

Article 3 – Animals Generally

SECTION 3-301: DEFINITIONS

For the purposes of this article, the following definitions will prevail.

“Animal” shall mean any and all types of animals both domesticated and wild, male and female, singular and plural.

“Fowl” shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

“At large” shall mean off the premises of the owner or custodian of the animal or fowl and not under the immediate control of the owner or custodian.

SECTION 3-302: RUNNING AT LARGE

No person in charge, custody or control thereof shall permit any animal or fowl to go loose or run at large in any of the public ways or upon the property of another in the village, or to be tethered or staked out in such a manner as to allow said animal to reach to or pass into any public way or upon the property of another, except in enclosed places on private property owned or leased by the owner of such animal or fowl. (Neb. Rev. Stat. §17-547)

SECTION 3-303: IMPOUNDING

A. Any person finding any animal or fowl upon his or her property to his or her injury or annoyance may take up the same and remove it to any private or other animal shelter that will take possession of it. If no such shelter is available, he or she may keep possession of the animal or fowl and, as soon as possible, notify the Furnas County Sheriff's Department of such custody, giving a description of the animal or fowl and the name of the owner, if known. The Sheriff's Department shall take possession of the animal or fowl as soon as possible after receiving notice.

B. If the Sheriff's Department has obtained, or can with reasonable dispatch, obtain the name of the owner or custodian of the animal or fowl, it will be returned to the residence address. If there is no one at the address, a notice will be left where the owner or custodian may reclaim the property. The Sheriff's Department will then proceed to the nearest animal hospital or shelter which will accept the animal or fowl and leave it in their care. The officer will then secure, or cause to be secured, and serve, or have served, a warrant of arrest on the owner or custodian for permitting the animal or fowl to go at large.

C. The owner or custodian who redeems animal or fowl from an animal hospital or shelter will pay a board bill on a per diem basis in an amount previously agreed to between the village and the owner of the hospital or shelter. The owner or custodian

shall pay restitution damages caused when said animal is at large in an amount equal to the fair market value of the property damage.

D. If the Sheriff's Department picks up an animal or fowl and is unable to find the owner or custodian, it shall be left at the nearest animal hospital or shelter.

E. The Sheriff's Department is authorized to capture and impound any animal or fowl found at large in accordance with the procedure authorized by this chapter. In the event capture cannot be effected promptly, the officer is authorized to destroy the animal or fowl.

F. Any animal or fowl not redeemed within seven days will be disposed of in such manner as previously agreed upon between the village and owner of the animal hospital or shelter. The owner of the hospital or shelter is made an agent of the village for this purpose and his or her actions in this regard are declared to be for a governmental purpose.

G. Should the Sheriff's Department upon call or upon the officer's own initiative pick up a large animal such as a horse, cow or mule or any other animal not acceptable by any animal hospital or shelter, he or she is authorized to call a trucking firm or company, which will convey the animal outside the corporate limits to a farm previously arranged by the village to handle such cases. The disposition of the animal in this case shall be handled in the same manner as though it were in an animal hospital or shelter.

SECTION 3-304: ENCLOSURES

A. All pens, enclosures and shelter structures where animals or fowls are kept shall be maintained in a sanitary condition and the bedding, offal, manure and waste materials accumulating from such animals or fowls shall be removed or disposed of in a sanitary manner at least once within every seven days. All such pens, enclosures and shelter structures shall, at all times, be kept clean or disinfected so as to prevent the breeding of flies and other bacteria-carrying insects and the emission of offensive odors. It shall be the duty of the Board of Health to enforce the provisions of this article.

B. It shall be unlawful for any person(s) to keep any cattle, hogs, horses, goats, rabbits, or other animals, chickens, ducks, geese, turkeys, or other fowls, in any pen, shed or yard within the village from which any offensive odor shall be emitted. The maintaining of any of the aforementioned animals or fowls in such conditions as described above shall of itself constitute a nuisance.

SECTION 3-305: NUMBER ON PREMISES

A. For every animal or fowl kept within the village there shall be allowed within the pen or enclosure not less than the area set forth in the following table for each such animal for fowl kept, to-wit:

Animal Type	Minimum Area per Each Animal (Square Feet)
Horse or mule	800
Cow or calf over two months old	100
Hog or pig over three months old	100
Sheep or goat	400
12 Fowls or fraction thereof	800
Pair of rabbits	100

B. Confinement and space limitations for other animals, fowls or rodents kept for pets, commercial or laboratory use shall be approved by the Board of Health; provided, not more than two horses or mules, one cow and one calf over two months old, one hog or pig over three months old, or two sheep or goats shall be permitted to be kept on any premises the total area of which is 7,500 square feet or less; and not more than 50 rabbits or 36 fowls shall be permitted to be kept on any premises the total area of which is 7,500 square feet or less. The provisions of this section shall not apply to fowls or rabbits when kept within enclosures which are more than 200 feet from any building or structure used for residential purposes.

SECTION 3-306: RESIDENTIAL DISTANCE

There shall be provided sufficient and suitable shelter for all animals or fowls kept under the provisions of this article and such shelter structure shall comply in all respects with any building and zoning regulations of the village; provided, no enclosure, pen or shelter structure for any animal or fowl shall be nearer than 100 feet to any building or structure used for residence purposes whether located on the same lot or plat of ground or on adjoining property.

SECTION 3-307: DOGS, POTBELLIED PIGS AND CATS; NUMBER ALLOWED

No residential or commercial property within the village limits shall keep, harbor or maintain more than a combined total of three dogs /domesticated potbellied pigs per residence and three cats per residence, over four months of age.

SECTION 3-308: RABIES SUSPECTED; CAPTURE IMPOSSIBLE

Animals suspected of having rabies or those that have bitten a person shall be isolated for a period of at least ten days or until a clinical diagnosis of rabies has been made. Animals bitten or suspected having been bitten by a rabid animal shall either be destroyed or be kept segregated under veterinary control for the incubation period of the disease or until released from segregation by veterinary authority. (Neb. Rev. Stat. §71-4406)