

Chapter 6.02

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6.02.010 Definitions; General Provisions.

The following definitions shall apply in the interpretation and enforcement of Title 6 of the Lincoln Municipal Code unless otherwise provided. (Ord. 18092 §1; November 18, 2002).

6.02.020 Adequate Shelter.

Adequate shelter shall mean a physical structure available for use by an animal so that when factors related to the age, size, physical condition, medical condition, species, and breed disposition are considered, the animal's well-being is not endangered by weather or environmental conditions. (Ord. 18092 §2; November 18, 2002).

6.02.030 Animal.

Animal shall mean any vertebrate member of the animal kingdom, including fowl, but excluding human beings. (Ord. 19413 §1; July 19, 2010; prior Ord. 18092 §3; November 18, 2002).

6.02.040 Animal Control.

Animal Control shall mean the Animal Control Division of the Health Department authorized to enforce the animal control laws of the city. (Ord. 18092 §4; November 18, 2002).

6.02.050 Animal Control Officer.

Animal control officer shall mean any person authorized by law or employed or appointed for the purpose of aiding in the enforcement of this section or any other law or ordinance relating to the licensing of animals, control of animals, or seizure and impoundment of animals. (Ord. 18092 §5; November 18, 2002).

6.02.060 Animal Exhibit.

Animal exhibit shall mean an animal act or performance where such animal is trained to perform some behavior or action or is part of a circus, carnival, show, performance, exhibition or animal ride. (Ord. 18092 §6; November 18, 2002).

6.02.065 Animal Hospital or Clinic.

Animal hospital or clinic shall mean any establishment or business maintained and operated by a veterinarian for examination, prophylaxis, surgery, diagnosis and treatment of diseases or injuries of animals including boarding of animals under treatment or benefit of the animal, provided said veterinarian is duly licensed under the laws of the State of Nebraska. (Ord. 18927 §1; June 4, 2007).

6.02.070 Animal Rescue Organization.

Animal rescue organization shall mean any nonprofit organization incorporated for the purpose of finding permanent adoptive homes for animals and does not maintain an animal shelter for keeping animals, but rather houses the animals in a residential dwelling or uses a system of housing animals in foster homes or donated space in a pet shop. (Ord. 18092 §7; November 18, 2002).

6.02.080 Animal Shelter.

Animal shelter shall mean a facility that is used to house or contain animals and is owned, operated, or maintained by a Nebraska nonprofit corporation for the purpose of providing temporary kenneling and finding permanent adoptive homes for animals. (Ord. 18092 §8; November 18, 2002).

6.02.090 Anti-escape.

Anti-escape shall mean any housing, fencing, or device which a dog cannot go over, under, through, or around. (Ord. 18092 §9; November 18, 2002).

6.02.100 Board of Health.

Board of Health shall mean the Lincoln-Lancaster County Board of Health. (Ord. 18092 §10; November 18, 2002).

6.02.110 Boarding.

Boarding shall mean caring for, feeding, watering, or sheltering a pet animal belonging to another by any person or business for pay, trade, barter, commission, or remuneration of any sort. (Ord. 18092 §11; November 18, 2002).

6.02.120 Cat.

Cat shall include both male and female cats. (Ord. 18092 §12; November 18, 2002).

6.02.130 Chief Animal Control Officer.

Chief animal control officer shall mean the individual designated by the Director to supervise animal control officers and other animal control employees, and have responsibility and authority for enforcing all provisions of this title. (Ord. 19413 §2; July 19, 2010; prior Ord. 18092 §13; November 18, 2002).

6.02.140 Commercial Boarding Kennel.

Commercial boarding kennel shall mean any kennel where pet animals owned by another person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort; and said commercial boarding kennel is duly licensed under the laws of the State of Nebraska; provided, this definition shall not apply to zoos or to animal hospitals. (Ord. 18927 §2; June 4, 2007; prior Ord. 18092 §14; November 18, 2002).

6.02.150 Commercial Breeding Kennel.

Commercial breeding kennel shall mean any kennel, lawfully located on a premises one acre or more in size zoned for such use and where no more than ten dogs, registered with a nationally recognized registration organization, over the age of six months are owned, kept, or harbored for the purpose of breeding purebred or pedigreed dogs, provided, however, this definition shall not apply to zoos or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 18092 §15; November 18, 2002).

6.02.160 Dangerous Dog.

(a) Dangerous dog shall mean any dog that:

- (1) has killed a human being;
- (2) has inflicted injury on a human being that required medical treatment;
- (3) has killed a domestic animal without provocation; or
- (4) has been previously determined to be a potentially dangerous dog by the Chief

Animal Control Officer or by another animal control authority, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of a human being or domestic animal.

(b) Exceptions:

(1) If the dog was not running at large, a dog shall not be defined as a dangerous dog under subsection (a)(2) of this section if the human being was tormenting, abusing, or assaulting the dog at the time of the injury or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog.

(2) If the dog was not running at large, a dog shall not be defined as a dangerous dog under subsection (a)(4) of this section if the injury, damage, or threat was sustained by a human being who, at the time, was committing a willful trespass as defined in Neb. Rev. Stat. §20-203, 28-520, or 28-521; was committing any other tort upon the property of the owner of the dog; was tormenting, abusing, or assaulting the dog; or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog, or was committing or attempting to commit a crime.

(3) A dog shall not be defined as a dangerous dog under subsection (a) of this section if the dog is a police animal as defined in Neb. Rev. Stat. §28-1008. (Ord. 19413 §3; July 19, 2010; prior Ord. 18092 §16; November 18, 2002).

6.02.170 Department.

Department shall mean the Lincoln-Lancaster County Health Department. (Ord. 18092 §17; November 18, 2002).

6.02.180 Director.

Director shall mean the Director of the Lincoln-Lancaster County Health Department or such Director's authorized representative. (Ord. 18092 §18; November 18, 2002).

6.02.190 Dog.

Dog shall mean an animal of the canine or canidae family, regardless of sex. (Ord. 18092 §19; November 18, 2002).

6.02.200 Dog Kennel.

Dog kennel shall mean the house, yard, enclosure, or place where four or more dogs over the age of six months are kept, harbored, or maintained. (Ord. 18092 §20; November 18, 2002).

6.02.210 Domestic Animal.

Domestic animal shall mean a cat, a dog, or livestock. (Ord. 18092 §21; November 18, 2002).

6.02.220 Domesticated.

Domesticated shall mean a tame animal that is subject to the dominion and control of an owner and accustomed to living in or near human habitation without requiring extraordinary restraint or unreasonably disturbing such human habitation. (Ord. 18092 §22; November 18, 2002).

6.02.230 Dwelling.

Dwelling shall mean any building or portion thereof which is designed and used for residential purposes. An attached garage shall be deemed to be part of a dwelling. (Ord. 18092 §23; November 18, 2002).

6.02.240 Exotic Animal.

Exotic animal shall mean any animal that is native to a foreign country or of foreign origin or character, is not native to the United States or was introduced from abroad except pet animals, large animals, or fowl. This term specifically includes animals such as, but not limited to, elephants, camels, antelope, anteaters, kangaroo and water buffalo. (Ord. 18092 §24; November 18, 2002).

6.02.250 Foster Home.

Foster home shall mean a residential premise at which, through registration with an animal rescue organization, temporary animal care or rehabilitation is provided. (Ord. 18092 §25; November 18, 2002).

6.02.260 Fowl.

Fowl shall mean chickens, ducks, geese, turkeys, pigeons, pheasants, quail, partridge, guineas, or other domesticated or wild birds. (Ord. 18092 §26; November 18, 2002).

6.02.270 Groom Shop.

Groom shop shall mean any commercial retail establishment or business or part thereof where cleaning, shampooing, caring, and grooming are provided for animals except the term shall not include the Humane Society, animal shelter, animal research facilities, zoos, veterinarians duly licensed under the laws of the State of Nebraska, commercial boarding kennels, or to livestock auctions. (Ord. 18092 §27; November 18, 2002).

6.02.280 Guard Dog.

Guard dog shall mean any dog that is utilized to protect commercial or industrial property or place of business. (Ord. 18092 §28; November 18, 2002).

6.02.290 Hobby Breeder.

Hobby breeder shall mean any person who breeds and raises pet animals at his or her place of residence; provided that (1) such breeding activity is incidental to keeping pet animals for personal enjoyment, and (2) the premises are not a kennel regulated by the Lincoln Municipal Code. At least one parent of the pet animal must be kept upon the residence or premises. (Ord. 18092 §29; November 18, 2002).

6.02.300 Hobby Kennel or Cattery.

Hobby kennel or cattery shall mean any kennel where more than two and less than sixteen unneutered and/or unspayed cats are owned, harbored or kept for organized shows, breeding for exhibition, or for the enjoyment of the household; provided, however, this definition shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 18092 §30; November 18, 2002).

6.02.310 Hybrid.

Hybrid shall mean any animal which is (1) the product of the breeding of a domesticated animal with a non-domesticated animal including, but not limited to, wolf/dog hybrids, or (2) the product of the breeding of a non-domesticated animal with an animal of a different species, variety, or breed. (Ord. 18092 §31; November 18, 2002).

6.02.320 Keep or Harbor.

Keep or harbor shall mean to have charge, custody, or control of an animal or fowl, or permitting the same to habitually remain or be lodged or fed within the house, store, yard, enclosure, or place of the owner or occupant of the premises. (Ord. 18092 §32; November 18, 2002).

6.02.330 Kennel.

Kennel shall mean the house, yard, enclosure, or place where pet animals are kept, harbored, or maintained; provided, however, this definition shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 18092 §33; November 18, 2002).

6.02.340 Inoculation, Vaccination, or Vaccination for Rabies.

Inoculation, vaccination, or vaccination for rabies shall mean the vaccination of a cat, dog, or ferret with a vaccine approved by the Lincoln-Lancaster County Department of Health for use in the prevention of rabies. (Ord. 18092 §34; November 18, 2002).

6.02.350 Indoor Housing Facility.

Indoor housing facility shall mean any enclosure, structure or building intended to harbor dogs, which has the capability of controlling the environment within the enclosure created by the continuous connection of a roof, floor, and walls with at least one opening for entry by a dog and an exit with a door or any movable structure used to close off the opening and typically consisting of a panel of wood, glass, metal, etc., which slides on rollers or swings on hinges. Any openings which provide natural light shall be covered with a transparent material. (Ord. 18092 §35; November 18, 2002).

6.02.360 Large Animal.

Large animal shall mean cattle, horses, mules, sheep, goats, llamas, or any other domesticated animal which is normally and historically kept and raised on farms in the United States and used or intended for use as food, fiber, or farm work weighing more than twenty pounds except pet animals, unusual animals, or fowl. (Ord. 18092 §36; November 18, 2002).

6.02.365 Medical Treatment.

Medical treatment shall mean treatment administered by a physician or other licensed health care professional that results in sutures or surgery, or treatment for one or more broken bones. (Ord. 19413 §4; July 19, 2010).

6.02.370 Multi-Cat Household.

Multi-cat household shall mean any kennel where more than five and less than sixteen cats over the age of six months are harbored or kept; provided, however, this definition shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 18092 §37; November 18, 2002).

6.02.380 Multi-Dog Household.

Multi-dog household shall mean any kennel lawfully located on a premises one acre or more in size zoned for such use and where a more than three and less than six neutered or spayed dogs over six months of age are owned, kept, or harbored; provided however, this definition shall not apply to the Humane Society, animal shelter, animal research facilities, zoos, or to animal hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska. (Ord. 18092 §38; November 18, 2002).

6.02.390 Outdoor Housing Facility.

Outdoor housing facility shall mean any enclosure, structure, building, land or premises, housing or intended to house dogs, which does not meet the definition of any other type of housing facility provided in this chapter, and in which temperatures cannot be controlled within set limits. (Ord. 18092 §39; November 18, 2002).

6.02.400 Own.

Own shall mean to own, keep, harbor, or have charge, custody, or control of an animal or fowl. (Ord. 18092 §40; November 18, 2002).

6.02.410 Owner.

Owner shall mean any person, firm, organization, association, or corporation owning, possessing, keeping, harboring, or having charge, custody or control of any animal or fowl. (Ord. 18092 §41; November 18, 2002).

6.02.420 Pet Animal.

Pet animal shall mean dogs, cats, birds, guinea pigs, hamsters, mice, snakes, iguana, and turtles. Pet animal shall also include any domesticated animal that a person owns or that is sold or offered for sale generally for the purpose of being kept indoors as household pets, except unusual animals. (Ord. 18092 §42; November 18, 2002).

6.02.430 Pet Animal Dealership.

Pet animal dealership shall mean places or premises where pet animals are kept for wholesale or retail sale, including breeding facilities, except hobby breeders. (Ord. 18092 §43; November 18, 2002).

6.02.440 Pet Shop.

Pet shop shall mean any business establishment or premises or part thereof maintained for the purpose of a pet animal dealership, but shall not include the Humane Society, animal shelter, animal research facilities, zoos, veterinarians duly licensed under the laws of the State of Nebraska, hobby breeder, and commercial breeding kennels. (Ord. 18092 §44; November 18, 2002).

6.02.450 Potentially Dangerous Dog.

Potentially dangerous dog shall mean:

(a) Any dog that when unprovoked

(1) inflicts an injury on a human being that does not require medical treatment;

(2) injures a domestic animal; or

(3) chases or approaches a human being in a menacing fashion or apparent attitude

of attack.

(b) Any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of a human being or domestic animal. (Ord. 19413 §5; July 19, 2010; prior Ord. 18092 §45; November 18, 2002).

6.02.460 Premise.

Premise shall include any enclosure, building, lot, yard, or portion thereof, facilities and appurtenances thereto, grounds, area, or place used or held out for use to own, keep or harbor animals. (Ord. 18092 §46; November 18, 2002).

6.02.470 Retail Sale.

Retail sale shall mean the business of selling pet animals directly to consumers or the public. (Ord. 18092 §47; November 18, 2002).

6.02.480 Rooster.

Rooster shall mean the male of the domesticated chicken or gallus genus domesticus species. (Ord. 18092 §48; November 18, 2002).

6.02.490 Run at Large.

Run at large shall include any animal that is not under the actual control of its owner. An animal shall not be considered under the actual control of its owner unless on a leash, cord, or chain which is securely fastened or picketed in a manner sufficient to keep the animal on the premises where picketed, or on a leash, cord, or chain of six feet or less in length physically held by the owner or confined within a receptacle, enclosed vehicle, fenced enclosure or shelter, or within the real property limits of the owner and in the owner's presence. (Ord. 19413 §6; July 19, 2010; prior Ord. 18092 §49; November 18, 2002).

6.02.495 Service Animal.

Service animal shall have the same meaning as in 28 C.F.R. 36.104, as amended. (Ord. 19413 §7; July 19, 2010).

6.02.500 Severe Injury.

(Repealed by Ord. 19413 §8; July 19, 2010; prior Ord. 18092 §50; November 18, 2002).

6.02.510 Shade.

Shade shall mean protection from the direct rays of the sun. (Ord. 18092 §51; November 18, 2002).

6.02.520 Small Animal.

Small animal shall mean any animal, including rabbits, weighing twenty pounds or less, except pet animals, unusual animals or fowl. (Ord. 18092 §52; November 18, 2002).

6.02.525 Veterinary Hospital or Clinic.

Veterinary hospital or clinic shall mean an animal hospital or clinic, as defined by this chapter. (Ord. 18927 §3; June 4, 2007).

6.02.530 Unusual Animal.

Unusual animal shall mean any exotic, wild, poisonous, or potentially dangerous animal not normally considered domesticated and shall include animals prohibited by the City of Lincoln, State of Nebraska, or federal requirements, and also:

(a) Class mammalia; order carnivora, family felidae (such as lions, tigers, jaguars, leopards, and cougars) and hybrids of the same except commonly accepted domesticated cats; family canidae (such as wolves, coyotes, and fox) and hybrids of the same except domesticated dogs; family mustelidae (such as weasels, martins, fishers, skunks, wolverines, mink, and badgers) except ferrets; family procyonidae (such as raccoon); family ursidae (such as bears); order primata (such as monkeys and chimpanzees); and order chiroptera (such as bats).

(b) Class reptilia; (i) all poisonous or venomous snakes, lizards, amphibians and other reptiles and shall include but not be limited to: cobras and their allies (elapidae, hydrophidae); vipers and their allies (crotalidae, viperidae); boomslang and kirtland's tree snake (clonophis); and gila monster (helodermatidae); (ii) order loricata (such as alligators, caymans, and crocodiles); (iii) green anaconda (eunectes murinus), Indian python (molurus molurus), reticulated python (python reticulatus), and African rock python (python sebae). (Ord. 18092 §53; November 18, 2002).

6.02.540 Wholesale.

Wholesale shall mean the business of buying for resale or selling pet animals to persons other than retail sales; or contracting in any manner for the sale of pet animals as a broker, commission merchant, or other persons who take possession of such pet animals during the course of such business. (Ord. 18092 §54; November 18, 2002).

6.02.550 Wild Animal.

Wild animal shall mean any animal within the boundaries of the United States which is now or historically has been found in the wild, or is in the wild state wherein it is living in its original, natural condition and is not domesticated. (Ord. 18092 §55; November 18, 2002).

6.02.560 Wound.

(Repealed by Ord. 19413 §9; July 19, 2010; prior Ord. 18092 §56; November 18, 2002).