

ORDINANCE NO. 1529

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF DAVID CITY, NEBRASKA, AMENDING THE DAVID CITY MUNICIPAL CODE TO AUTHORIZE AND REGULATE THE DAVID CITY POLICE DEPARTMENT'S USE OF CANINES; AUTHORIZING PUBLICATION IN PAMPHLET FORM; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 17-505 of the Nebraska Revised Statutes authorizes the City of David City, Nebraska, a municipal corporation and city of the second class ("City") to enact ordinances for the general health, safety, morals, and welfare of City and its residents; and

WHEREAS, the David City Police Department ("Department") desires to purchase, own, and use a trained police canine in connection with the Department's law enforcement activities; and

WHEREAS, City finds it in the best interest of City and its residents to authorize Department's use of a trained canine and to amend City's Municipal Code (the "Code") to regulate the same.

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

1. Authorization. City hereby authorizes Department to purchase a canine for use as a trained police canine in connection with Department's law enforcement activities and in accordance with all federal, state, local laws, and all written policies concerning the use of police canines that Department adopts.

2. Amendment to Section 1-509. City hereby amends Section 1-509 of the Code by adding the following as a new subsection (c) of Section 1-509:

C. The David City Police Department shall have the authority to purchase, own, maintain, and utilize a trained police canine in connection in accordance with all applicable laws, ordinances, and policies. The David City Police Department shall keep on record a "K9 Operations" policy describing the roles and uses of the police canine and the David City Police Department's administration of the same, including appointing a primary employee of the David City Police Department that shall be primarily responsible for care and operation of the police canine, including obtaining all necessary licensure, permits, and certifications from all training agencies and the State of Nebraska, as applicable. Neither the City of David City, Nebraska, the David City Police Department, nor the police canine, shall be liable to any person for damages the police canine causes to the extent Section 54-601 of the Nebraska Revised Statutes allows.

3. Amendment to Section 3-101. City hereby amends Section 3-101 of the Code by removing it in its entirety and replacing it with the following:

SECTION 3-101: OBSTRUCTING AN OFFICER OR POLICE CANINE.

It shall be a Class I misdemeanor and punishable in accordance with Section 28-106(1) of the Nebraska Revised Statutes for any person to intentionally obstruct, impair, or hinder, through the use or threat of violence, force, physical interference, or obstacle, the enforcement of the penal law, the Municipal Code of the City of David City, Nebraska, or the preservation of the peace by a police officer, a police canine assisting the police officer, or a judge. For purposes of this section a "police canine" shall mean a canine the police department owns for the purpose of assisting a police officer pursuant to Chapter 1, Article 5 of the David City Municipal Code. (Nebraska Revised Statutes Section 28-906).

4. Conflicting Ordinances. City hereby repeals any other ordinance or section of any ordinance passed and approved prior to the passage, approval, and publication or posting of this Ordinance and in conflict herewith to the extent of the conflict thereof.

5. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication in pamphlet form.

Passed and approved this 25th day of March, 2026.

Jessica Miller, Mayor

ATTEST

Lori Matchett, Deputy City Clerk

APPROVED AS TO FORM:

David C. Levy, Esq., City Attorney