

## CHAPTER 6

### POLICE REGULATIONS

#### ARTICLE 1. DOGS

**6-101 DOGS: LICENSE.** Any person who shall own, keep, or harbor a dog over the age of six (6) months within the Municipality shall within ten (10) days after acquisition of the said dog acquire a license for each such dog annually by or before the first (1st) day of May of each year. The said tax shall be delinquent from and after May tenth (10th); Provided, the possessor of any dog brought into or harbored within the corporate limits subsequent to May first (1st) or any year, shall be liable for the payment of the dog tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. Licenses shall be issued by the Municipal Clerk upon the payment of a license fee of ~~five~~ (\$5.00) dollars for all dogs. Said license shall not be transferable and no refund will be allowed in case of death, sale, or there disposition of the licensed dog. The owner shall state at the time the application is made and upon printed forms provided for such purpose, his name and address and the name, breed, color, and sex of each dog owned and kept by him. A certificate that the dog has had a rabies shot, effective for the ensuing year of the license, shall be presented when the license is applied for and no license or tag shall be issued until the certificate is shown. (Ref. 17-526, 54-603, 71-4412 RS Nee.)

**6-102 DOGS: LICENSE TAGS.** Upon the payment of the license fee, the Municipal Clerk shall issue to the owner of a dog a license certificate and a metallic tag for each dog so licensed. The metallic tags shall be properly attached to the collar or harness of all dogs so licensed and shall entitle the owner to keep or harbor the said dog until the thirtieth (30th) day of April following such licensing. In the event that a license tag is lost and upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein, the Municipal Clerk shall issue a duplicate or new tag for the balance of the year for which the license tax has been paid and shall charge and collect a fee set by resolution of the Governing Body 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 Municipal Clerk to issue tags of a suitable design that are different in appearance each year.

**6-103 DOGS: WRONGFUL LICENSING.** It shall be unlawful for the owner, keeper, or harbinger of any dog to permit or allow such dog to wear any license, metallic tag or other Municipal identification than that issued by the Municipal Clerk for dogs.

**6-104 DOGS: OWNER DEFINED.** Any person who shall harbor or permit any dog to be for ten (10) days or more in or about his house, store or enclosure or to remain to be fed shall be deemed the owner and possessor of such dog and shall be deemed to be liable for all penalties herein prescribed. (Ref. 54-606, 71-4401 RS Nee.)

**6-105 DOGS: PROCLAMATION.** It shall be the duty of the Governing Body, whenever in its opinion the danger to the public safety from rabid dogs is great or imminent, to issue a

proclamation ordering all persons owning, keeping or harboring any dog to muzzle the same or to confine it for a period of not less than ninety (90) days from the date of such proclamation or until such danger is passed. The dogs may be harbored by any good and sufficient means in a house, garage or yard on the premise wherein the said owner may reside. Upon issuing the proclamation, it shall be the duty of all persons owning, keeping or harboring any dog to confine the same as herein provided.

**6-106 DOGS: UNLICENSED, VIOLATION; PENALTY.** It shall be unlawful for the owner of any dog to maintain or keep said dog within the Municipality, without a license tag affixed as required by Article 1 or Chapter 6 of Ordinance No. 100 of the Village of Madrid. Any person who shall violate or refuse to comply with the enforcement of this provision shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than <sup>one hundred</sup> ~~75~~ (\$100.00) dollars for each offense. (Amended by Ord. No. 76-77-3, 4/11/77)

**6-107 DOGS: CAPTURE IMPOSSIBLE.** The Law Enforcement Officer shall have the authority to kill any animals showing vicious tendencies or characteristics of rabies which make capture impossible because of the danger involved. (Ref. 54-605 RS Nee.)

**6-108 DOGS: VICIOUS.** It shall be unlawful for any person to own, keep or harbor any dog of a dangerous or ferocious disposition that habitually snaps or manifests a disposition to bite, without the said dog being securely held by a chain not over six (6) feet long. If any vicious or dangerous dog is otherwise held, confined or allowed to run at large, the Municipal Law Enforcement Officer shall have the authority to put the dog to death.

**6-109 DOGS: KILLING AND POISONING.** It shall be unlawful to kill or to administer or cause to be administered poison of any sort to a dog or in any manner, to injure, maim or destroy or in any manner, attempt to injure, maim or destroy any dog that is the property of another person or to place any poison or poisoned food where the same is accessible to a dog; provided, that this section shall not apply to the Municipal Law Enforcement Officer acting within his power and duty. (Ref. 28-100, 28-102 RS Nee.)

**6-110 DOGS: BARKING AND OFFENSIVE.** It shall be unlawful for any person to own, keep or harbor any dog which by loud, continued or frequent barking, howling or yelping shall annoy or disturb any neighborhood or person or which habitually barks at or chases pedestrians, drivers or owners of horses or vehicles while they are on any public sidewalks, streets or alleys of the Municipality.

Upon the written complaint filed with the Village Board of Trustees, a dog owned by a person named in the complaint is an annoyance or disturbance or otherwise violates the provisions of the section, the Village Board of Trustees shall give the person owning or having the care, custody or possession of such dog a notice in writing of such complaint. It shall be the duty of the person to silence and restrain such dog. No household shall own or have in their possession more than three (3) adult dogs at any time.

**6-111 DOGS: FIGHTING.** It shall be unlawful for any person, by agreement or otherwise to set dogs to fighting or by any gesture or word to encourage the same to fight.

**6-112 DOGS: LIABILITY OF OWNER.** It shall be unlawful for any person to allow a dog owned, kept or harbored by him or under his charge or control to injure or destroy any real or personal property of any description belongs to another person. The owner or possessor of any such dog, 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. (Ref. 54-601, 54-602 RS Nee.)

**6-113 DOGS: PROVIDING FOR THE PENNING, SECURING AND LEASHING OF DOGS.** Any person who is the owner of in possession or control of any dog within the corporate limits of the Village shall at all times have the dog either securely penned or secured with a chain, rope or leash so it may not leave the premises of the owner or person in possession or control. While off-premises, the dog shall be in visual and voice control of the owner or person in possession or control of any such dog.

**6-114 DOGS: RABIES SUSPECTED.** Any dog suspected of being afflicted with rabies or any dog not vaccinated in accordance with the provision of this Article which has bitten any person and caused an abrasion of the skin, shall be seized and impounded under the supervision of the Board of Health for a period of not less than ten (10) days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner or in the case of an unlicensed dog, it shall be disposed of in accordance with the provisions herein. If the owner of the said dog has proof of vaccination, it shall be confined by the owner or some other responsible person for a period of at least ten (10) days at which time the dog shall be examined by a licensed veterinarian. If no sign of rabies are observed, the dog maybe released from confinement. (Ref. 71-4406 RS Neb.)

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#### ARTICLE 2. ANIMALS GENERALLY

**6-201 ANIMALS: RUNNING AT LARGE.** It shall be unlawful for the owner, keeper or harbinger of any animal or any person having the charge, custody or control thereof to permit a horse, mule, cow, sheep, goat, swine, fowl or other animal to be driven or run at large on any of the public ways and property of another or to be tethered or staked out in such a manner so as to allow such animal to reach or pass into any public way. (Ref 17-547 RS Neb.)

**6-202 ANIMALS: CRUELTY.** No person shall cruelly or unnecessarily beat, overwork or insufficiently shelter or feed any animal within the Municipality. (Ref. 28-1001, 28-1002 RS Neb.)

**6-203 ANIMALS: KILLING AND INJURING.** No person shall kill or injure any animal by the use of firearms, stones, clubs, poisons or any other manner unless the animal is vicious or dangerous and cannot be captured without danger to the persons attempting to effect a capture of the said animal. (Ref. 28-1001, 28-1002 RS Neb.)

**6-204 ANIMALS: ENCLOSURES.** All pens, cages, sheds, yards or any other area or enclosures for the confinement of animals and fowls not specifically barred within the corporate limits shall be kept in a clean and orderly manner so as not to become a menace or nuisance to the neighborhood in which the said enclosure is located.

**6-205 ANIMALS: FOWLS, RUNNING AT LARGE.** It shall be unlawful for any person to allow poultry, chickens, turkeys, geese, or any other fowls to run a large within the corporate limits, except in enclosed places on private property. (Ref. 17-547 RS Neb.)

**6-206 ANIMALS: KEPT IN TOWN.** It shall be unlawful for any person to keep horses, mules, cows, sheep, goats, swine, fowl or any other farm animals within the Municipality.

**6-207 ANIMALS: PITTING ANIMALS, DEFINITIONS.** Bear baiting shall mean the pitting of any animal against a bear. Cockfighting shall mean the pitting of a fowl against another fowl. Dog fighting shall mean bringing animals together in combat. (Ref. 28-101 RS Neb.)

**6-208 ANIMALS: PITTING ANIMALS PROHIBITED.** No person shall knowingly promote, engage in or be employed at dog fighting, cockfighting, bear baiting or pitting an animal against another. Nor shall any person knowingly receive money for the admission of another person to a place kept for such purpose. Nor shall any person knowingly own, use, train, sell or possess an animal for the purpose of animal pitting. Nor shall any person knowingly permit any acts as described in this section to occur on any premises owned or controlled by him or her. (Ref. 28-101 RS Neb.)

**6-209 ANIMALS: PITTING ANIMALS, SPECTATORS PROHIBITED.** No person shall knowingly and willingly be present at an witness as a spectator dog fighting, cockfighting, bear baiting or the pitting of an animal against another as defined in Section 6-206. (Ref. 28-101 RS Neb.)

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#### ARTICLE 4: PENAL PROVISION

**6-401 VIOLATION PENALTY:** Any person who shall violate or refuse to comply with the enforcement of any of the provisions of this Chapter, set forth at full length herein or incorporated by reference shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not more than one hundred (\$100.00) dollars for each offense. A new violation shall be deemed to have been committed every twenty-four (24) hours of such failure to comply.

**6-402 ABATEMENT OF NUISANCE.** Whenever a nuisance exists as defined in this Chapter, the Municipality may proceed by a suit in equity to enjoin and abate the same, in the manner provided by law.

Whenever in any action, it is established that a nuisance exists, the court may together with the fine or penalty imposed, enter an order of abatement as a part of the judgment in the case.  
(Ref. 18-1720, 10-1722 RS Neb.)