

CATS

§ 94.60 SHORT TITLE; DEFINITIONS.

This Article shall be known as and may be cited as “THE WAVERLY CAT ORDINANCE”. For the purpose of this Article, the following definitions shall prevail:

A. Cat: The term “cat,” whenever used in this Article, shall mean any cat except feral cats and shall apply to all non-feral cats, whether male or female.

B. Inoculation, Vaccination, or Vaccination for Rabies: The terms “inoculation”, “vaccination”, or “vaccination for rabies”, whenever used in this Article, shall mean the inoculation of a cat with a vaccine approved by the Lincoln-Lancaster County Department of Health.

C. Own: The term “own”, as used in this Article, unless otherwise indicated in the text, shall be deemed to mean and include, own, keep, harbor, or have charge, custody, or control of, a cat.

D. Owner: The term “owner”, as used in this Chapter, shall mean any person or persons, firm, association, corporation, or other entity, who shall harbor or permit any cat to be in or about his or her house, store, or enclosure, or to remain to be fed in or about his or her house, store, or enclosure, for a period of ten (10) days or more.

E. Person: The term “person”, as used in this Article, shall mean and include any individual, firm, corporation, association, partnership, or any other entity.

F. Cattery: The term “cattery”, as used in this Article, shall be deemed to mean the house, store, yard, enclosure, or place where more than three (3) cats over the age of six (6)

G. months, are harbored or kept, provided, however, that this definition shall not apply to any animal shelter, nor to the place of business of licensed veterinarians.

G. Spayed Female Cat: The term “spayed female cat”, as used in this Article, shall be construed to include any female cat which has been spayed or otherwise rendered incapable of reproduction.

H. Neutered Male Cat: The term “neutered male cat”, as used in this Article, shall be construed to include any male cat which has been neutered or otherwise rendered incapable of reproduction. (*Amended by Ordinance 03-01, 2/17/03*)

§ 94.61 VACCINATION AGAINST RABIES REQUIRED; VACCINATION TAG.

Any person within the City owning a cat four (4) months of age or older shall have such cat vaccinated against rabies. Cats, cat owners, veterinarians, and other persons shall be subject to the same requirements which are imposed with regard to vaccination of dogs by the applicable sections of the Waverly Dog Ordinance; Provided, however, that cats shall be

vaccinated against rabies at the intervals and with the vaccine or vaccines approved by the Lincoln-Lancaster County Department of Health.

§ 94.62 EXCEPTIONS TO RABIES VACCINATION; CATS CONFINED TO A LICENSED CATTERY.

The vaccination provisions of this Article shall not apply with respect to cats which are constantly confined within a cattery which is duly licensed under the provisions of this Article; Provided, however, that in the event any cat which is confined to a licensed cattery which is maintained within the Municipality is found running at large and impounded, or the owner cited for allowing said cat to run at large, such cat shall thereafter be vaccinated periodically in accordance with §94.61 of this Code.

§ 94.63 LICENSE; LICENSE TAGS; WRONGFUL LICENSING; WEARING OF COLLARS, REMOVAL, IDENTIFICATION; REMOVAL OF LICENSE TAG; EXCEPTIONS TO LICENSE, TRANSIENT CATS.

Cats, cat owners, and persons shall be subject to the same requirements and duties imposed upon dogs, dog owners, and persons by the Waverly Dog Ordinance, with respect to licensing; license tags; wrongful licensing; wearing of collars; identification; removal of license tags; and exceptions to license transient cats; Provided, however, that the following exceptions to the above shall apply:

- A. License Fees: Cat licenses shall be issued by the Municipal Clerk upon payment of a license fee in accordance with the following schedule:
 - 1. Male Cat - \$20.00
 - 2. Neutered Male Cat - \$10.00
 - 3. Female Cat - \$20.00
 - 4. Spayed Female Cat - \$10.00

- B. License Tags. Cat license tags shall have die-stamped thereon the license number, the words "CAT TAG – WAVERLY, NEBRASKA," and the year for which issued. It shall be the duty of the Municipal Clerk to issue tags of a suitable design that are different in appearance each year and different in appearance from dog tags for the same year.

- C. Wearing of Collars or Harnesses. It shall be the duty of all persons owning cats to provide such cats with collars or harnesses which are elastic or otherwise constructed so as to prevent cats, to the extent possible, from becoming entangled, trapped, or injured due to the wearing of such collar or harness. *(Amended by Ord. No. 87-14, 9/8/87; 10-05, 5/3/10)*

§ 94.64 EXCEPTIONS TO LICENSE; CATS CONFINED TO LICENSED CATTERY.

The provisions of this Article with respect to licensing of cats shall not apply to cats constantly confined to a cattery licensed under the provisions of this Article; Provided, however, that in the event any cat which is confined to a licensed cattery which is maintained within the Municipality is found running at large and is impounded or the owner cited for

allowing such cat to run at large, such cat shall thereafter be licensed annually in accordance with this Code.

§ 94.65 PROCLAMATION; KILLING AND POISONING; MISTREATMENT; SEIZURE FOR PROTECTION OF ANIMAL.

The requirements and duties imposed upon dogs, dog owners, and persons by the Waverly Dog Ordinance with respect to proclamations by the Mayor, involving public danger involving rabies; killing and poisoning; and injuring of dogs; and seizure of mistreated animals for protection, shall apply to cats, cat owners, and persons with respect to cats.

§ 94.66 RUNNING AT LARGE; UNLICENSED.

- A. For the purposes of this Article the term "running at large" is defined to mean any cat which is not confined within a cage, dwelling house, or other structure or enclosure from which a cat is unable to escape.
- B. It is hereby declared unlawful for any owner, keeper, or harbinger of any cat to allow such cat to run at large, unless such cat is currently licensed and a valid registration tag is attached to its collar or harness.

§ 94.67 IMPOUNDING.

- A. It shall be the duty of the Humane Officer or in the event of his or her, absence or unavailability it shall be the duty of the Law Enforcement Officer on duty to cause any cat found to be running at large without a collar or harness to which a current and valid registration tag is attached, within the Municipality to be taken up and impounded. No cat found running at large without a collar or harness to which a current and valid registration tag is attached shall be released from impoundment until the owner of said cat shall have obtained a license as provided in this Chapter and the impoundment fee or other fees have been paid or other satisfactory arrangements have been made.
- B. Those portions of the Waverly Dog Ordinance contained within the provisions of this Code with respect to impounding, impoundment fees, and observation in the event of biting or attach by dogs shall be applicable to cats, cat owners, and persons.

§ 94.68 MULTIPLE BITING INCIDENTS; REMOVAL FROM MUNICIPALITY.

The provisions of the Waverly Dog Ordinance with respect to biting incidents set out in this Code shall be applicable to cats, cat owners, and persons.

§ 94.69 LIABILITY OF OWNER; RESTITUTION; PROPERTY DAMAGE OR PERSONAL INJURY; WAIVER DISALLOWED.

The provisions of the Waverly Dog Ordinance set out in this Code with respect to liability of owners; restitution for property damage or personal injury; and disallowance of waivers shall be applicable to cats, cat owners, and persons.

§ 94.70 INTERFERENCE WITH AUTHORITIES.

It shall be unlawful for any person to hinder, delay, or interfere with any Law Enforcement Officer or designated Humane Officer who is performing any duty enjoined upon him or her by the provisions of this Article, or to break open, or in any manner directly or indirectly aid, counsel, or advise the breaking open of any animal shelter, any ambulance wagon, or other vehicle used for the collecting or conveying of cats to such shelter.

§ 94.71 CATTERY REGISTRATION AND LICENSING.

More than three (3) cats in excess of six (6) months of age, per family or residence, shall constitute a cattery. No catteries shall be maintained within the Municipality; provided, however, the provisions of this Section shall not apply to any Municipal Animal Shelter, or to hospitals operated by veterinarians duly licensed under the laws of the State of Nebraska, keeping cats for others for treatment or boarding.

If upon the trial of the offense mentioned in this Section, it shall appear to the County Judge that the person be guilty as charged in said complaint, said Judge may, in addition to the usual judgment of conviction, declare said cattery a public nuisance, order the party or parties so convicted to abate said nuisance forthwith, and in the event that the party or parties convicted shall fail to do so, order the Municipal Law Enforcement Personnel to remove to a suitable animal shelter said cat or cats so kept and harbored in violation of this Section, there to be impounded and placed in suitable homes or disposed of in accordance with the terms of this Article. When a complaint is filed for violation of this Section, such complaint may not be disposed of by Waiver of Appearance and Plea of Guilty, and the complaint filed by the Municipal Attorney shall state such limitation. (*Ref. 17-526 RS Neb.*) (*Amended by Ord. 03-01, 2/17/03*)

§ 94.72 ANIMAL CONTROL VIOLATION, CITATION.

- A. Whenever a designated Humane Officer of the Municipality or any Law Enforcement Officer shall observe any violation of this Article, it shall be his or her duty to issue an appropriate citation; Provided, however, that a warning citation shall be issued for the first (1st) violation of § 94.66 of this Code by any person.

No complaint shall be filed by the Municipal Attorney when any person who is issued a warning citation for violation of § 94.66 of this Code shall pay all fees required under this Article and comply with the licensing and vaccination requirements within five (5) days of issuance of such warning citation. When a warning citation only is mistakenly issued for a second (2nd) or subsequent violation of § 94.66 of this Code by any person and in all other cases, it shall be the duty of the Municipal Attorney to promptly prosecute violations of this Article.

- B. At the time of the commission of the alleged violation, the accused may be served with a printed notice requiring him or her to make such appearance on or before the date specified thereon and advising whether execution of a Waiver of Appearance and Plea of Guilty has been made available by the court for such violation. Said notice shall further apprise the accused that upon direct refusal or failure to so appear, a warrant

shall be issued for his or her arrest, that he or she must appear at said court during the hours fixed by the Judges of the County Court as shown on said notice.

§ 94.73 PENALTY FOR VIOLATION.

- A. Except as otherwise hereafter provided in this Section, any person upon whom a duty is placed by the provisions of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Article, shall be deemed guilty of a Class II Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be fifty dollars (\$50.00).
- B. Any person upon whom a duty is placed by the provision of § 94.66 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Section, shall be deemed guilty of a Class II Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty-five dollars (\$25.00).
- C. Any person upon who a duty is placed by the provisions of § 94.71 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Section, shall be deemed guilty of a Class II Misdemeanor as defined by this Code. If such violation is disposed of a pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be twenty-five dollars (\$25.00).
- D. Any person upon whom a duty is placed by the provisions of § 94.67 of this Article which involves failure to submit a cat for observation and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of said Sections, shall be deemed guilty of a Class I Misdemeanor as defined by this Code. If such violation may be and is disposed of pursuant to a Waiver of Appearance and Plea of Guilty, the fine shall be seventy dollars (\$70.00).
- E. Any person upon whom a duty is placed by the provisions of § 94.68 of this Article and who shall fail, neglect, or refuse to perform such duty, or who shall violate any of the provisions of this Section, shall be deemed guilty of a Class I Misdemeanor as defined by this Code.
- F. Each day that a violation of any Section of this Article continues shall constitute a separate and distinct offense and shall be punishable as such. The penalties herein provided shall be cumulative with and in addition to any penalty or forfeiture elsewhere in this Article provided. (*Amended by Ord. 07-05, 5/7/07*)