

City of Minden

P.O. Box 239, 325 N. Colorado
Minden, Nebraska 68959

phone 308.832.1820
fax 308.832.1949
www.MindenNebraska.org



ADOPTING ORDINANCE ORDINANCE NO. 1219

AN ORDINANCE ADOPTING AND ENACTING A NEW CODE FOR DOGS FOR THE CITY OF MINDEN, NEBRASKA; PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF; PROVIDING FOR THE MANNER OF AMENDING SUCH CODE; AND PROVIDING WHEN SUCH CODE AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MINDEN, NEBRASKA:

Section 1. The Code Section entitled "Dogs", consisting of Chapter 10, Article II, Divisions I and II is hereby adopted.

Section 2. All ordinances applicable to Dogs enacted on or before July 20, 2017, and not included in the Code or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Section 4. This ordinance shall become effective after publication which may be in pamphlet form and shall be known as Ordinance No. 1219.

Source: C.O. 1219, 7/20/2017.

Passed and adopted by the City Council on this 20th day of July, 2017.

Ted Griess, Mayor

ATTEST:

Abbey Jordan, City Clerk

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ORDINANCE NO. 1219

AN ORDINANCE TO AMEND CHAPTER 11, ARTICLE II, DOGS OF THE MUNICIPAL CODE OF MINDEN, KEARNEY COUNTY, NEBRASKA, BY AMENDING SECTIONS 10-31, 10-32, 10-33, 10-34, 10-35, 10-36, 10-37, 10-38, 10-40, 10-42, 10-43, 10-45, 10-46, 10-47, 10-51, 10-52, 10-53, 10-55, AND 10-59; AND ADDING SECTIONS 10-60, 10-61, 10-62, AND 10-63; AND REPEALING SECTIONS 10-56 AND 10-57.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MINDEN, KEARNEY COUNTY, NEBRASKA.

Section 1. That Section 10-31 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-31. Definitions. The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(A) Dangerous dog:

1. A dangerous dog is defined as a dog that has bitten, killed, wounded or injured or-chased any person or other domestic animal.
2. Dangerous dog shall also mean a dog that according to the records of an animal control authority or law enforcement agency:
 - (i) has killed a human being
 - (ii) has inflicted injury on a human being that requires medical treatment
 - (iii) has killed a domestic animal without provocation; or
 - (iv) has been previously determined to be a dangerous dog by an animal control authority or law enforcement agency, the owner has received notice from an animal control authority or law enforcement agency or animal control officer of such determination and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.
3. Exceptions:
 - (i) A dog shall not be defined as a dangerous dog under this section if the human being was tormenting or abusing the dog;
 - (ii) A dog shall not be defined as a dangerous dog under this section if the injury was sustained by the human being who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521; was committing any other tort upon the property of the owner of the dog: was tormenting or abusing the dog; or was committing or attempting to commit a crime.
 - (iii) A dog shall not be defined as a dangerous dog under this section if the dog is a police animal as defined in Neb. Rec. Stat. §28-1008.

(B) Dog. A dog shall mean an animal of the canine family regardless of sex.

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(C) Dog Kennel. Dog Kennel shall mean the house, yard, enclosure, or place where three or more dogs over the age of six months are kept, harbored or maintained.

(D) Domestic Animal. Domestic animal shall mean a cat, a dog, livestock or any tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation.

(E) Fowl. Fowl, shall mean chickens, ducks, geese, turkeys, pigeons, pheasants, quail, partridge, guineas, or other domesticated or wild birds.

(F) Keep or Harbor. Keep or Harbor shall mean to have charge, custody, or control of an animal or fowl, or permitting the same to remain or be lodged or fed within the house enclosure or place of the owner or occupant of the premises.

(G) Own. Own shall mean to own, keep, harbor, or have charge, custody or control of an animal or fowl.

(H) Owner. Owner shall mean any person, firm, organization, association or corporation owning, possessing, keeping, harboring, or having charge, custody or control of any animal or fowl.

(I) Service Animal. Service animal shall have the same meaning as in 28 C.F.R. 36.104 as amended.

(J) Small animal. Small animal shall mean any animal, including rabbits, weighing twenty pounds or less, except pet animals, or fowl.

Section 2. That Section 10-32 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-32. Penalty for violation of article. Unless otherwise specifically stated, any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in any sum not less than \$50.00 or exceeding \$100.00 for the first offense; not less than \$75.00 nor more than \$100.00 for the second offense and \$100.00 for the third offense.

(Code 1982, § 3-112; Ord.No.893, § 13, 1 1-3-86; Ord. No, 1031, § 2, 8-18-97) (Ord. No. 1219, 7-20-2017)

Section 3. That Section 10-33 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-33. Running at large. It shall be unlawful for any owner, harborer, or keeper of a dog to permit such dog to run at large within the corporate limits of the city. For the purposes of this article, the term "running at large" shall mean permitting any dog to go on or about the public streets, alleys, public or private lands or other places in the city, while not in the presence of the owner, harborer or keeper of such dog.

(Code 1982, § 3409; Ord. No, 893, § 10, 11-3-86), (Ord. No. 1219, 7-20-2017).

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Section 4. That Section 10-34 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-34. Taking up; impoundment; notice; reclamation. The police department shall take up any dog found running at large within the city and impound it forthwith. The owner, harborer, or keeper of such dog, if the same can be determined, shall be notified within 24 hours after impoundment, If the owner, harborer, or keeper of the dog is unknown, a written description of the dog and the place and time of apprehension shall be available from the police department.

(Code 1982, § 3-109.01; Ord. No.893, § 11, 11-3-86; (Ord. No. 1219, 7-20-2017).

Section 5. That Section 10-35 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-35. Pick up fees for taking up and impounding dogs.

(A) The owner, harborer or keeper of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the city for impounding and maintaining the dog. In addition, the following reclaiming charges shall be paid to the city clerk or his representative: For a first offense, the pick-up charge shall be \$50.00; for a second offense the pick-up charge shall be \$75.00 and for a third offense the pick-up charge shall be \$100.00.

(B) The owner, harborer or keeper of any dog so impounded shall be responsible for the payment of these charges, whether the owner reclaims such dog or not, The owner, harborer, or keeper of any dog who wishes to contest these charges may secure the release of said dog by posting a cash bond in the amount of \$75.00 with the city clerk.

(Code 1982, § 3-109.07; Ord. No. 893; § 7-3-86) (Ord. No. 1219, 7-20-2017)

Section 6. That Section 10-36 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-36. Method of taking up. Whenever in this article the police are required or authorized to take up a dog, they may use whatever means to do so as may be reasonable under the circumstances, including the use of tranquilizer darts.

(Code 1982, § 3-713), (Ord. No. 1219, 7-20-2017).

Section 7. That Section 10-37 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-37, Notice and complaint. Dogs running at large. Upon taking up any dog for running at large, the police department shall cause a complaint to be filed with the court against the owner or person found to be harboring or keeping the animal if such person can be ascertained, charging such person with a violation of this article.

(Code 1982, § 3-114; Ord. No. 1031, § 3, 8-18-97) (Ord. No. 1219, 7-20-2017)

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Section 8. That Section 10-38 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-38. Dangerous dogs; method of control.

(A) The police department shall hereby take up any dog suspected of being a dangerous dog within the city and impound it forthwith.

(B) Upon taking up any dog suspected of being dangerous, the police department shall cause a complaint to be filed with the court against the owner or person found to be harboring or keeping the dog.

(C) Upon conviction of keeping or harboring a dangerous dog, the owner or person keeping said dog may be fined in an amount not to exceed \$500.00.

(D) In addition to said fine, the court after full hearing may order that the dog be destroyed. The method of destruction of said dog shall be, at the direction of the chief of police, or by a licensed veterinarian.

(E) In addition to said fine, the owner or person keeping the dangerous dog shall also be assessed court costs, the costs of keeping said dog during the time of its impoundment and the costs of destroying said dog in the event the court orders the dog destroyed.

Sec. 10-38(1) Dangerous dogs; securely confined.

(A) It shall be unlawful for the owner of a dangerous dog to fail, neglect, or refuse to securely confine such dog, 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. A securely enclosed and locked pen or structure as required herein shall, at a minimum, comply with the following:

(1) Any fencing material used shall not have openings with a diameter of more than two inches, or in the case of a wooden fence, gaps of more than two inches wide;

(2) Any gates within such pen or structure shall be lockable or of such design to prevent the entry of children or the escape of the dog;

(3) The required pen or structure shall have secure sides and a secure top. Any top provided shall be a fence outrigger on the top of the fencing material or an equivalently secured top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements.

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

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(B) The owner of such dangerous dog, before placing said dog in such pen or structure shall permit the Chief of Police of the City of Minden, or his or her designee, to inspect such pen or structure to insure that it meets the construction requirements set out above.

(C) The owner of a dangerous dog shall securely restrain such dog by chain or leash when moving the dog to or from such pen or structure.

Sec. 10-38(2). Dangerous dogs. Leash required. It shall be unlawful for any owner of a dangerous dog to permit such dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash and properly muzzled to reasonably prevent the dog from biting. It shall be unlawful for any owner of a dangerous dog to permit such dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

(Code 1982, § 3-114; Ord. No. 1031 § 3, 8-18-97); (Ord. No. 1219, 7-20-2017).

Editor's note -

Ordinance No. 1031, § 3, adopted August 18, 1997, amended §10-37 to read as herein set out, Formerly, such section pertained to method of destruction.

Editor's note -

Ordinance No, 1031, § 4, adopted August 18, 1997, deleted §10-38. Formerly, such section pertained to vicious dogs and derived from § 3-110 of the 1982 Code; (Ord. No. 1219, 7-20-2017)

(Ord. No, 901, § 1(3-115.01-3-115.03), 8-3-87; Ord. No. 1142, §1, 8-4-08)

Section 9. That Section 10-40 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-40. Barking dogs.

(A) If the owner, harbinger or keeper of such dog while such dog is outside of the dwelling house or other building owned, occupied or otherwise lawfully used by such person and permits such dog to bark continuously or intermittently over a period of time exceeding five minutes in such a loud, shrill and/or continuous manner as to create such a disturbance so as to annoy a person of normal sensibilities shall be unlawful.

(B) Upon conviction for a violation of subsection (a) of this section the owner harbinger or keeper of such dog, shall be fined in a sum not to exceed \$100.00.

(Ord. No. 974, §§ 2, 3, 10-18-93) (Ord. No. 1219, 7-20-2017)

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Section 10. That Section 10-42 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-42. Taking up; impoundment; notice, reclamation,

(A) The police department upon taking up any dog, found in violation of section 10-40 within the city shall impound it forthwith. The owner, harborer, or keeper of such dog, if the same can be determined, shall be notified within 24 hours after impoundment. If the owner, harborer, or keeper of the dog is unknown, a written description of the dog and the place and time of apprehension shall be available from the police department. The owner, harborer, or keeper of any dog so impounded may reclaim such dog upon payment of the license fee, if unpaid, and all costs and charges incurred by the city for impounding and maintaining the dog.

(B) The owner harborer or keeper of any dog so impounded shall be responsible for the payment of these charges, whether the owner reclaims such dog or not. The owner, harborer or keeper of any dog who wishes to contest these charges may secure the release of his dog by posting a cash bond in the amount of \$75.00 with the city clerk.

(Ord. No. 1029, § 2, 2-17-97) (Ord. No. 1219, 7-20-2017)

Section 11. That Section 10-43 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-43. Keeping a kennel. It shall be unlawful to keep a kennel as defined herein in any zone within the City of Minden.

(Ord, No. 1088, §2, 8-22-02) (Ord. No. 1219, 7-20-2017)

Section 12. That Section 10-45 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-45. Continuing acts. In the event that a person is found to be in violation hereof, law enforcement personnel may cite such persons with additional violations of Section 10-43 for each day said person continues in violation hereof. Each subsequent violation shall be punishable by an additional \$100.00 fine.

(Ord. No. 1088, § 3, 8-22-02) (Ord. No. 1219, 7-20-2017).

Section 13. That Section 10-46 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-46. - Dogs; dog excrement to be removed and disposed of. It shall be unlawful for any dog to be on any property, public or private, if said dog is not owned or possessed or under the control of any person and to allow said dog to deposit fecal matter on any property located within the City of Minden, unless such person has in his immediate possession a device for the removal of said fecal matter and does remove such fecal matter.

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(Ord. No. 1133, § 1, 3-5-07); (Ord. No. 1219, 7-20-2017)

Section 14. That Section 10-47 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-47. Animals on city owned athletic fields. It shall be unlawful for any person in possession or in control of any animal to cause or permit such animal to be on any city-owned athletic field, and for such person to fail to remove excrement left by such dog to a proper receptacle.

(Ord. No. 1137, §1, 10-15-07) (Ord. No. 1219, 7-20-2017).

Section 15. That Section 10-51 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-51. Penalty for violation of Division 2. Any dog within the city that has not been given a rabies shot, good for the ensuing year, shall be taken up by the police department, placed in a dog pound, and if not vaccinated by the owner within three days shall be destroyed by the police department, The police department shall within 24 hours notify the owner, if known, of each dog taken up that the dog must be properly vaccinated and licensed within three days or such dog will be destroyed, If the owner is not known and cannot be located, the dog shall be held three days and if the owner or a suitable and responsible person does not claim such dog within three days and have the dog properly vaccinated and licensed, then the dog shall be destroyed or released to a U.S.D.A. approved dog kennel or a dog rescue kennel.

(Code 1982, § 3-106; Ord. No. 893, § 8, 11-3-86); (Ord. No. 1219, 7-20-2017)

Section 16. That Section 10-52 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-52. License required. Any person owning, harboring or keeping a dog over three months of age within the city shall obtain a license from the city for such dog. The license shall remain in effect until the end of the year in which it was issued. Thereafter, each dog shall be licensed for a period of one year commencing on January 1, of each year.

(Code 1982, § 3-106; Ord. No. 893, § 8, 11-3-86) (Ord. No. 1219, 7-20-2017)

Section 17. That Section 10-53 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-53. Rabies vaccination, revaccination, type of vaccine. It shall be unlawful for any person within the city to own, harbor, or keep a dog over three months of age that has not been properly vaccinated for rabies. The rabies vaccination required by this division shall be an injection of anti-rabies vaccine of the chick embryo MLV type, and the frequency of revaccination necessary for approved vaccinations shall be at least once each three years. The vaccine shall be administered by a licensed veterinarian and shall be given as approved by the state department of agriculture.

(Code 1982, § 3-102; Ord. No. 893, § 2, 11-3-86) (Ord. No. 1219, 7-20-2017)

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Section 18. That Section 10-55 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-55. Fees, License. The city council shall, before January 1 of each year, establish the fee which shall be collected by the city for the issuance of each dog license. If no such fee is established by the city council, as provided in this section, then the fee established for the previous year shall carry over and shall be the fee for the ensuing year; provided, however, that if the owner of such dog has paid the fee for the ensuing year prior to a new fee being established, then the fee shall be deemed paid in full for the full term indicated on the fee receipt.

(Code 1982, § 3-104; Ord. No. 893 § 4, 11-3-86); (Ord. No. 1219, 7-20-2017)

Section 19. Section 10-56, Same-Payment and proration; due notice, is hereby repealed.
(Ord. No. 893, § 5(3-104.01), 11-3-86) (Ord. No. 1219, 7-20-2017).

Section 20. Section 10-57, Same-Prorated refund, is hereby repealed.
(Ord. No 893, § 6, 11-3-86) (Ord. No. 1219, 7-20-2017)

Section 21. That Section 10-59 of the Municipal Code of the City of Minden, Kearney County, Nebraska, be and the same is hereby amended to read as follows:

Sec. 10-59. Dog bites; impoundment; notification,

(A) Whenever any dog is suspected of having rabies, and whenever any dog shall bite a person within the city, the dog shall be taken up by the police department and impounded for observation, When it is determined the dog is not infected with rabies, the dog shall be released to the owner; provided, however, the owner must produce a current rabies vaccination certificate and license for the dog or the dog must be properly vaccinated and licensed prior to release, The owner of such dog shall also pay the cost of care of such dog during impoundment before the dog shall be released.

(B) The police department shall within 24 hours after impoundment notify the owner, if known, of each such dog impounded for observation. The police department shall also notify such owner, if known, as soon as the dog has been certified for release by the licensed veterinarian, If the owner is not known and cannot be located, or if the owner fails to pick up such dog after the same has been certified for release, the dog shall be held for three days, after which time it shall be destroyed or released to U.S.D.A. approved dog kennel or a dog rescue kennel. Any dog which is determined to be infected with rabies shall be destroyed as soon as practicable in the most humane way possible.

(C) In addition to the provisions of this section the owner, keeper or harbinger of such dog may be prosecuted under Section 10-38 of this code, for keeping a dangerous dog.

(Code 1982, §§ 3-108.01, 3-108.02; Ord. No. 893, § 9, 11-3-86); (Ord. No. 1219, 7-20-2017).

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Section 22. That Section 10-60 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 10-60. General; Enforcement of Animal Control Ordinances.

- (A) It shall be the duty of the animal control officers/police officers to enforce the provisions of this chapter.
- (B) An officer may seize and impound, subject to the provisions of this chapter, any animals found in violation of the provisions of this chapter within this city, whether such animal shall be in the immediate presence of its owner or custodian or otherwise. If an owner or keeper is present and able to take control of the animal in lieu of impoundment, a summons and complaint may be issued to that person and the person may retain possession to the animal upon payment of a \$75.00 bond.
- (C) Any animals seized or impounded, subject to the provisions of this chapter, may at the discretion of the Chief of Police, or his designee, be examined and/or treated by a licensed veterinarian. If it is determined by a veterinarian action for the authority that such animal is diseased or disabled beyond any useful purpose, the animal shall immediately become the property of the city to be humanely disposed of as the Chief of Police, or his designee, deems appropriate. Costs of examination, treatment, euthanasia, and/or other care shall be the responsibility of the person who was the owner at the time of seizure or impoundment.
- (D) If an officer reasonably believes that a violation of this chapter has occurred, outside of the officer's clear vision, the officer is hereby authorized and empowered to seek a search warrant from the appropriate court to enable the officer to enter private property in order to inspect, care for, or impound animals found to be in violation of this chapter.
- (E) Whenever any animal is impounded or otherwise confined by authority of this chapter, the Police Department may require that all fees, costs and expenses incurred by the city in impounding or otherwise confining the animal be paid prior to release of the animal to its owner or keeper. No animal shall be released until it is shown that the animal is currently vaccinated against rabies.
- (F) The officer, within 24 hours of taking custody of an animal under this chapter, shall take reasonable steps to provide written notice of the impoundment to the owner of the animal by either posting a notice of the impoundment at the location where the animal was seized or by delivering a copy of such notice to a person of suitable age on the owner's property. If the owner's identity is not known, then the officer is not required to take any other steps except post notice in the location of the impoundment.
- (Ord. No. 1219, 7-20-2017)

Section 23. That Section 10-61 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

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Sec. 10-61. Care of Animals.

(A) Required. It shall be unlawful for any person owning, keeping, harboring or otherwise in possession or control of any animal to fail, refuse, or neglect to provide such animal with adequate food, water, shade, shelter, living environment, or veterinary care as may be necessary for animals in good health, diseased or injured animals. Any animal habitually kept outside or left unattended outside shall be provided with a structurally sound, moisture-proof and windproof shelter large enough to accommodate and keep the animal reasonably clean, dry and comfortable. Adequate care shall mean;

- (1) That each animal at suitable intervals, and at least once every twenty-four hours receive a quantity of wholesome foodstuff suitable for the species' physical condition and age sufficient to maintain an adequate level of nutrition for the animal;
 - (2) That each animal shall at all times have access to an adequate supply of clean, fresh potable water for the species' physical condition and age, and such water shall be provided either free flowing or in a receptacle. Snow or ice is not an acceptable source of water. If water pans or dishes are used, such pans or dishes shall have weighted bottoms or be mounted or secured in a manner that prevents tipping;
 - (3) That each animal shall have convenient access to adequate shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury and from the elements, and shall be for sufficient size to permit the animal to enter, stand, turn around, and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, does not comply with this section. The shelter and any other spaces accessible to the animal and all bedding for the animal shall be maintained in a manner which minimizes the risk of the animal contracting disease, being injured or becoming infested with parasites.
 - (4) That each animal shall receive care and medical treatment for debilitation injuries, parasites, and disease, sufficient to maintain the animal in good health and to minimize suffering.
- (Ord. No. 1219, 7-20-2017)

Section 24. That Section 10-62 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 10-62. Cruelty to Animals.

(A) It shall be unlawful for any person to knowingly, intentionally, or recklessly cause or allow any animal to endure unreasonable or unjustifiable pain, suffering or injury. Further, it shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate or otherwise cruelly mistreat any animal.

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(B) Cruelty, exceptions. It shall not be a violation of section (A) above, under the following circumstances:

- (1) Care or treatment by a licensed veterinarian;
- (2) Commonly accepted care and treatment of a police animal;
- (3) Research activity carried on by an approved research facility;
- (4) Commonly accepted practices of hunting, trapping or fishing;
- (5) Commonly accepted practices occurring during rodeos, circuses, pulling con tests and other animal exhibitions or contests;
- (6) The humane killing of an animal by the owner or a licensed veterinarian;
- (7) The reasonable use of force, including killing, against an animal by a human being when such animal is injuring or is posing an immediate threat to any person or other animal.
- (8) Commonly accepted animal training practices.
(Ord. No. 1219, 7-20-2017).

Section 25. That Section 10-63 be added to the Municipal Code of the City of Minden, Kearney County, Nebraska, to read as follows:

Sec. 10-63. Tethering. Any animal that is tethered and not confined in a shelter shall be restrained in such a way that such animal has space to walk and lie down in said space, shall have adequate drainage such that the animal shall be free to walk and lie down without coming into contact with standing water. The chain, leash or cable or similar restraint shall be designed and placed to prevent choking or entanglement with other objects. Any tethering device shall be attached to a properly fitting collar or harness. Choke chain collars, prong or pinch collars or any collar devised for training so that it chokes or pinches the animal when pulled is prohibited for the purposes of tethering an animal. The tethering device must be at least ten feet in length but shall not allow the animal to leave the property on which it is tethered or to permit the animal to be on any public sidewalk or street. The animal shall not be tethered on public property and shall be tethered in such a way that it is able to reach food and water. The animal shall be provided adequate shelter to allow it sufficient shade and protection from the elements while it is tethered.

In the event of a violation of this section and upon conviction, the violator shall be fined not less than \$100.00 and not more than \$500.00 and assessed the costs of this action.
(Ord. No. 1219, 7-20-2017).

City of Minden

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Section 26. That any other ordinance or section passed and approved prior to the passage, approval and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

Section 27. This ordinance shall be known as Ordinance No. 1219 and shall be in full force and effect from and after its passage, approval and publication according to law.

Passed and approved this 20th day of July, 2017.

Ted Griess, Mayor

ATTEST:

Abbey Jordan, City Clerk

(SEAL)