

ORDINANCE NO. 1524

**AN ORDINANCE OF THE CITY OF DAVID CITY, NEBRASKA,
AMENDING THE MUNICIPAL CODE OF THE CITY OF DAVID
CITY, NEBRASKA, TO CORRECT A SCRIVENER'S ERROR;
AUTHORIZING PUBLICATION IN PAMPHLET FORM; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, on April 10, 2024, the City of David City, Nebraska, a municipal corporation and city of the second class ("**City**") passed Ordinance No. 1464 (the "**Ordinance**"); and

WHEREAS, the Ordinance amended City's Municipal Code (the "**Code**") to add an article regulating free roaming cats within City's corporate limits; and

WHEREAS, the Ordinance contained a scrivener's error and incorrectly codified the new article within the Code as Chapter 3, Article 7 – Cats; and

WHEREAS, the Ordinance should have codified the new article as Chapter 3, Article 6 - Cats; and

WHEREAS, City finds it in the best interest of City's cat population, City's residents, and City in general to correct the scrivener's error in the Ordinance and to amend the Code as provided herein.

THEREFORE BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, as follows:

Section 1. City hereby repeals Chapter 3, Article 7 – Cats of the Code, in its entirety and replaces it with the following, to be codified as Chapter 3, Article 6 – Cats:

ARTICLE 6 – CATS

SECTION 3-601: INTENT

The purpose and intent of this article is to decrease the city of David City's undomesticated cat populations by humanely controlling reproduction and without removing cats from city limits in accordance with the Trap, Neuter, and Return ("**TNR**") population control method for the betterment of the community.

SECTION 3-602: CAT; ANIMAL CONTROL DEFINITION.

Animal Control shall mean the David City Police Department, its agents, assigns, or contracted agents.

SECTION 3-603: FREE ROAMING CAT; DEFINITION.

Free-roaming cat shall mean any cat found roaming freely outside of any home or the control of any person for any length of time.

SECTION 3-604: CAT OWNER; DEFINITION.

Cat owner shall mean any person who confines a cat(s) inside a residence or property structure for any length of time and such cats shall be deemed personal property of said cat owner.

SECTION 3-605: UNDOMESTICATED CAT; DEFINITION.

Undomesticated cat shall mean any cat that is not confined inside a residence or property structure that does not have a generally known or reasonably discoverable owner.

SECTION 3-606: UNDOMESTICATED CAT CAREGIVER; DEFINITION.

Undomesticated cat caregiver shall mean any person that provides food, water, or shelter to free roaming cats, and does not confine cats inside a residence or property structure for any length of time.

SECTION 3-607: TRAP-NEUTER-RETURN (TNR); DEFINITION.

Trap-Neuter-Return (TNR) shall mean the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning undomesticated cats to the location trapped. Animal Control shall obtain consent of the landowner before entering private property for this purpose.

SECTION 3-608: CAT HOARDING; DEFINITION.

Cat hoarding shall mean the accumulation of a number of cats such that it overwhelms a person's ability to provide minimum standards of care. Minimum standards of care include nutrition, sanitation, shelter, veterinary care, and socialization causing disease, starvation, or death of cats confined and residing within a property residence or structure.

SECTION 3-609: FREE ROAMING CAT; STERILIZATION-SPAY AND NEUTER.

All free-roaming cats within city limits shall be surgically spayed or neutered by a licensed veterinarian and rabies vaccinated. This shall be done voluntarily by the cat owner or by Animal Control through the TNR process.

SECTION 3-610: OWNED CATS NOT FREE ROAMING; STERILIZATION-SPAY AND NEUTER.

Cat owners shall spay and neuter all cats it owns within four months of age. This provision shall not apply if the procedure would endanger the health of the cat, if the cat owner is a Nebraska state licensed breeder, if the cat temporarily resides in a foster home or is used in show and performance competitions, or if a veterinarian does not recommend spay and neuter surgery until later in the cat's life for a medical reason as evidenced by a veterinarian's statement. The cat owner must provide documentation for all other exemptions.

SECTION 3-611: RETURN OF CATS SPAYED AND NEUTERED THROUGH THE TNR PROCESS.

Animal Control shall, after completion of the TNR process, return all cats to the area they were captured, except for cats needing additional medical attention for illness or injury. Cat owners must provide documentation sufficient to evidence ownership as Animal Control determines for the return. If a cat has no identifiable owner it shall be held for a 5-day holding period and if no owner claims the cat, it shall be provided to the humane society or to some other suitable owner. Undomesticated cat caregivers may request cats for which they provide care to be relocated in this manner for the health and safety of the cats. Cat owners shall pay all applicable boarding, veterinary and licensing fees for this process.

SECTION 3-612: INTERFERENCE WITH THE TNR PROCESS.

Any person found to be removing free-roaming cats from city limits for the sole purpose of dumping said cats in the country, concealing unaltered cats for the purpose of reproduction, releasing cats from traps, tampering with, stealing, damaging, or destroying TNR equipment shall be guilty of a Class V Misdemeanor. Persons found in violation of this provision shall face a \$25 fine, plus equipment replacement cost if applicable, for each offense.

SECTION 3-613: CATS; LICENSING; FEES.

A. *License.* Any person owning a cat over the age of six (6) months within the city shall, within thirty (30) days after acquisition of said cat, acquire a license for each cat by or before the first (1st) day of May of each year. The cat owner shall renew this license annually.

B. *License Application.* The cat owner must provide, at the time of the license application, a certificate indicating the cat has been spayed or neutered and received a rabies vaccination, and, on printed forms of the city, the cat owner's name and address and the name, breed, color, sex, and sterilization status of each cat for which the license application is for.

C. *Certificate.* Upon payment of the license fee, the City Clerk shall issue to the owner of a cat a license certificate and metallic tag for each cat so licensed. The metallic tags do not need to be attached to the collar and worn by said cat. The City Clerk may issue replacement metallic tags if one is lost or destroyed upon satisfactory evidence that the original plate or tag was issued in accordance with the provisions herein and that the cat owner is not delinquent on the cat's licensing fees. The City Clerk shall design or cause to be designed a new metallic tag each year in order to differentiate between years of issuance.

D. *License Fee.* The cat owner shall pay to the City Clerk a license fee of five (\$5.00) dollars for each cat at the time of the license application. Said license shall not be transferable and no refund will be allowed in case of death, sale, or other disposition of the licensed cat. The license fee shall be delinquent from and after May first (1st); provided, the owner of any cat brought into or harbored within the corporate limits after May first (1st) of any year, shall be liable for the payment of the cat tax levied herein and such tax shall be delinquent if not paid within ten (10) days thereafter. All license fees and collections shall be immediately credited to the city's general fund after the City remits the fee Nebraska Revised Statutes section 54-603(3) imposes to the Nebraska Department of Agriculture. (Neb. Rev. Stat. §§ 54-603, 17-526)

E. *Service Animals.* The License Fee provided in this section does not apply to cats that are validly registered as service animals. (Neb. Rev. Stat. § 17-526)

SECTION 3-614: WRONGFUL LICENSING.

It shall be unlawful and a Class V Misdemeanor for any cat owner to permit or allow its cat(s) to wear a fake metallic tag, to create or possess a fake cat license, or to otherwise utilize any other evidence of licensure than that issued by the City Clerk for cats.

SECTION 3-615: CATS; KILLING AND POISONING.

It shall be unlawful and a Class IV Misdemeanor to kill, or to administer or cause to be administered, poison of any sort to a cat, or in any manner to injure, maim, or destroy, or in any manner attempt to injure, maim, or destroy, or to place any poison, or poisoned food where the same is accessible to a cat.

SECTION 3-616: CATS; BITES.

Any owned cat not vaccinated in accordance with the provisions of this Article that bites any human that causes an abrasion of the skin shall be confined for rabies observation not less than ten (10) days by the cat owner. If the cat owner cannot confine the cat for 10 days, the cat will be impounded and held for observation by Animal Control. If upon examination by a veterinarian, the cat has no clinical signs of rabies at the end of such confinement, it may be released to the cat owner after rabies vaccination, proper licensing, and spay or neuter in accordance with the Article, is shown to be completed. The cat owner will be required to pay all fees associated with confinement, vaccination, and any other needed veterinary care during the 10-day confinement period. Undomesticated cats that have bitten will be impounded and confined for rabies observation in the same manner and returned to its colony. Caregivers will not be held responsible for associated fees.

SECTION 3-617: CATS; NUISANCE.

A non-spayed or non-neutered cat shall constitute nuisance according to Chapter 3, Article 4 of the David City Municipal Code in compliance with this Article and shall be brought into compliance to remove a nuisance determination.

SECTION 3-618: HARMONY WITH OTHER ORDINANCES AND LAWS.

To the extent this Article conflicts with other provisions of the David City Municipal Code this Article shall govern.

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Section 2. City hereby repeals all ordinances and portions of ordinances conflicting with this Ordinance to the extent of the conflict thereof.

Section 3. This Ordinance shall be in full force and take effect from and after its passage, approval, and publication in pamphlet form.

Passed and approved this 10th day of December, 2025

Jessica Miller, Mayor

ATTEST:

Lori Matchett, Deputy City Clerk