

**CITY OF BROKEN BOW
ORDINANCE NO. 1216**

AN ORDINANCE OF THE CITY OF BROKEN BOW, CUSTER COUNTY, NEBRASKA, AMENDING SECTION 93.06: ABANDONMENT, NEGLECT AND MISTREATMENT; REPEALING ALL ORDINANCES IN CONFLICT; AND PROVIDING A TIME WHEN THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF BROKEN BOW, NEBRASKA:

Section 1. That Section 93.06 of the Municipal Code be amended to read as follows:

§ 93.06 ABANDONMENT, NEGLECT AND MISTREATMENT.

(A) *Definitions.* For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To leave any animal in one's care, whether as owner or custodian, for any length of time without making effective provision for its food, water or other care as is reasonably necessary for the animal's health.

ANIMAL. Any vertebrate member of the animal kingdom. **ANIMAL** does not include an uncaptured wild creature or a livestock animal as defined in this section.

BOVINE. A cow, an ox or a bison.

CRUELLY MISTREAT. To knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, scald, or otherwise inflict harm upon any animal.

CRUELLY NEGLECT. To fail to provide any animal in one's care, whether as owner or custodian, with food, water or other care as is reasonably necessary for the animal's health.

HUMANE KILLING. The destruction of an animal by a method which causes the animal a minimum of pain and suffering.

LAW ENFORCEMENT OFFICER. Any member of the State Patrol, any county or deputy sheriff, any member of the police force of the city or any other city or village or any other public official authorized by the city or any other city or village to enforce state or local animal control laws, rules, regulations or ordinances.

LIVESTOCK ANIMAL. Any bovine, equine, swine, sheep, goats, domesticated cervine animals, ratite birds or poultry.

POLICE ANIMAL. A horse or dog owned or controlled by the state or any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties.
(Neb. RS 28-1008)

(B) *Enforcement Powers; immunity.*

(1) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may seek a warrant authorizing entry upon private property to inspect, care for or impound the animal.

(2) Any law enforcement officer who has reason to believe that an animal has been abandoned or is being cruelly neglected or cruelly mistreated may issue a citation to the owner as prescribed in Neb. RS 29-422 to 29-429.

(3) Any law enforcement officer acting under this section shall not be liable for damage to property if the damage is not the result of the officer's negligence.
(Neb. RS 28-1012)

(C) Violation.

(1) A person who intentionally, knowingly, or recklessly abandons, cruelly neglects, or cruelly mistreats an animal is guilty of an offense.

(2) A person commits harassment of a police animal if he or she knowingly and intentionally teases or harasses a police animal in order to distract, agitate or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties.
(Neb. RS 28-1009)

(3) A person living within the area of the city zoned for residential purposes or upon property predominately used for residential purposes shall not slaughter any livestock animal or confine or impound any such animal prior to slaughter.
Penalty, see § 10.99

Statutory reference:

Authority to prohibit cruelty to animals, see Neb. RS 17-138

Exemptions, see Neb. RS 28-1013

Serious illness or injury to animal; death of animal; felony, see Neb. RS 28-1008 and 28-1009

Section 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force and effect from and after its passage, approval and publication as provided by law.

Passed and approved this 12th day of November, 2019.

Jonathon Berghorst, Mayor

ATTEST:

Stephanie M. Wright, City Clerk