

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

**RESOLUTION ADOPTING AND ENACTING ANIMAL CONTROL REGULATIONS  
FOR LIABILITY REGARDING DAMAGES CAUSED BY DOGS**

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. Stat. § 54-601 declares a dog to be personal property of the owner or owners of such dog(s); and,

WHEREAS, Neb. Rev. Stats. § 54-601 and 54-606 address liability regarding damages that are caused by such dog(s); and,

WHEREAS, Neb. Rev. Stat. § 54-601 further defines exceptions to such liability; 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 liability regarding damages caused by dogs.

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

**Section 1  
Terms Defined**

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

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 persons for a period of not more than thirty (30) days.

The term” harassing or provoking,” whenever used in this Regulation, shall mean knowingly and intentionally attempting to interfere with, interfering with, teasing or harassing such dog in order to distract, or agitating or harming such dog.

**Section 2  
Owner Liability**

The owner or owners of any dog or dogs shall be liable for any and all damages that may occur:

- (1) To any person, other than a trespasser, by reason of having been bitten by any such dog or dogs; and,
- (2) To any person, firm, or corporation by reason of such dog or dogs killing, wounding, injuring, worrying, or chasing any person or persons or any sheep or other domestic animals belong to such a person, firm, or corporation.

Action for recovery of such damages may be brought in the appropriate Court.

**Section 3  
Exceptions**

A governmental agency or its employees using a dog in military or police work shall not be held liable under Section 2 above if:

- (1) The individual is a party to, participant in, or person reasonably suspected to be a party to or participant in the act that prompted the use of the dog in the military or police work;
- (2) The officers of the governmental agency were complying with a written policy on the necessary and appropriate use of a dog for military or police work adopted by the government agency;
- (3) The damage occurred while the dog was responding to a harassing or provoking act or the damage was the result of a reasonable use of force while the dog or dogs were assisting an employee of the agency in any of the following:
  - a. The apprehension or holding of a suspect if the employee has a reasonable suspicion of the suspect's involvement in criminal activity;
  - b. The investigation of a crime or possible crime;
  - c. The execution of a warrant; or
  - d. The defense of a peace officer or another person other than the suspect.

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.

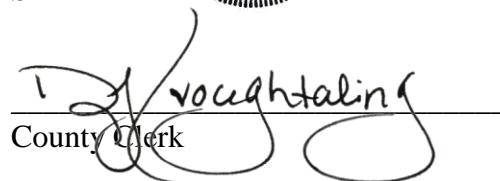
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the \_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2018.

Attest:



SEAL

  
Sarpy County Board Chairman

  
County Clerk