

ORDINANCE NUMBER 21-32

An ordinance to amend Section 5-70 of the Beatrice City Code, regarding the payment of a filing fee for requests for appeal hearings for reckless owner designations; to repeal all other conflicting ordinances or parts of ordinances; and to provide for publication in pamphlet form and for an effective date of this ordinance.

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

SECTION 1. That Section 5-70 of the Beatrice City Code be and hereby is amended as follows:

"Sec. 5-70. – Reckless owner.

- (a) A law enforcement officer or animal control officer shall initiate administrative proceedings to declare an owner, who has been determined to have violated one (1) or more provisions of this chapter, been convicted of one (1) or more violations of this chapter, or any combination thereof, on three (3) separate occasions in a twelve-month period, or whose animal has been determined to be a dangerous animal or a potentially dangerous animal and who has not complied with the requirements of this chapter pertaining to dangerous animals or potentially dangerous animals a reckless owner, and to revoke all animal licenses issued to such person. Such proceedings shall be instituted by service of a notice, in writing, upon such owner either by certified and regular mail to the owner's last known address or personally. The notice shall contain:
- (1) The name and address of the owner who is subject to such declaration and revocation;

- (2) The names, descriptions and license numbers of any animals licensed to the owner;
 - (3) A description of the violations or requirements which form the basis of such declaration and revocation, including the case numbers, if any;
 - (4) A summary of the effects of such declaration, including revocation of all pet licenses and surrender of all animals;
 - (5) The date of proposed entry of the declaration and revocation order which shall be not less than ten (10) calendar days after the date of mailing or personal service of the notice; and
 - (6) Notification of the availability of an appeal, if the owner objects to such declaration and revocation within ten (10) calendar days of the date of mailing or personal service of the notice.
- (b) Upon entry of such declaration and revocation order, unless a written request to appeal such order is filed with the city in accordance with this section, such reckless owner shall be required to surrender all animals to the city within twenty-four (24) hours. Failure to surrender such animals shall result in immediate impoundment by the city. Such surrendered or impounded animals shall immediately become the property of the city and may be disposed of by the city as the city deems appropriate.
- (c) An owner who is declared a reckless owner shall be prohibited from licensing, residing with, or owning any animal in the city for a period of forty-eight (48) months from the date of entry of the declaration and revocation order.

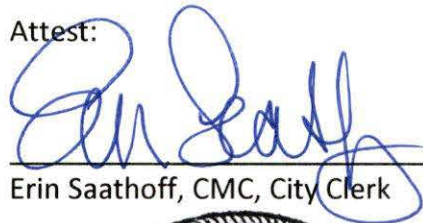
- (d) An appeal of such declaration and revocation order shall be heard by the chief of police, city administrator, and mayor and shall provide an opportunity for the owner to appear and offer evidence to dispute the declaration and revocation order within twenty (20) business days. The filing fee for each appeal shall be established by the mayor and city council by resolution. Requests for an appeal hearing that are not accompanied by the required filing fee or that are received after the expiration of the ten (10) calendar day period shall be considered invalid. A determination to affirm or reverse such order shall be entered within ten (10) calendar days of the date of the hearing."

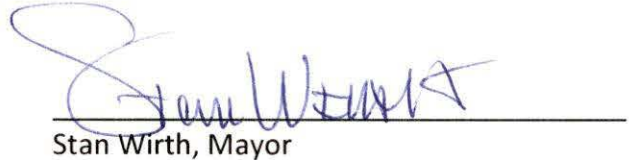
SECTION 2. That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication in pamphlet form as provided by law.

PASSED AND APPROVED this 6th day of July, 2021.

Attest:


Erin Saathoff, CMC, City Clerk


Stan Wirth, Mayor

