought and whether it is of

a long or shorthaired variety. A copy of the current rabies vaccine certificate and certificate of neutering or spaying must be presented with the application to receive a license.

YEARLY LICENSING FEE:

The annual license fee for dogs and cats shall be as provided in the fee schedule set by the Village of Elmwood Board of Trustees and available on the Village of Elmwood website. (www.elmwoodnebraska.com)

LICENSING PERIOD:

The license period shall be for one year commencing May 1st and expiring on April 30th of the following year. Late fees will be incurred per the fee schedule set by the Village of Elmwood Board of Trustees if the dog/cat is not licensed by June 1st.

DISPLAY OF TAGS REQUIRED:

A license tag issued by the village upon proper application and payment of fee shall be securely affixed to a substantial collar which shall be worn by each dog or cat at all times. A current rabies tag must also be affixed to the collar.

DUPLICATE TAG:

In the event that a license tag is lost and upon satisfactory evidence that the original place or tag was issued in accordance with the provisions herein, the Village Clerk shall issue a duplicate or new tag for the balance of the year which the license tax has been paid and shall charge and collect a fee of one (\$1.00) dollar for each duplicate or new tag so issued. All license fees and collections shall be immediately credited to the General Fund. It shall be the duty of the Village Clerk to issue tags of a suitable design that are different in appearance each year.

UNLICENSED DOGS/CATS

All dogs or cats found running at large upon the streets, and public grounds of the Village without a license are hereby declared a public nuisance. Unlicensed dogs or cats found running at large shall be impounded in a suitable animal shelter until delivered to the Humane Society by the person(s) designated by the Village Board of Trustees of Elmwood.

It is important to keep your animals licensed. If your unlicensed pet gets lost and is picked up, there is not a way to contact you. If a resident is identified as having an unlicensed dog or cat they will have 7 days from the date of notification via letter to contact the Village of Elmwood office and either provide proof of vaccination and obtain a license or provide the plan to do so. The Village Clerk will work with the owners within reason to establish an extension not to exceed 30 days from the first notification.

Property owners are legally permitted to trap dogs or cats that are on their property and do not belong to them. If the animal has licensing tags the property owner will check with the Village Clerk to find out the identity of the owner. If the Village Clerk is

contacted a public notification will be posted with the description of the animal. Animals that are not licensed should be then taken to the Humane Society in Lincoln.

Complaints of stray animals may be issued by the public to notify the Village of Elmwood Board of Trustees. Complaint forms are found on the Village of Elmwood website (www.elmwoodnebraska.com) and may be submitted via mail or email. Anonymous complaints will not be processed. Upon receipt of the complaint the situation will be investigated to determine if the animal is licensed or unlicensed and the appropriate steps will be taken.

TAG REMOVAL PROHIBITED:

No persons except an officer in the performance of his duties under this chapter shall remove a license/rabies tag from the collar of any dog or cat without the consent of the owner, nor shall any person attach a license/rabies tag to a dog or cat for which it is not issued.

VACCINATION REQUIRED:

All dogs or cats four (4) months of age and older shall be vaccinated against rabies with an approved rabies vaccine. Rabies vaccines shall be recognized for either a one (1) year or a three (3) year immunization period as follows:

(1) *Three (3) year immunity:* Low egg passage chicken embryo origin modified live virus Flury strain rabies vaccines (safe for use on dogs only) will be recognized for three (3) years; provided the dog is at least one (1) year of age at the time of vaccination. If dogs under one (1) year of age are vaccinated with this type of vaccine, the immunity will be recognized for a period of one (1) year.

(2) *One (1) year immunity:* All other rabies vaccines currently licensed by the veterinary biologics program United States Department of Agriculture are recognized for a one (1) year immunization period. Animals required to be inoculated against rabies as specified in this chapter shall be re-vaccinated within the time period specified for the particular vaccine used, except as provided above in regard to dogs under one (1) year of age. The certificate of vaccination issued shall specify the duration of immunity.

If a licensed veterinarian determines in writing that a rabies inoculation would compromise an animal's health, then the animal shall be exempt from the rabies shot. A copy of such shall accompany the village animal license application.

GUIDE DOGS EXEMPTED:

All service dogs used for support by disabled individuals shall be licensed as other dogs hereinabove provided, with the exception that the license fee will be waived.

MAXIMUM NUMBER OF DOGS/CATS:

No more than four (4) dogs/cats in any combination are allowed in any household. Offspring of either dogs or cats will be allowed to be nursed and raised until three (3)

months of age, and at that time must be removed from the property where kept to reduce the total number of dogs and cats over three months of age to the maximum of four.

LIMITATION OF DOGS PER HOUSEHOLD:

It shall be unlawful to maintain a kennel within the corporate limits of the Village of Elmwood. "Kennel" shall mean more than four (4) dogs in excess of six (6) months of age per family or residence. Maintaining a kennel shall constitute a nuisance to be abated by appropriate procedures. Offspring of dogs will be allowed to be nursed and raised until three months of age and at that time must be removed from the property where kept to reduce the total number of dogs over three months of age to the maximum of four.

LIMITATION OF CATS PER HOUSEHOLD:

No person shall own or keep more than four (4) cats within the village limits. Offspring of cats will be allowed to be nursed and raised until three months of age and at that time must be removed from the property where kept to reduce the total number of cats over three months of age to the maximum of four.

RUNNING AT LARGE: DOGS OR CATS

It shall be unlawful for the owner, keeper, or harbourer of any dog or cat to permit or allow such dog or cat to run at large within the Village. "Running at Large" shall mean any dog or cat found off the premise of the owner, and not under control of a person of not less than ten (10) years of age, either by leash, cord, chain, wire, rope, cage or other suitable means of physical restraint that is no more than or extends to no more than fifteen (15) feet in length. It shall be the duty of the person(s) designated by the Village Board of Trustees to cause any dog found to be running at large within the Village to be taken up and impounded.

FENCED IN AREAS:

If providing a fenced in area for your dog or cat follow the guidelines established for fencing which are available at the Village Office. Allow enough space for your animals to move about and get exercise. Gates must be secure and consider locking mechanisms.

FEMALES IN HEAT: Every female animal in heat shall be confined in a building or secure enclosure in such a manner that such female animal cannot come into contact with another animal except for planned breeding.

FERAL CATS/COLONIES: It shall be unlawful to encourage the proliferation of feral cats or feral cat colonies. There will be no approved feral cat colony or feral cat colony caretaker in the Village of Elmwood. Feral cats are unlicensed cats therefore may be subject to impounding and disposal as outlined in this ordinance.

CAPTURE IMPOSSIBLE:

The person(s) designated by the Village Board of Trustees shall have the authority to

kill any animals showing vicious tendencies, or characteristics of rabies which make capture impossible because of the danger involved.

DOGS: VICIOUS.

It shall be unlawful for any person to own, keep, or harbour any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite. Such dog shall constitute a nuisance and shall be abated by appropriate procedures.

DOGS/CATS; LIABILITY OF OWNER.

It shall be unlawful for any person to allow a dog or cat owned, kept, or harboured by him or her, or under his or her charge or control, to injure or destroy any real or personal property of any description belonging to another person. The owner or possessor of any such dog or cat, in addition to the usual judgment upon conviction, may be made to be liable to the persons so injured in an amount equal to the value of the damage so sustained.

DOGS/CATS: IMPOUNDING.

Licensed Dog or Cat:

It shall be the duty of the person(s) as designated by the Village Board of Trustees to capture, secure, and remove in a humane manner any dog or cat identified as violating any of the provisions of this Article. The dogs or cats so impounded shall be treated in a humane manner and shall be provided with a sufficient supply of food and fresh water each day.

Each licensed dog or cat that has been impounded shall be kept and maintained while the owner is being immediately contacted and arrangements made for retrieval. If retrieval is not immediate or within that day the dog or cat will be transported to the Humane Society in Lincoln for holding. The dog or cat shall be maintained throughout the remainder of the impoundment period required herein. Each impounded dog or cat shall be kept and maintained at such pounds for a period of not less than five (5) days after public notice has been given unless reclaimed earlier by the owner.

Any dog or cat that is reclaimed by its owner immediately will make a payment to the Village Clerk of a general impoundment fee of fifty (\$50.00) dollars

Any animal may be reclaimed by its owner after the dog or cat has been transported to the Humane Society in Lincoln but prior to the conclusion of the five (5) day impoundment period at the Humane Society by payment to the Village Clerk of the general impoundment fee of fifty (\$50.00) dollars together with transportation/employee fee for transporting said dog or cat to the Humane Society Pound in Lincoln, Nebraska of fifty (\$50.00) dollars. Upon the payment of such fees, the Village Clerk shall provide the owner with a receipt that will need to be presented to the Humane Society in Lincoln to prove the obligation has been satisfied. In addition to the above-designated charges,

if the animal has been transported to the Humane Society in Lincoln, the owner shall be required to pay all fees and charges assessed by such Humane Society.

Unlicensed Dog or Cat:

Any unlicensed dog or cat running at large that is removed by a person(s) designated by the Village Board of Trustees will be transported as soon as possible to the Humane Society in Lincoln, Nebraska where said dog or cat shall be maintained throughout the remainder of the impoundment period required herein.

If the owner does come to claim the dog or cat they will pay a fine of fifty (\$50.00) dollars for the unlicensed dog or cat as described above in Unlicensed Dogs and Cats section and a fifty (\$50.00) dollar impoundment fee together with a fifty (\$50.00) dollar transportation/employee fee for transporting said dog or cat to the Humane Society of Lincoln to the Village Clerk. The owner will need to provide proof of rabies vaccination and purchase the license from the Village Clerk prior to picking up the animal from the Humane Society. The Village Clerk will give the owner a receipt which will need to be presented at the Humane Society in Lincoln prior to retrieving the animal. The owner shall be required to pay all fees and charges assessed by such Humane Society.

If the unlicensed dog or cat is not vaccinated the owner will pay a fifty (\$50) dollar deposit to the Village of Elmwood and sign an agreement to have the animal vaccinated within 10 days of release from the Humane Society. A copy of that agreement along with the receipt for charges will be presented to the Humane Society and the animal will be released to the owner. Once the proof of vaccination has been given to the Elmwood Village Clerk and the animal has been licensed the deposit of fifty (\$50.00) dollars will be returned to the animal owner.

If the unlicensed dog or cat is not claimed at the end of required (5) day waiting period after public notice has been given, the Humane Society may dispose of the dog or cat in accordance with the applicable rules and regulations pertaining to the same. Provided, however, that if, in the judgment of either the Village or the Humane Society, a suitable home can be found for any such dog or cat within the Village, the said dog or cat shall be turned over to that person and the new owner shall then be required to pay all fees and meet all licensing and vaccinating requirements provided where the new owner resides.

PENALTY OF VIOLATIONS:

Any person upon whom a duty is placed by the provisions of this article that shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this article shall be subject to a daily fine set by the Village Board of Trustees. Each day that a violation of any section in this article continues shall constitute a separate and distinct offense. Each violation for each animal is a separate fine. If the Village of

Elmwood is required to perform the duties assigned the pet owner will be responsible for the charges incurred.

INTERFERENCE WITH AUTHORIZED OFFICER:

No person shall hinder, molest or interfere with anyone authorized or empowered to perform any duty required by this ordinance.

ARTICLE VI: FINES

The penalty for violation of any provision of this ordinance shall be fifty (\$50.00) dollars if paid within ten (10) days of the date of violation. Each day that such violation shall occur or continue shall constitute a separate offense. Each animal violation will be a separate offense.

(A) The first notice of violation shall be that given to the violator. The prescribed fine shall be paid within ten (10) days from the date first notice is issued.

(B) If such prescribed fine is not paid and received within ten (10) days, a second notice shall be given to the violator.

(C) If such prescribed fine is not paid within ten (10) days from the date the second notice is issued, the Village Attorney will be notified to pursue legal recourse. Fines will continue to accrue.

ARTICLE VII:

This ordinance shall take effect from and after its passage, approval, and publication according to law, and all prior versions of the municipal code sections amended herein are hereby repealed.

PASSED and APPROVED this 2nd day of March, 2016.

Connie Carlton, Village Clerk

Curt Wilhelm, Chairperson

Seal