

**BOARD OF COUNTY COMMISSIONERS  
SARPY COUNTY, NEBRASKA  
RESOLUTION**

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 1997), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 1997), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Neb. Rev. Stat. §§54-600 et. Seq., (Reissue 1998), empowers the County to make and enforce certain regulations regarding animal control as may benefit general health and welfare of the citizens of Sarpy County.

BE IT FURTHER RESOLVED that the regulations enacted by the Resolution are intended to be a complete revision of existing regulations having been previously enacted by Sarpy County regarding Animal Control and dogs, and all previous Resolutions or parts of Resolutions of the Sarpy County Board of Commissioners on said subjects or in conflict with the provisions of this resolution are hereby repealed.

BE IT RESOLVED by the Board of Commissioners of Sarpy County, Nebraska, that under and pursuant to the above cited authority, the Board of County Commissioners of Sarpy County, Nebraska, does hereby adopt and enact the following regulations regarding dogs in Sarpy County, Nebraska and outside the limits of any incorporated city or village in said Sarpy County.

**Section 1  
Dog Defined**

The term “dog” whenever used in this Regulation shall mean any canine animal, male or female, intact or neutered.

**Section 2  
Who Deemed Owner**

The term “owner” shall mean any person possessing, keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within, such person’s house, yard, or premises for a period of ten (10) days or more, shall be liable to the penalties herein prescribed for the violation of this regulation. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by other person for period of not more than thirty days.

**Section 3**  
**Dangerous Dogs at Large**

Any police officer, sheriff, or other officer designated by the Board of County Commissioners is hereby authorized to kill any fierce or a dangerous dog found running at large after its disposition has been ascertained, even though the dog is properly licensed.

**Section 4**  
**Female Dogs in Season**

It will be illegal to maintain a female dog in season in Sarpy County and outside the limits of incorporated cities and village unless said female dog is on a leash or confined by adequate enclosure to the owner's property.

**Section 5**  
**Plates - Tags**

Upon payment of the required fees, the humane officer/pound master as specified in Section 8 shall issue a numbered receipt and tag as necessary to the owner for the dog licensed. Such license receipt shall contain the owner's name and address and such description of the dog as may be required for purposes of identification, and the number of the tag issued therefore. Such tag shall be in such form and description as the humane officer/pound master shall determine from time to time.

**Section 6**  
**License Fees, When Due, When Delinquent**

Each owner, possessor or harbinger of a dog of four months or more of age in Sarpy County outside the incorporated limits of any city village, shall pay a dog license fee the sum of \$10.50 for all spayed or neutered dogs, or \$14.50 for all intact dogs per year. Senior citizens (65 years or older) who own a neutered or spayed dog shall not be required to pay the dog license fee in order to obtain a dog license. Any dog to be licensed as non-sexed must have a certification from a veterinarian. Each person so paying shall be issued a metal plate or tag which shall be attached to the collar of such dog. The license fee shall be due and payable January 1 of each year. If such fee is not paid by March 15, the fee will be considered delinquent and a penalty will be added if the dog is picked up without a current dog tag, said penalty, including license fee shall not exceed \$20.00. The humane officer/pound master is authorized to collect a \$5.00 handling/license issuance fee for the issuance of dog licenses processed through the mail. There shall be a five (\$5.00) fee for duplicate tag issue (lost tag). New residents to the county or residents with newly acquired dogs shall have a period of thirty (30) days to license their dog(s). Any such fees shall be payable to the County's humane officer/pound master, as referred to in Section 8 below.

**Section 7**  
**Issuance of Tags**

The humane officer/pound master, as referred to in Section 8 below, shall keep a record of such plates of tags issued containing the date when and to whom delivered and the number of the same, the description and sex of each dog upon which the license fee has been paid. Said humane officer/pound master shall procure all plates, tags and supplies necessary for the purpose of this Section. When an animal has been impounded by the humane officer/pound master, the license fee and license application may be received by said humane officer/pound master, who may issue a tag, when appropriate. Any funds received under this section shall be applied according to the contract between the County and said humane officer/pound master.

**Section 8**  
**Humane Officer - Dog Pound**

The County of Sarpy shall provide an adequate dog pound and shall provide an attendant and humane officer/pound master for the proper maintenance of said pound. Provided that the attendant and the humane officer/pound master may be the same person. The humane officer or pound master shall be appointed by the County Board through a contractual agreement.

**Section 9**  
**Dogs Running at Large Generally**

No person owning, keeping, or harboring a dog in this county shall intentionally, recklessly, negligently, or accidentally allow, or permit such dog to be upon the property of another person or public or private entity without the express permission of a person in lawful possession of such other property, or without having such dog on a leash short enough to allow its keeper to control the dog. Any person who owns, keeps or harbors a dog shall securely fasten such dog by chain or other similar apparatus upon such person's premises or shall erect some enclosure upon the premises and keep such dog confined therein. No person shall keep, harbor, or own a dog not having about its neck tags or plates provided for in Section 6 of these regulations or provided for by State Law.

It shall be the duty of the Humane Officer, upon notification from the County to take up and impound any dog found running at large, in violation of this Section.

**Section 10**  
**Dogs Creating a Nuisance or**  
**Destroying Property**

Any dog found destroying property or who creates or becomes a nuisance will be picked up and impounded.

**Section 11**  
**Disposition of Impounded Dogs**

Impounded dogs will be held for a period of not less than five days, at the expiration of which the impounded dog will be either humanely destroyed or disposed of in accordance with Section 12.

**Section 12**  
**Disposition of Impounded Dogs; Procedure**

The procedure for securing release of unlicensed or impounded dogs shall be to purchase a license, if the dog is not already licensed. In addition, the owner shall pay an Impound fee of \$25.00 on the first instance in which a dog is impounded, \$30.00 for the second occurrence in a 12 month period, and an additional \$5.00 for each subsequent impound within a 12 month period. Each animal impounded shall be subject a boarding fee of \$7.00 per day. If the animal is to be observed for rabies, the boarding fee shall be \$10.00 per day. All fees shall be paid before an impounded animal may be released from impound. If such impounded dogs are not released as provided above they shall be taken care of as provided in Section 13 or 14.

**Section 13**  
**Purchase of Impounded Dogs**

At the discretion of the Humane Officer unlicensed, unclaimed, or impounded dogs may sold after 5 days to discharge any costs, penalties, expense of capture and impound, boarding and treatment.

**Section 14**  
**Rabies Shots**

No dog shall be licensed nor shall tags be issued unless such dog shall have been vaccinated for rabies as required by this Section. A certificate from a duly licensed veterinarian shall be competent proof of such vaccination for rabies.

**Sub-Section 1.** For purposes of this Section, unless the context otherwise requires:

- (1) Dog shall mean any canine animal, male or female, intact or neutered;
- (2) Vaccination against rabies shall mean the inoculation of a dog with a licensed vaccine, as listed in the "Compendium of Animal Rabies Control, 1991, Part II: Vaccines Marketed in the U.S. and NASPHV Recommendations." Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska.
- (3) Own, unless otherwise specified, shall mean to possess, keep, harbor, or have control of, charge of, or custody of a dog. This term shall not apply to dogs owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of no more than thirty (30) days.
- (4) Owner shall mean any person possessing, keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain on, or be lodged or fed within, such person's house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by other persons for a period of not more than thirty (30) days; and
- (5) Rabies control authority shall mean the Sheriff or Deputy Sheriff of Sarpy County, Nebraska.

**Sub-Section 2.**

- (1) Effective upon passage of this ordinance every dog three months of age and older shall be vaccinated against rabies. Young dogs shall be vaccinated within thirty days after they have reached three months of age. Unvaccinated dogs acquired or moved into the County of Sarpy must be vaccinated within thirty days after purchase or arrival, unless less than three months of age as specified above.
- (2) Every dog shall be revaccinated following a period of not more than thirty-six months since its last vaccination. The intervals of antirabies vaccines shall be set by the State Veterinarian, and he shall follow the latest recommendations of the United States Public Health Service on the effective date of this act.

**Sub-Section 3.** It shall be the duty of each veterinarian, at the time of vaccinating any dog, to complete a certificate of rabies vaccination which shall include, but not be limited to the following information:

- (1) The owner's name and address;
- (2) An adequate description of the dog including, but not limited to, such items as the dog's breed, sex, age, name, and distinctive markings;

- (3) The date of vaccination;
  - (4) The rabies vaccination tag number;
  - (5) The type of rabies vaccine administered; and
  - (6) The manufacturer's serial number of the vaccination used.
- Such veterinarian shall issue a tag with the certificate of vaccination.

**Sub-Section 4.** The cost of rabies vaccination shall be borne by the owner of the dog.

**Sub-Section 5.**

(1) The provisions of this act with respect to vaccination shall not apply to any dog owned by a person temporarily remaining within the County of Sarpy for less than thirty days, to any dog brought into the County of Sarpy for field trial or show purposes for a period of less than thirty days. Such dogs shall be kept under supervision of the owner.

(2) Dogs assigned to a research institution or similar facility shall be exempt from the provisions of this act.

**Sub-Section 6.**

(1) Any dog or any other animal suspected or being afflicted with rabies or any dog not vaccinated in accordance with Sub-Section 2 of this Section, which has bitten any person and caused an abrasion of the skin of such person, shall be seized by the rabies control authority for a period of not less than ten days. If upon examination by a veterinarian, the dog has no clinical signs of rabies at the end of such impoundment, it may be released to the owner, or, in the case of a stray, it shall be disposed of in accordance with applicable laws.

(2) Any dog, vaccinated in accordance with the provisions of Sub-Section 2 of this Section, which has bitten any person, shall be confined by the owner or other responsible person as required by the rabies control authority for a period of at least ten days, at which time the dog shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the dog may be released from confinement.

**Sub-Section 7.** In the case of dogs known to have been bitten by a rabid animal, the following rules shall apply:

(1) In the case of a dog which has not been vaccinated in accordance with Sub-Section 2 of this Section and which has been bitten by a known rabid animal, such bitten or exposed dog shall be immediately destroyed unless the owner is willing to place such dog in strict isolation in a kennel under veterinary supervision for period of not less than six months.

(2) If the bitten or exposed dog is vaccinated in accordance with the provisions of Sub-Section 2 of this Section, such dog shall be subject to the following procedure: (a) Such dog shall be immediately revaccinated and confined for period of not less than thirty days following vaccination, or (b) If such dog is not immediately revaccinated, such dog shall be confined in strict isolation in a kennel for a period of not less than six months under the supervision of a veterinarian, or (c) Such dog shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this Sub-Section.

#### **Sub-Section 8.**

(1) Any dog found outside the owner's premises whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for such dog shall be impounded. All impounded dogs shall be given proper care, maintenance and treatment. Each impounded dog shall be kept and maintained at the pound for a period of not less than five calendar days unless reclaimed earlier by the owner.

(2) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and by complying with the rabies vaccination requirement of this act within seventy-two hours of release. Any vaccinated dog may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

(3) At the expiration of impoundment, a dog may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this ordinance within seventy-two hours of release. If the dog is unclaimed at the end of five calendar days, the authorities may dispose of the dog in accordance with applicable laws or rules and regulations.

#### **Sub-Section 9.**

The rabies control authority shall enforce the provisions of this act.

#### **Sub-Section 10.**

Impoundment fees shall be paid by the owner. Fees for impoundments at Humane Officer facilities shall be \$10.00 per day during observation.

**Section 15**  
**Violation of Provisions**

The owner of any dog or any person who violates any of the provisions of this Resolution shall be guilty of a misdemeanor, and shall, upon conviction thereof, be fined not more than one hundred dollars and not less than five dollars.

Dated this 7<sup>th</sup> Day of November, 2006.

Moved by Iney Boyd, and seconded by Paul Cook, that the above Resolution be adopted.

Carried.

Yeas:

Nays:

Absent:

[Signature]

none

none

Paul Cook

[Signature]

Abstain:

Iney M Boyd

none

Sidney V. Doyle

ATTEST:

APPROVED AS TO FORM:



[Signature]  
County Clerk

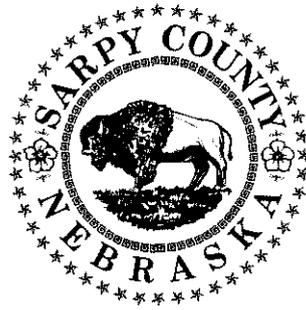
[Signature]  
Deputy County Attorney

# *Sarpy County Board of Commissioners*

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www.sarpy.com

ADMINISTRATOR  
Mark Wayne

FISCAL ADMINISTRATOR-  
PURCHASING AGENT  
Brian Hanson



COMMISSIONERS:

Paul Cook  
District 1  
Tim Gay  
District 2  
Inez Boyd  
District 3  
Aldona Doyle  
District 4  
Tim Schram  
District 5

## MEMO

To: Sarpy County Board of Commissioners

From: Brian E. Hanson

Re: Animal Control Ordinance Resolution

I have placed a Resolution revising Sarpy County's Animal Control Regulations on the November 7, 2006 agenda for your approval. The Nebraska Humane Society (NHS) requested a change in Section 5 regarding dog tags. Currently Sarpy County requires NHS to issue a new tag each year, for each registration, that is different in color from previous years. The new regulation allows a tag to be issued for the first registration and then only when a replacement is needed. This will save on the cost of tags, postage and NHS staff time. I recommend approval of this change in the Animal Control Regulations.

If you have any questions, please feel free to contact me.

November 2, 2006

Brian E. Hanson, Fiscal Administrator

BEH/dp

cc: Mark Wayne  
Deb Houghtaling  
Mike Smith  
Judy Varner  
Denise Nosak

# Deb Houghtaling

Sarpy County Clerk

1210 Golden Gate Drive, Suite 1118  
Papillion, Nebraska 68046-2895

Phone: (402) 593-2105  
Fax: (402) 593-4360

Fred Uhe  
Chief Deputy

November 13, 2006

Judy Varner  
Nebraska Humane Society  
211 West 22nd Ave  
Bellevue, NE 68005-5258

RE: Contract for Animal Control Services and Resolution for Animal Control Ordinance

Action by the Sarpy County Board of Commissioners, at the meeting of November 7, 2006, is as follows:

Resolved by Boyd, seconded by Cook, to authorize the Chairman and County Clerk to sign the Addendum to Contract with the Nebraska Humane Society for animal control services. Said Addendum extends the agreement for a period of five years effective 11/1/2006 through 10/31/2011 and the remaining terms and conditions shall remain unchanged. The original agreement was approved by this Board on 8/22/2000 and amended on 11/2/2004 by Res. #2004-341. (Res. #2006-327) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Resolved by Boyd, seconded by Cook, to adopt and enact the regulations as outlined in the resolution regarding dogs in Sarpy County Nebraska and outside the limits of any incorporated city or village in Sarpy County. All previous resolutions or parts of resolutions on said subjects or in conflict with the provisions of this resolution are hereby repealed. (Res. #2006-328) Ayes: Cook, Gay, Boyd, Doyle & Schram. Nays: None.

Enclosed is a fully executed original agreement and a copy of the Resolution for the Animal Control Ordinance which was signed by the Chairman of the Sarpy County Board of Commissioners as authorized by the above stated action.

Sincerely,



Debra J. Houghtaling  
Sarpy County Clerk

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Enclosures (2)