

ORDINANCE 805

AN ORDINANCE OF THE CITY OF STANTON, NEBRASKA, TO AMEND SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, CHAPTER 93, SECTION 170.93.09 IMPOUNDMENT; TO PROVIDE WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND TAKE EFFECT; AND TO PROVIDE FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF STANTON, STANTON COUNTY, NEBRASKA;

SECTION 1. TO AMEND SECTION TO THE NEBRASKA BASIC CODE, TITLE XVII LOCAL LEGISLATION, CHAPTER 93, SECTION 170.93.09 IMPOUNDMENT to read:

170.93.09 Impoundment

The owner of any animal confined in the pound may upon proper showing and identification reclaim the animal upon payment of a fee pursuant to the schedule set forth below: provided (1) the owner of the dog or cat shall have paid the required license fee and obtained the proper license and obtained any rabies vaccination required pursuant to this Chapter before the dog or cat can be reclaimed or (2) the owner of the dog or cat or the person responsible for the dog or cat must sign a statement indicating that within seventy-two (72) hours of the release of the dog or cat, said person shall have paid the required license fee and obtained the proper license and any rabies vaccination required pursuant to this Chapter. Failure to obtain the license and / or the rabies vaccination within seventy-two (72) hours after release from impoundment shall constitute a separate offense.

Payment of a daily boarding cost of three (\$3.00) dollars, plus the impoundment fee as set out below:

First violation per animal or owner	\$25.00
Second violation per animal or owner	\$100.00
Third violation per animal or owner	\$200.00
Fourth and all ensuing violations per animal or owner	\$500.00

The owner shall remain responsible for all penalties for violation of any of the provisions of this Chapter. All animals which have remained in the pound seventy-two (72) hours without being claimed or released may be destroyed in a humane manner, except as hereinbefore provided. All animal owners residing at the same residence shall be treated as a single owner for purposes of determining the impoundment fee required under this section.

The following impoundment regulations apply to pit bulls:

1. The Animal Control Authority of the City, is authorized to immediately impound any pit bull found in the City, which does not fall within one of the exceptions contained in § 170.93.48 above. Unless it is determined that the pit bull falls under one of the exceptions and subject to subsection 2 below, ten calendar days after impoundment the Animal Control Authority shall destroy the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the Animal Control Authority that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment.

2. When the Animal Control Authority has impounded any pit bull pursuant to this section or when the Animal Control Authority has issued a written warning pursuant to § 170.93.48 and the owner of the pit bull disputes the classification of the animal as a pit bull, disputes the issuance of a warning and/or disputes whether the pit bull is exempted from § 170.93.47, the owner of the pit bull may file with the City Clerk a written request for a hearing before the City Council within seven calendar days after impoundment. The appellant/owner of the pit bull shall bear the burden of proof at such hearing and the Mayor shall act as hearing officer. At the conclusion of the hearing or some time thereafter the hearing officer shall render a written decision. The findings of the City Council shall be conclusive.

3. The City Council upon finding that the animal is a pit bull pursuant to subsection 2 above shall order the destruction of the pit bull unless the owner of the pit bull produces evidence deemed sufficient by the City Council or Animal Control Authority that the pit bull is to be permanently taken out of the City, and the owner pays the cost of impoundment. The Animal Control Authority shall not destroy any pit bull until all legal proceedings and appellate time frames have expired.

4. Nothing herein shall prevent the City Council or Animal Control Authority from simultaneously following any other procedure or process contained within this Title as appropriate.

SECTION 2. That any ordinance or section passed and approved prior to passage, approval, and publication or posting of this ordinance and in conflict with its provisions is hereby repealed.

SECTION 3. That this ordinance shall be in full force and take effect from and after its passage, approval and publication or posting in pamphlet form as required by law.

PASSED AND APPROVED this 14th day of September, 2010.

Colleen M. Paden, Mayor

ATTEST:

Nancy A. Morfeld, City Clerk