

ORDINANCE NO. _____

1 AN ORDINANCE amending Title 6 of the Lincoln Municipal Code relating to
2 Animals by amending Chapter 6.02 of the Lincoln Municipal Code relating Animal Control
3 Definitions to clarify language allowing commercial boarding kennels within the city limits by
4 adding a new section numbered 6.02.065 to add a definition for “animal hospital or clinic”;
5 amending Section 6.02.140, “commercial boarding kennel,” to require commercial boarding
6 kennels to be licensed under the laws of the State of Nebraska; adding a new section numbered
7 6.02.525 to add a definition for “veterinary hospital or clinic”; and amending Section 6.04.165 of
8 the Lincoln Municipal Code to set forth restrictions for commercial boarding kennels, pet shops,
9 and commercial breeding kennels; and amending Section 6.08.310 of the Lincoln Municipal
10 Code to provide an exception for commercial boarding kennels from the kennels prohibited in
11 the City of Lincoln; and repealing Sections 6.02.140, 6.04.165, and 6.08.310 of the Lincoln
12 Municipal Code as hitherto existing.

13 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

14 Section 1. That Chapter 6.02 of the Lincoln Municipal Code be amended by
15 adding a new section numbered 6.02.065 to read as follows:

16 **6.02.065 Animal Hospital or Clinic.**

17 Animal hospital or clinic shall mean any establishment or business maintained and
18 operated by a veterinarian for examination, prophylaxis, surgery, diagnosis and treatment of

1 diseases or injuries of animals including boarding of animals under treatment or benefit of the
2 animal, provided said veterinarian is duly licensed under the laws the State of Nebraska.

3 Section 2. That Section 6.02.140 of the Lincoln Municipal Code be amended to
4 read as follows:

5 **6.02.140 Commercial Boarding Kennel.**

6 Commercial boarding kennel shall mean any kennel where pet animals owned by another
7 person are temporarily boarded for pay, trade, barter, commission, or remuneration of any sort
8 and said commercial boarding kennel is duly licensed under the laws of the State of Nebraska;
9 provided, ~~however,~~ this definition shall not apply to zoos or to animal hospitals ~~operated by~~
10 ~~veterinarians duly licenced under the laws of the State of Nebraska.~~

11 Section 3. That Chapter 6.02 of the Lincoln Municipal Code be amended by
12 adding a new section numbered 6.02.525 to read as follows:

13 **6.02.525 Veterinary Hospital or Clinic.**

14 Veterinary hospital or clinic shall mean an animal hospital or clinic, as defined by this
15 chapter.

16 Section 4. That Section 6.04.165 of the Lincoln Municipal Code be amended to
17 read as follows:

18 **6.04.165 Pet Shop, Commercial Breeding Kennel, Commercial Boarding Kennel;**
19 **Restrictions.**

20 (a) It shall be unlawful to operate a mobile pet shop or conduct a business of
21 obtaining pet animals for resale, adoption, or selling from any vehicle parked or operated on any
22 city street.

1 (b) It shall be unlawful for the owner, proprietor, employee, or volunteer of any pet
2 shop to knowingly sell or offer for sale a sick or ill pet animal or misrepresent the breed or sex
3 of a pet animal to any buyer or consumer.

4 (c) It shall be unlawful to ~~board any dog or cat overnight at any pet shop, groom shop,
5 or obedience training business, except that licensed veterinarians, animal shelters, and humane
6 societies are excluded from the requirements of this subsection~~ operate a commercial boarding
7 kennel, a pet shop, and/or a commercial breeding kennel on the same premises.

8 (d) Commercial boarding kennels shall provide only indoor housing facilities for the
9 animals which may include an outdoor exercise or play area for the animals.

10 (e) All commercial boarding kennels shall be lawfully located in an area zoned for
11 a kennel pursuant to Title 27 of the Lincoln Municipal Code.

12 Section 5. That Section 6.08.310 of the Lincoln Municipal Code be amended to
13 read as follows:

14 **6.08.310 Dog Kennels Prohibited; Exceptions.**

15 It shall be unlawful for any person to keep, or permit to be kept upon any premises
16 occupied or under such person's charge or control, any dog kennel. Provided, however, the
17 provisions of this section shall not apply to the Humane Society, animal shelters, animal research
18 facilities, zoos, animal hospitals ~~operated by veterinarians duly licensed under the laws of the
19 State of Nebraska~~, commercial breeding kennels, commercial boarding kennels, or to multi-dog
20 households.

21 If upon the trial of the offense mentioned in this section it shall appear to the county judge
22 that the person be guilty as charged in said complaint, said county judge shall, in addition to the

1 usual judgment of conviction, declare said dog kennel a public nuisance, order the party or
2 parties so convicted to abate said nuisance forthwith, and in the event the party or parties
3 convicted shall fail to do so, order the Health Director or the Chief of Police to remove to the
4 animal shelter said dog or dogs so kept and harbored in violation of this section, there to be
5 impounded and disposed of in accordance with the terms of this chapter. The cost of such
6 impoundment and disposal shall be borne by the convicted person.

7 Section 6. That Sections 6.02.140, 6.04.165, and 6.08.310 of the Lincoln
8 Municipal Code as hitherto existing be and the same are hereby repealed.

9 Section 7. That this ordinance shall take effect and be in force from and after its
10 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2007: _____ Mayor
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