

## ORDINANCE NO. 23-18

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA, AMENDING SECTION 90.034 OF CHAPTER 90 OF TITLE IX OF ORDINANCE NO. 05-47 (COLUMBUS CITY CODE) TO UPDATE THE DANGEROUS DOG APPEAL PROCESS; REPEALING ALL ORDINANCES OR PORTIONS THEREOF IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE; AND PROVIDING FOR THE PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF COLUMBUS, NEBRASKA:

Section 1. That Section 90.034 of Chapter 90 of Title IX of the Columbus City Code be amended and revised to read as follows:

### § 90.034 DANGEROUS DOG; ADMINISTRATIVE REVIEW.

(A) No person shall own, keep, harbor, or allow to be in or upon any premises occupied by that person or under that person's charge or control, any dangerous dog without said dog being confined and subject to all restrictions placed upon such dogs by the State as provided in Neb. RS 54-617 through 54-624. Any City law enforcement officer or other authority designated by the Mayor and City Council is authorized to kill such dog if found acting in a threatening manner to the officer or the public.

(B) The owner of the dog declared to be a dangerous dog has the right to appeal such determination. The owner must file a written request with the City Clerk's office within 48 hours (Saturdays, Sundays, and legal holidays excluded) of receiving actual notification of the declaration of the dog as dangerous. At the time of the request, said owner shall pay a non-refundable appeal fee as set by resolution. The appeal fee may be waived if the request is made and accompanied by a sworn itemized declaration of the appellant dog owner demonstrating indigence. The City Attorney will review such request within five days of the receipt of the request to determine indigence (Saturdays, Sundays, and legal holidays excluded) and report to the City Clerk prior to the scheduling of the hearing. "Indigence" is defined as the inability to pay the appeal cost without prejudicing the appellant's ability to provide economic necessities for the appellant or the appellant's family. Failure to request such a hearing within 48 hours or to appear at the appeal hearing as scheduled will result in the determination remaining in full force and effect. The Erna Badstieber Paws and Claws Adoption Center shall be entitled to request the appeal hearing without the appeal fee.

(C) The Appeal Board shall consist of a three-person committee chosen by the Chairperson of the Public Property, Safety, and Works Committee and to consist of any three elected officials. The city administrator shall serve as an alternate member of the Appeal Board in the event that three elected

officials are not available. Once a hearing request for an appeal hearing is received, a hearing before this Committee will be scheduled by the City Clerk for a date and time no later than ten days from the receipt of the written request from the dog owner (Saturdays, Sundays, and legal holidays excluded) unless special accommodations are necessary. The hearing shall be limited to the victim, if available, along with the reporting form from the investigating law enforcement officer who has rendered a declaration of dangerous in accordance with this section and the defense offered by the owner. The decision of the Committee will be final. The owner may appeal the Committee's finding to the District Court of Platte County, Nebraska.

Section 2. This ordinance shall repeal all ordinances or portions thereof and in conflict herewith.

Section 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication according to law. Publication shall be in pamphlet form as authorized by §16-405 of Nebraska Revised Statutes with distribution to be made by making copies available to the public upon request at the city office.

INTRODUCED BY COUNCIL MEMBER Charlie Bahn

PASSED AND ADOPTED THIS 20 DAY OF November, 2023.

Jan B. Dudley  
MAYOR

ATTEST:

Janella Klein  
CITY CLERK

APPROVED AS TO FORM:

IVy  
CITY ATTORNEY

