

AGENDA
December 3, 2024

1. Please silence all cell phones
2. Roll Call
3. Inform public of the posting of the open meeting laws
4. The review hearing notice was published in the Columbus Telegram on November 27th, 2024
5. Approval of agenda as written
6. **Discussion and possible action on the following:**
7. Motion to accept the procedures
8. Open hearing on dangerous dog appeal
9. Close the hearing
10. Consideration of action on review of dog declaration
11. Public Comments
12. Motion to adjourn

The agenda for the meeting subject to change, is kept continuously current and is available for public inspection at the office of the County Clerk in the Platte County Courthouse, Columbus, Nebraska.

The procedure for dangerous dog reviews will consist as follows:

1. The Open Meetings Act will be observed, the meeting notice published, an agenda followed, minutes taken by the County Clerk, a hearing held with the sheriff's officer having the burden of establishing by clean and convincing evidence that the dog is "dangerous" (i.e., as defined by state statues) and as determined by unanimous vote of the three Judiciary Committee members.
2. The owner of the dog may cross-examine the Sheriff's Officer, as well as testify and call witnesses.
3. Though the formal rules of evidence will not be followed, the judiciary committee shall make written findings of fact and appropriate conclusions of law as to their review of the dangerous dog declaration copies of which shall be provided to the dog owner and the Sheriff's Office.
4. The County Attorney may be called upon to advise the Judiciary Committee.

Approved: _____
Judiciary Committee Chairperson

PLATTE COUNTY SHERIFF'S OFFICE



2610 14TH St.
Columbus, NE 68601
O - 402-564-9077
F - 402-564-1662
e-mail address:

EDWARD WEMHOFF, SHERIFF

ewemhoff@plattecounty.ne.gov

Case Narrative for PCP2405531 (11/12/24 17:04)

Printed on November 14, 2024

Primary Report By Justin Grant, 11/12/24 17:04

Case #PCP2405531

Typed By Justin Grant

At approximately 1706 hours on 11-07-2024, I, Sergeant Justin Grant of the Platte County Sheriff's Office was dispatched to the area of Duncan, Platte County, Nebraska in reference to two pit bull dogs who bite a cat multiple times and killed it.

Upon arrival to the scene, I spoke with Megan Paczosa (05-21-1988). Ms. Paczosa advised she witnessed the incident occur and her and neighbors attempted to get the two pit bulls away from the cat. Ms. Paczosa stated one of the pit bulls did eventually run away, however the other one hovered over the cat. The pit bull was eventually picked up by Della Nisula (08-16-1964).

I then drove to 1014 8th Street in Duncan where the deceased cat was located. I observed the cat to have puncture wounds and saliva on its body and rear end. I photographed the deceased cat and then spoke with the cats owner Douglas Rudat (07-19-1950) Mr. Rudat was visibly upset stating "they killed my little buddy". After speaking with Mr. Rudat I drove to 1403 7th Street in Duncan where the pit bulls reside.

Upon arrival to 1403 7th Street, I observed the both pit bulls, a tan and white one and a gray and white one, which I later determined their names to be Bella and Abby. I then had dispatch contact Steven Wempen (05-06-1989) who is the owner of the dogs. I learned Mr. Wempen was out of state for work and his ex mother-in-law Ms. Nisula has been caring for the dogs while he was gone.

While waiting for Ms. Nisula to arrive to the residence, I contacted Mr. Wempen via telephone. I asked Mr. Wempen if both dogs were up to date on shots, which he advised they were. Mr. Wempen stated he did not have any paper work, however the dogs valid rabies tags were inside the residence and Ms. Nisula could show me them. I then advised Mr. Wempen I would be declaring both dogs dangerous as they both played in active roll in killing the cat.

After ending my call with Mr. Wempen I completed a Dangerous Dog Notice for both Bella and Abby.

Once Ms. Nisula arrived on scene, she advised me she had taken both dogs on a walk, and when she put them back in yard she must have not closed the gate all the way, which led to the dogs getting out. Ms. Nisula then showed me the rabies tags for both dogs. I advised Ms. Nisula that both dogs needed to be quarantined inside for 10 days and that I would also need a copy of their up to date vaccination records from the vet. I then left Ms. Nisula with a copy of the dangerous dog notice, as well as a copy with the Nebraska State Statues on what needed to occur in order to be able to keep the dogs.

Both Bella and Abby have been deemed dangerous due to their actions of leaving their yard and actively attacking and ultimately killing the cat.

All of the above described events occurred in Platte County, Nebraska.

Photographs of both dogs and the deceased cat have been taken. I have attached both dangerous dog notices and vaccinations records to this case.



PLATTE COUNTY SHERIFF'S OFFICE

Edward Wemhoff, Sheriff

2610 14th Street, Columbus, NE 68601-4960
Ph: 402-564-3229 Fax: 402-564-1662
E-Mail: pcsher@megavision.com

Animal Control Authority Dangerous Dog Notice

Date: 11-07-2024

Time: 1748

TO: Steven Wempen / Della Nisula

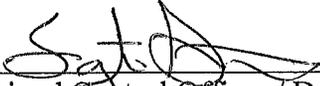
YOU ARE HEREBY ADVISED AND GIVEN THIS NOTICE that as "owner" of the dog named "Abby", I am declaring your dog to be a "Dangerous Dog" as defined under Nebraska law, due to the following circumstances:

Abby got out of the yard and attacked a cat, causing the cats death.

You are further advised that a "Dangerous Dog" means a dog that, according to the records of an animal control authority: [i] Has killed a human being; [ii] Has inflicted injury on a human being that requires medical treatment (sutures, surgery or treatment for broken bone/s); [iii] Has killed a domestic animal without provocation; or [iv] Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination and the dog inflicts injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

Your obligations and consequences as an owner of a Dangerous Dog are contained in the attached copy of Nebraska law. If you have questions, you should consult your attorney.

You are finally advised that you have a right within the next 48 hours (Saturday/Sunday/holiday excluded) to challenge this declaration of your dog as "Dangerous" by filing a written request for review with the Platte County Clerk, located at the Platte County Courthouse, Columbus, Nebraska. The Platte County Clerk shall thereupon schedule the matter for review and give you notice of such review, at which date, time and place you must appear. Failure to request such review or failure to appear at the review as scheduled will result in the Dangerous Dog Declaration remaining in full force and effect, and require you to satisfy special responsibilities as a Dangerous Dog Owner: To spay, neuter, micro-chip, secure your dog (i.e., in an enclosure with proper sign/s), and not move your dog to another jurisdiction without the Sheriff's or other jurisdiction's permission. Failure to satisfy such special responsibilities as a Dangerous Dog Owner may result in you being prosecuted; your dog impounded; and upon conviction and court order, your dog destroyed with you being required to pay impoundment and destruction costs.

 91014

Animal Control Officer / Deputy Sheriff



Dog Owner

11-07-2024
Date

54-617. Dangerous dogs; terms, defined.

For purposes of sections 54-617 to 54-624:

(1) Animal control authority means an entity authorized to enforce the animal control laws of a county, city, or village or this state and includes any local law enforcement agency or other agency designated by a county, city, or village to enforce the animal control laws of such county, city, or village;

(2) Animal control officer means any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of sections 54-617 to 54-624 or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal;

(3)(a) Dangerous dog means a dog that, according to the records of an animal control authority: (i) Has killed a human being; (ii) has inflicted injury on a human being that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, 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 humans or domestic animals.

(b)(i) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(ii) of this section, and the owner shall not be guilty under section 54-622.01, if the individual 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.

(ii) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(iv) of this section, and the owner shall not be guilty under section 54-622.01, if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in section 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.

(iii) A dog shall not be defined as a dangerous dog under subdivision (3)(a) of this section if the dog is a police animal as defined in section 28-1008;

(4) Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(5) Medical treatment means 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;

(6) Owner means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and

(7) Potentially dangerous dog means: (a) any dog that when unprovoked (i) inflicts an injury on a human being that does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or

approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Source: Laws 1989, LB 208, § 1; Laws 2008, LB1055, § 16; Laws 2009, LB494, § 8.

54-618. Dangerous dogs; actions required; costs; limitations on transport; permanent relocation; procedure.

(1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

(2) No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

(3) Except as provided in subsection (4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this subsection if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least thirty days but not to exceed ninety days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this subsection shall permit the rescindment of the declaration of dangerous dog.

Source: Laws 1989, LB 208, § 2; Laws 2008, LB1055, § 17.

54-619. Dangerous dogs; confinement required; warning signs.

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three inches high on a black background.

Source: Laws 1989, LB 208, § 3; Laws 2008, LB1055, § 18.

54-620. Dangerous dogs; confiscation; when; costs.

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of sections 54-617 to 54-624. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated sections 54-617 to 54-624.

Source: Laws 1989, LB 208, § 4; Laws 2008, LB1055, § 19; Laws 2009, LB494, § 9.

54-621. Dangerous dogs; disposal by court order.

In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.

Source: Laws 1989, LB.208, § 5.

54-622. Dangerous dogs; violation; penalty.

Except as provided in section 54-622.01, any owner who violates sections 54-617 to 54-621 shall be guilty of a Class IV misdemeanor.

Source: Laws 1989, LB 208, § 6; Laws 2009, LB494, § 10.

54-623. Dangerous dogs; violation; conviction; effect.

(1) Any owner convicted of a violation of sections 54-617 to 54-624 shall not own a dangerous dog within ten years after such conviction. Any owner violating this subsection shall be guilty of a Class IIIA misdemeanor, and the dog shall be treated as provided in subsection (2) of this section.

(2) Except as provided in section 54-622.01, if a dangerous dog of an owner with a prior conviction under sections 54-617 to 54-624 attacks or bites a human being or domestic animal, the owner shall be guilty of a Class IIIA misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Source: Laws 1989, LB 208, § 7; Laws 2008, LB1055, § 20; Laws 2009, LB494, § 11.

54-623.01. County; designate animal control authority.

Each county shall designate an animal control authority that shall be responsible for enforcing sections 54-617 to 54-624 and the laws of such county regarding dangerous dogs.

Source: Laws 2008, LB1055, § 22; Laws 2009, LB494, § 12.

54-624. Dangerous dogs; local laws or ordinances.

Nothing in sections 54-617 to 54-623.01 shall be construed to restrict or prohibit any governing board of any county, city, or village from establishing and enforcing laws or ordinances at least as stringent as the provisions of sections 54-617 to 54-623.01.

Source: Laws 1989, LB 208, § 8; Laws 2008, LB1055, § 21; Laws 2009, LB494, § 14.



PLATTE COUNTY SHERIFF'S OFFICE

Edward Wemhoff, Sheriff

2610 14th Street, Columbus, NE 68601-4960
Ph: 402-564-3229 Fax: 402-564-1662
E-Mail: pcssher@megavision.com

Animal Control Authority Dangerous Dog Notice

Time: 1748

Date: 11-07-2024

TO: Steven Wempen / Della Nicula

YOU ARE HEREBY ADVISED AND GIVEN THIS NOTICE that as "owner" of the dog named "Bella", I am declaring your dog to be a "Dangerous Dog" as defined under Nebraska law, due to the following circumstances:

Bella got out of the yard and attacked a cat,
causing the cats death.

You are further advised that a "Dangerous Dog" means a dog that, according to the records of an animal control authority: [i] Has killed a human being; [ii] Has inflicted injury on a human being that requires medical treatment (sutures, surgery or treatment for broken bone/s); [iii] Has killed a domestic animal without provocation; or [iv] Has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination and the dog inflicts injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

Your obligations and consequences as an owner of a Dangerous Dog are contained in the attached copy of Nebraska law. If you have questions, you should consult your attorney.

You are finally advised that you have a right within the next 48 hours (Saturday/Sunday/holiday excluded) to challenge this declaration of your dog as "Dangerous" by filing a written request for review with the Platte County Clerk, located at the Platte County Courthouse, Columbus, Nebraska. The Platte County Clerk shall thereupon schedule the matter for review and give you notice of such review, at which date, time and place you must appear. Failure to request such review or failure to appear at the review as scheduled will result in the Dangerous Dog Declaration remaining in full force and effect, and require you to satisfy special responsibilities as a Dangerous Dog Owner: To spay, neuter, micro-chip, secure your dog (i.e., in an enclosure with proper sign/s), and not move your dog to another jurisdiction without the Sheriff's or other jurisdiction's permission. Failure to satisfy such special responsibilities as a Dangerous Dog Owner may result in you being prosecuted; your dog impounded; and upon conviction and court order, your dog destroyed with you being required to pay impoundment and destruction costs.


Animal Control Officer / Deputy Sheriff


Dog Owner

11-07-2024
Date

54-617. Dangerous dogs; terms, defined.

For purposes of sections 54-617 to 54-624:

(1) Animal control authority means an entity authorized to enforce the animal control laws of a county, city, or village or this state and includes any local law enforcement agency or other agency designated by a county, city, or village to enforce the animal control laws of such county, city, or village;

(2) Animal control officer means any individual employed, appointed, or authorized by an animal control authority for the purpose of aiding in the enforcement of sections 54-617 to 54-624 or any other law or ordinance relating to the licensure of animals, control of animals, or seizure and impoundment of animals and includes any state or local law enforcement officer or other employee whose duties in whole or in part include assignments that involve the seizure and impoundment of any animal;

(3)(a) Dangerous dog means a dog that, according to the records of an animal control authority: (i) Has killed a human being; (ii) has inflicted injury on a human being that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, 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 humans or domestic animals.

(b)(i) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(ii) of this section, and the owner shall not be guilty under section 54-622.01, if the individual 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.

(ii) A dog shall not be defined as a dangerous dog under subdivision (3)(a)(iv) of this section, and the owner shall not be guilty under section 54-622.01, if the injury, damage, or threat was sustained by an individual who, at the time, was committing a willful trespass as defined in section 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.

(iii) A dog shall not be defined as a dangerous dog under subdivision (3)(a) of this section if the dog is a police animal as defined in section 28-1008;

(4) Domestic animal means a cat, a dog, or livestock. Livestock includes buffalo, deer, antelope, fowl, and any other animal in any zoo, wildlife park, refuge, wildlife area, or nature center intended to be on exhibit;

(5) Medical treatment means 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;

(6) Owner means any person, firm, corporation, organization, political subdivision, or department possessing, harboring, keeping, or having control or custody of a dog; and

(7) Potentially dangerous dog means (a) any dog that when unprovoked (i) inflicts an injury on a human being that does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or

approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

Source: Laws 1989, LB 208, § 1; Laws 2008, LB1055, § 16; Laws 2009, LB494, § 8.

54-618. Dangerous dogs; actions required; costs; limitations on transport; permanent relocation; procedure.

(1) A dangerous dog that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty days after such declaration. The cost of both procedures is the responsibility of the owner of the dangerous dog. Written proof of both procedures and the microchip identification number shall be provided to the animal control authority after the procedures are completed.

(2) No owner of a dangerous dog shall permit the dog to go beyond the property of the owner unless the dog is restrained securely by a chain or leash.

(3) Except as provided in subsection (4) of this section or for a reasonable veterinary purpose, no owner of a dangerous dog shall transport such dog or permit such dog to be transported to another county, city, or village in this state.

(4) An owner of a dangerous dog may transport such dog or permit such dog to be transported to another county, city, or village in this state for the purpose of permanent relocation of the owner if the owner has obtained written permission prior to such relocation from the animal control authority of the county, city, or village in which the owner resides and from the county, city, or village in which the owner will reside. Each animal control authority may grant such permission based upon a reasonable evaluation of both the owner and the dog, including if the owner has complied with the laws of this state and of the county, city, or village in which he or she resides with regard to dangerous dogs after the dog was declared dangerous. An animal control authority shall not grant permission under this subsection if the county, city, or village has an ordinance or resolution prohibiting the relocation of dangerous dogs. After the permanent relocation, the animal control authority of the county, city, or village in which the owner resides shall monitor the owner and such dog for a period of at least thirty days but not to exceed ninety days to ensure the owner's compliance with the laws of this state and of such county, city, or village with regard to dangerous dogs. Nothing in this subsection shall permit the rescindment of the declaration of dangerous dog.

Source: Laws 1989, LB 208, § 2; Laws 2008, LB1055, § 17.

54-619. Dangerous dogs; confinement required; warning signs.

(1) No person, firm, partnership, limited liability company, or corporation shall own, keep, or harbor or allow to be in or on any premises occupied by him, her, or it or under his, her, or its charge or control any dangerous dog without such dog being confined so as to protect the public from injury.

(2) While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the dog from the elements. The pen or structure shall be at least ten feet from any property line of the owner. The owner of a dangerous dog shall post warning signs on the property where the dog is kept that are clearly visible from all areas of public access and that inform persons that a dangerous dog is on the property. Each warning sign shall be no less than ten inches by twelve inches and shall contain the words "warning and dangerous animal" in high-contrast lettering at least three inches high on a black background.

Source: Laws 1989, LB 208, § 3; Laws 2008, LB1055, § 18.

54-620. Dangerous dogs; confiscation; when; costs.

Any dangerous dog may be immediately confiscated by an animal control officer if the owner is in violation of sections 54-617 to 54-624. The owner shall be responsible for the reasonable costs incurred by the animal control authority for the care of a dangerous dog confiscated by an animal control officer or for the destruction of any dangerous dog if the action by the animal control authority is pursuant to law and if the owner violated sections 54-617 to 54-624.

Source: Laws 1989, LB 208, § 4; Laws 2008, LB1055, § 19; Laws 2009, LB494, § 9.

54-621. Dangerous dogs; disposal by court order.

In addition to any other penalty, a court may order the animal control authority to dispose of a dangerous dog in an expeditious and humane manner.

Source: Laws 1989, LB 208, § 5.

54-622. Dangerous dogs; violation; penalty.

Except as provided in section 54-622.01, any owner who violates sections 54-617 to 54-621 shall be guilty of a Class IV misdemeanor.

Source: Laws 1989, LB 208, § 6; Laws 2009, LB494, § 10.

54-623. Dangerous dogs; violation; conviction; effect.

(1) Any owner convicted of a violation of sections 54-617 to 54-624 shall not own a dangerous dog within ten years after such conviction. Any owner violating this subsection shall be guilty of a Class IIIA misdemeanor, and the dog shall be treated as provided in subsection (2) of this section.

(2) Except as provided in section 54-622.01, if a dangerous dog of an owner with a prior conviction under sections 54-617 to 54-624 attacks or bites a human being or domestic animal, the owner shall be guilty of a Class IIIA misdemeanor. In addition, the dangerous dog shall be immediately confiscated by an animal control authority, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Source: Laws 1989, LB 208, § 7; Laws 2008, LB1055, § 20; Laws 2009, LB494, § 11.

54-623.01. County; designate animal control authority.

Each county shall designate an animal control authority that shall be responsible for enforcing sections 54-617 to 54-624 and the laws of such county regarding dangerous dogs.

Source: Laws 2008, LB1055, § 22; Laws 2009, LB494, § 12.

54-624. Dangerous dogs; local laws or ordinances.

Nothing in sections 54-617 to 54-623.01 shall be construed to restrict or prohibit any governing board of any county, city, or village from establishing and enforcing laws or ordinances at least as stringent as the provisions of sections 54-617 to 54-623.01.

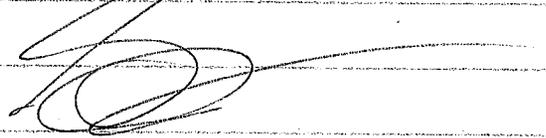
Source: Laws 1989, LB 208, § 8; Laws 2008, LB1055, § 21; Laws 2009, LB494, § 14.

13

I am formally requesting the dangerous dog designation of my dogs be reviewed. They are being defined dangerous under (iii) has killed a domestic animal without provocation.

- Was this cat in fact domestic or was it feral
- What evidence do we have that my dogs did in fact instigate this altercation
- What evidence do I need to produce to show my dogs are in fact not dangerous or a threat

Stacey Wempner



308 Q24-0281

1403 7th Street

PO Box 64

Duncan NE 68634