

ORDINANCE NO. 1364

OF THE

CITY OF O'NEILL, NEBRASKA

AN ORDINANCE OF THE CITY OF O'NEILL, NEBRASKA, ESTABLISHING REGULATIONS FOR REGISTRATION, SPAY/NEUTER, AND JURISDICTION OF SPECIFIC BREEDS OF DOGS; REPEALING PRIOR ORDINANCES IN CONFLICT HEREWITH AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF O'NEILL, NEBRASKA, that:

Sec. 1. That Section 2-325 through 2-330 shall be established as follows:

SECTION 2-325. SPECIFIC BREEDS. DEFINITIONS

A. **AKC or UKC registered show dog** means an American Staffordshire Terrier or Staffordshire Bull Terrier for which the owner thereof has documentation showing the dog to be a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog. The documentation to prove the animal is a show/performance dog must include:

1. An AKC or UKC registration;
2. AKC or UKC three (3) generation pedigree;
3. Proof the dog is being used as a show dog once the dog reaches the age of six (6) months; and
4. The first five (5) numbers of the AKC or UKC registration tattooed on the abdomen of the upper side of the left rear leg.

B. **Pit bull breed** includes:

1. American Pit Bull Terrier;
2. Staffordshire Bull Terrier and American Staffordshire Bull Terrier (unless exempted as a registered show dog);
3. American Bull Dog;
4. Any dog whose sire or dam is a dog of a breed which is defined as a restricted breed of dog in this definition;
5. Any dog whose owner registers, defines, admits or otherwise identifies the dog as being of a restricted breed;
6. Any dog conforming or substantially conforming to the breed of American Pit Bull Terrier, American Staffordshire Terrier, Staffordshire Bull Terrier, or American Bull Dog as defined by the United Kennel Club or American Kennel Club;
7. Any dog which is of the breed commonly referred to as Pit Bull and commonly recognized and identifiable as such.

C. If a dispute exists as to whether a dog is of the Pit Bull breed as set forth herein, the City shall employ a Nebraska-licensed veterinarian to examine the animal or pictures of the animal to determine whether such a dog is one of the Pit Pull breed or has the primary characteristics of the breed. Such determination shall be final on both the City and the person owning or harboring the dog.

SECTION 2-326. SPECIFIC BREED. RESTRICTIONS

It shall be unlawful for any person to keep within the City of O'Neill jurisdiction any Pit Bull dog breed as defined in this Article, except for AKC or UKC registered show dog as defined and identified in this Article, a dog owned and maintained by a local, state or federal agency and used for law enforcement purposes, or a dog registered in accordance with this Article.

SECTION 2-327. SPECIFIC BREED REGISTRATION

A. No registration shall be issued for a Pit Bull breed dog until all requirements listed herein have been met. In addition to all other fees, the City of O'Neill will assess, and the owner or custodian of the dog must pay the sum of Twenty-Five Dollars (\$25.00) for issuance of the registration allowing possession of a Pit Bull breed dog in the city. The registration shall be for a one (1) year period and may be renewed for additional one-year periods upon payment of the Twenty-Five Dollar (\$25.00) fee and compliance with other requirements of this ordinance.

B. The following are owner requirements for registration:

1. Prior to bringing a Pit Bull Breed dog in the City jurisdiction the owner or custodian shall register the dog.

2. The owner of a Pit Bull breed dog who desires to continue to keep a dog within the city jurisdiction will have sixty (60) days subsequent to the effective date of this ordinance to register the animal with the City of O'Neill Police Department in order for that animal to be allowed to remain in the city.

C. The following are requirements for registration:

1. The animal must be registered with an identification chip inserted under skin by a licensed veterinarian and a copy provided to the City.

2. The owner provides proof of rabies and other vaccinations to the City.

3. The owner shall at his own expense have the animal spayed or neutered, and shall present to the City of O'Neill Police Department documentary proof from a licensed veterinarian that this sterilization has been performed. An owner of a restricted dog may be exempted from the spay or neuter requirement if the owner produces documentation from a licensed veterinarian stating that a spay or neuter would place the dog's

life at risk or produces documentation showing that the dog is a registered AKC or UKC American Staffordshire Terrier or Staffordshire Bull Terrier show/performance dog as defined in this Article.

4. The City of O'Neill Police Department shall create and maintain a registration system containing the numbers and names of the animals and the names and addresses of the owners. The owner shall be responsible for notifying the City of O'Neill Police Department of any change in this address, within ten (10) days of the change (regardless of whether the new address is inside or outside the city jurisdiction), and the owner shall also be responsible for notifying the City of O'Neill Police Department when the dog dies.

SECTION 2-328. SPECIFIC BREED: ABANDONMENT

It is unlawful to abandon a Pit Bull breed dog in the jurisdiction of City of O'Neill, Nebraska.

SECTION 2-329. SPECIFIC BREED. JURISDICTION.

The regulations in this Article apply to all Pit Bull breed dogs within the O'Neill Municipal Limits.

SECTION 2-330 VIOLATION. PENALTY

1. Any person in violation of this Article, upon conviction, shall be subject to the maximum fine of Five Hundred Dollars (\$500.00), or the maximum allowed by state law for a misdemeanor. A new violation shall be deemed to have been committed every 24 hours of such failure to comply.

2. In addition, the dog found to be the subject of the violation of the regulations shall be subject to immediate seizure and impoundment, and revocation of the registration for keeping a Pit Bull breed dog in the city.

3. A Pit Bull breed dog seized by the City of O'Neill Police Department shall be held for a period of five (5) business days and the owner may reclaim the dog by payment of a fee of Sixty Dollars (\$60.00) at the O'Neill Police Department. The dog shall not be released unless the reclaim fee is paid, and the owner meets all registration requirements.

4. If not reclaimed within five (5) days the dog shall become the property of the Holt County Animal Shelter.

Sec. 2. That all prior ordinances in conflict herewith are repealed.

Sec. 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

PASSED AND APPROVED this 5 day of December, 2016.

WILLIAM T. PRICE, MAYOR

ATTEST:
(SEAL)

NIKKI SCHWANZ, CITY CLERK