

ORDINANCE NO. 2433

AN ORDINANCE OF THE CITY OF YORK, NEBRASKA TO AMEND SECTION 8-30, HARBORING DANGEROUS DOGS PROHIBITED, TO CLARIFY THE RESPONSIBILITY OF THE DOG OWNER; TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH; AND TO PROVIDE AN EFFECTIVE DATE FOR THIS ORDINANCE.

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

Section 1.

Sec. 8-30. HARBORING DANGEROUS DOGS PROHIBITED; DANGEROUS, VICIOUS DOGS AT LARGE PROHIBITED shall is amended as follows:

- (1) Sec. 8-30. Harboring dangerous dogs prohibited; dangerous dogs at large prohibited.
  - (a) It shall be unlawful for the owner or other person having a dog in said person's possession or under said person's control to keep or harbor any dog of dangerous, vicious or fierce propensities or tendencies within the limits of the city.
  - (b) It shall be unlawful for any person who owns, keeps, harbors or maintains any dog of dangerous, vicious or fierce propensities to fail to keep such dog securely restrained or securely tied on a leash and under the control of a competent person. Any dog shall be deemed to be running at large when it is off the premises where it is owned, kept, harbored or maintained unless it is securely chained or securely tied on a leash or kept in a pen or within doors in a building.
  - (c) If any dog bites or attempts to bite any person, then such dog shall be conclusively presumed to be a dangerous dog and a dog of dangerous propensities and tendencies, except as provided in subsection (e) of this section.
  - (d) If any dog attacks or attempts to attack any other dog or animal while such dog is at large or chases, attacks or attempts to attack a person while the dog is at large, then the dog shall be conclusively presumed to be a dangerous dog and to have dangerous propensities and tendencies.
  - (e) No dog may be declared dangerous or vicious that inflicts injury or damage on a person committing a willful trespass or other tort, or crime, or attempting to commit such trespass, tort or crime upon premises occupied

by the owner of the dog. No dog may be declared dangerous or vicious for taking any action to defend or protect a human being or itself from an unjustified attack or assault by another animal or person. In any prosecution under this section in which it is claimed that the exception created by this subsection exists, such claim shall be an affirmative defense, and the person charged with the violation of this section shall have the burden to prove the existence of facts supporting this claim by a preponderance of the evidence.

(f) If a dog is determined to be a dangerous or vicious dog under this section, and such dog has not previously been determined to be a dangerous or vicious dog under this section or any other similar ordinance or statute, then, upon conviction under this section, the court may order the police department to dispose of the dangerous dog in an expeditious and humane manner, or it may require the owner or person in possession or control of such dog to remove the dog from the city limits. In the event that the dog has previously been determined to be a dangerous or vicious dog under this section or any other similar ordinance or statute, then the court shall order the police department to dispose of the dangerous dog in an expeditious and humane manner or it shall require the owner or person in possession or control of such dog to permanently remove the dog from the city limits.

(g) Any officer or agent of the police department may immediately confiscate a dog of dangerous, vicious or fierce propensities that is found to be in violation of this section, and upon confiscation and placement of such dog by an officer or agent of the police department, the owner shall be responsible for the reasonable costs incurred for the care of such dog confiscated or for the destruction of any dangerous dog that has been confiscated or destroyed pursuant to this section. The court is further authorized to order any individual who is convicted for a violation of this section to pay the reasonable costs incurred for the care of the dangerous dog that has been confiscated or for the costs of the destruction of such dangerous dog.

(h) Penalty. Any person who violates this section shall be subject to a penalty as provided in section 1-9, plus the costs of placement and/or destruction of the dog and may further be ordered to pay restitution to any person for medical expenses or veterinary expenses incurred by such person as a result of the actions of such dangerous dog.

Section 2. All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. This ordinance shall take effect and be in full force and effect from and

after its passage, approval and publication pursuant to law.

PASSED AND APPROVED by the York City Council this 19 day of March, 2026.



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Barry Redfern, Mayor

ATTEST:

  
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Amanda Ring, York City Clerk

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