

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

**RESOLUTION ADOPTING AND ENACTING ANIMAL CONTROL REGULATIONS
FOR VACCINATION OF DOMESTIC ANIMALS AGAINST RABIES**

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

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

WHEREAS, Neb. Rev. Stats. § 71-4409 and 71-4412 empower the County to enforce rules and regulations concerning the control of rabies and the vaccination of domestic or hybrid animals against rabies and allows for the delegation of that regulatory authority; and,

WHEREAS, Neb. Rev. Stats. § 71-4402 and 71-4402.02 require that every domestic and hybrid animal in the State of Nebraska be vaccinated against rabies; and,

WHEREAS, Neb. Rev. Stat. § 71-4404 requires that the owner of such animal bear the cost of such vaccination; and,

WHEREAS, Neb. Rev. Stat. § 71-4405 provides for certain exemptions from vaccination requirements; and,

WHEREAS, Neb. Rev. Stats. § 71-4406 and 71-4407 outline the responsibilities of the Rabies Control Authority and owner regarding the confinement of domestic or hybrid animals having or having been bitten; and,

WHEREAS, Neb. Rev. Stat. § 71-4408 allows by the Rabies Control Authority to authorize an animal pound to carry out the duties of impoundment; and,

WHEREAS, Neb. Rev. Stats. § 71-4410 and 71-4411 provide for the consequences of failure or refusal to follow the provisions of Neb. Rev. Stat. § 71-4401 to § 71-4412; and,

WHEREAS, it is in the best interests of the health, safety, and welfare of the citizens of Sarpy County to adopt a resolution which clearly defines the responsibilities regarding vaccination of domestic and hybrid animals against rabies.

THEREFORE, BE IT RESOLVED by the Sarpy County Board of Commissioners, that under and pursuant to the above cited authority, this Board does hereby adopt and enact the following regulations regarding vaccination of domestic and hybrid animals against rabies in Sarpy County, Nebraska, and outside the limits of any incorporated city or village in said Sarpy County:

Section 1

Definitions

Whenever used in this Resolution the following terms shall mean:

- (1) "Domestic animal" shall mean any dog or cat, and cat means a cat which is a household pet
- (2) "Dog" shall mean any canine animal, male or female, intact or spayed or neutered (altered).
- (3) "Vaccination" against rabies shall mean the inoculation of a domestic or hybrid animal with a rabies vaccine as approved by the rules and regulations adopted and promulgated by the department. Such vaccination shall be performed by a veterinarian duly licensed to practice veterinary medicine in the State of Nebraska;
- (4) "Department" shall mean the Department of Health and Human Services;
- (5) "Hybrid animal" shall mean any animal which is the product of the breeding of domestic dog with a nondomestic canine species;
- (6) "Own", unless otherwise specified, shall mean to possess, keep, harbor, or have control of, charge of, or custody of a domestic or hybrid animal. This term does not apply to domestic or hybrid animals owned by other persons which are temporarily maintained on the premises of a veterinarian or kennel operator for a period of not more than thirty (30) days;
- (7) "Owner" shall mean any person possessing, keeping harboring, or having charge or control of any domestic or hybrid animal or permitting any domestic or hybrid animal to habitually be or remain on or be lodged or fed within such person's house, yard, or premises. This term does not apply to veterinarian or kennel operators temporarily maintaining on their premises domestic or hybrid animals owned by other person for period of not more than thirty (30) days; and
- (8) "Rabies Control Authority" shall mean the County, its law enforcement officers, or the Nebraska Humane Society through its accepted powers as delegated by the County.

Section 2

Rabies Shots

Every domestic and hybrid animal in Sarpy County shall be initially vaccinated against rabies by a licensed veterinarian using a licensed vaccine commencing at three months of age, one year and three months, and revaccinated every three years. Vaccinations must be kept current.

Unvaccinated domestic and hybrid animals acquired or moved into Sarpy County shall be vaccinated within thirty (30) days after purchase or arrival unless under the age for initial vaccination.

Section 3

License

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

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 no limited to, such items as the domestic or hybrid animal'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;
- (6) The manufacturer's serial number of the vaccination used; and,
- (7) The site of the vaccination.

Such veterinarian shall issue a tag with the certificate of vaccination, which tag shall be affixed to the collar of the vaccinated dog by the owner.

Section 4 Cost of Vaccination

The cost of rabies vaccinations shall be borne by the owner of the domestic or hybrid animal.

Section 5 Exemptions

The provisions of this Resolution shall not apply to any domestic or hybrid animal owned by a person temporarily remaining within Sarpy County for less than thirty (30) days, to any domestic or hybrid animal for field trial or show purposes, to any domestic or hybrid animal brought into the state for hunting purposes for a period of less than thirty (30) days, or any domestic or hybrid animals assigned to a research institution or a similar facility.

Section 6 Seizure and Confinement

Any animal which is owned by a person and has bitten any person or caused an abrasion of the skin of any person shall be seized by the Rabies Control Authority for a period of not less than ten (10) days if:

- a. The animal is suspected of having rabies, regardless of the species and whether or not the animal has been vaccinated;
- b. The animal is not vaccinated and is of a species determined by the department to be a rabid species; or
- c. The animal is of a species which has been determined by the department to be a rabid species not amenable to rabies protection by immunization, whether or not such animal has been vaccinated.

If after a ten (10) day period of observation and examination the animal shows no clinical signs of rabies the animal may be released to its owner.

However, any animal which has been vaccinated in accordance with this Resolution and is not suspected of having rabies 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 (10) days, at the end of which time the animal shall be examined by a licensed veterinarian. If no signs of rabies are observed by the veterinarian, the animal may be released from confinement.

An animal which has been vaccinated in accordance with this Resolution that is owned by a law enforcement or governmental military agency which has bitten any person during training or the performance of the animal's duties may be confined by the law enforcement or

governmental military agency. Such agency shall maintain ownership of and shall control and supervise the actions of such animal for a period of fifteen (15) days following such injury. If during this period the animal dies for any reason, a veterinarian shall within twenty-four (24) hours of the death examine the tissue of the animal for clinical signs of rabies.

Any animal of a rabid species which has bitten a person and which is unowned or the ownership of which cannot be determined within seventy-two (72) hours of the time of the bite shall be immediately subject to any tests with the department believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two (72) hour period shall include holidays and weekends and shall not be extended for any reason. The tests required by this subsection may include tests which require the animal to be destroyed.

Section 7 Exposure to Rabid Animal, Disposition

In the case of a domestic or hybrid animal which has not been vaccinated in accordance with this Resolution and which has been bitten by or exposed to a known rabid animal, such bitten or exposed domestic or hybrid animal shall be immediately placed in strict isolation in a kennel under veterinary supervision for a period of not less than six (6) months, unless the owner is unwilling to comply with such isolation, in which case the domestic or hybrid animal shall be immediately destroyed.

If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with the provisions of this Resolution, such domestic or hybrid animal shall be subject to the following procedure:

- a. Such domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than thirty (30) days following vaccination;
- b. If such domestic or hybrid animal is not immediately revaccinated, such domestic or hybrid animal shall be confined in strict isolation in a kennel for a period of not less than six (6) months under the supervision of a veterinarian; or
- c. Such domestic or hybrid animal shall be destroyed if the owner does not comply with either subdivision (a) or (b) of this subsection.

Section 8 Impoundment

Any dog, hybrid animal, or other domestic animal subject to the requirement for rabies vaccination found outside of the owner's premises for whose owner does not possess a valid certificate of rabies vaccination and valid rabies vaccination tag for such dog, hybrid, or other domestic animal shall be impounded. All impounded animals shall be given proper care, maintenance, and treatment. Each impounded domestic or hybrid animal shall be kept and maintained at the pound for a period of not less than seventy-two (72) hours, unless reclaimed earlier by the owner. Impoundment fees shall be established by the Rabies Control Authority and shall be paid by the owner.

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 domestic or hybrid animal may be reclaimed by its owner during the period of impoundment by payment of prescribed pound fees and by complying with the rabies vaccination required by this resolution within seventy-two (72) hours of release. Any vaccinated domestic or hybrid animal

impounded may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

If the domestic or hybrid animal is unclaimed at the end of five (5) days, the authorities may dispose of the domestic or hybrid animal in accordance with applicable laws or rules and regulations.

**Section 9
Enforcement**

The Rabies Control Authority shall enforce the provisions of this Resolution.

**Section 10
Violation and Penalty**

If the owner of any domestic or hybrid animal or other animal fails or refuses to comply with the provisions of Sections 6 and 7 of this Resolution, the Rabies Control Authority shall obtain an order for seizure of such animal pursuant to Chapter 29, Article 8 of the Nebraska Revised Statutes.

Any person who violates any of the provisions of this resolution shall, pursuant to Nebraska Revised Statute §71-4410, be guilty of a Class V misdemeanor, punishable by up to a one hundred dollar (\$100) fine.

BE IT FURTHER RESOLVED that any provisions of prior resolutions of the Sarpy County Board of Commissioners which are in conflict with the provisions of this Resolution are hereby repealed.

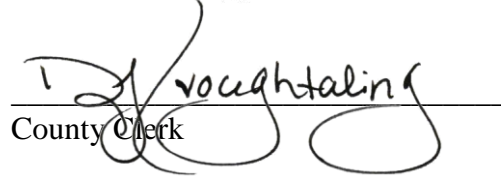
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the _____ 19th _____ day of _____ June _____, 2018.

Attest:



SEAL


Sarpy County Board Chairman


County Clerk