

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

**RESOLUTION ADOPTING AND ENACTING ANIMAL CONTROL REGULATIONS
FOR DANGEROUS DOGS IN SARPY COUNTY**

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. §54-624 empowers the County to establish and enforce laws regulating dangerous dogs; and,

WHEREAS, Neb. Rev. Stat. §54-618 outlines the responsibilities of an owner of a dangerous dog; and,

WHEREAS, Neb. Rev. Stat. §54-619 requires the humane confinement of dangerous dogs when not under the control of their owner; and,

WHEREAS, Neb. Rev. Stat. §54-620 empowers the animal control officer of counties to immediately confiscate dangerous dogs into custody and file complaints against the owner or owners of said dog in county court; and,

WHEREAS, the County has previously entered into a contract dated August 22, 2000, as well as several subsequent amendments to that contract, with the Nebraska Humane Society (NHS) for Animal Control Services, as is authorized under Nebraska Revised Statute §54-623.01; and,

WHEREAS, Neb. Rev. Stat. §54-621 empowers the County to order disposition of dogs found to be in violation of Neb. Rev. Stat. §54-618 in ways that seem reasonable and proper; and,

WHEREAS, Neb. Rev. Stat. §54-622 provides the penalty for failure to follow the provisions of Neb. Rev. Stat. §54-618; and,

WHEREAS, Neb. Rev. Stat. §54-622.01 provides for penalties if a dangerous dog inflicts serious bodily injury; and,

WHEREAS, Neb. Rev. Stat. §54-623 provides for the consequences of a violation of Nebraska Revised Statute §54-618; 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 “dangerous dog” and provides for enforcement of regulations to control such defined 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 regarding dangerous 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 spayed or neutered (altered).

**Section 2
Owner Defined**

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.

**Section 3
Dangerous Dog Defined**

The term “dangerous dog” shall mean any dog that, according to the records of the animal control authority, which has:

- (i) Killed a human being;
- (ii) Inflicted injury on a human being that requires medical treatment;
- (iii) Killed or inflicted serious injury on a domestic animal without provocation;
- (iv) Ferociously and without provocation has attacked, snapped at, or bitten one or more human beings, or one more other domestic animals, one or more times, or has history of any of such behaviors;
- (v) Been previously determined to be a potentially dangerous dog by the animal control authority of the county, the owner of which has received notice from the animal control authority of the county of such determination, and that 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.

**Section 4
Serious Bodily Injury Defined**

The term “serious bodily injury” whenever used in this Regulation shall mean bodily injury which involves a substantial risk of death, substantial risk of serious permanent disfigurement, or protracted loss or impairment of the function of any part or organ of the body.

Section 5 Exceptions

No dog may be declared to be a dangerous dog or a potentially dangerous dog if:

- (1) The dog inflicts injury or damage upon a human being committing a willful trespass or other tort upon property of the owner of the dog, , or a human being committing or attempting to commit a crime.
- (2) The dog was engaged in lawful activities of law enforcement officials.
- (3) The injury, or threat of safety was sustained by an individual who, at the time, was tormenting, abusing, or assaulting the animal, or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal.

Section 6 Dangerous dogs; action required

A dangerous dog that has been declared as such shall be:

- (1) Spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within 30 days of such declaration. The owner shall be responsible for the associated cost. 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 for transportation to a veterinarian, 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.

Section 7 Pound Master, Duties and Powers

It shall be the duty of NHS to act as pound master within Sarpy County and to seize and confine any dangerous dog or potentially dangerous dog if the owner is in violation of this Resolution.

If such complaint is founded upon facts, it shall be the duty of the pound master to impound such dog and he, she, or it may file or cause to be filed in Sarpy County Court a complaint against the owner or harbinger of such dog. Such complaint may alternatively be filed by the Sarpy County Sheriff. The owner or harbinger shall be liable for the reasonable costs associated with said impoundment.

Section 8 Disposition of Dangerous Dogs

If the owner or harbinger of a dog is adjudged guilty of violating this Resolution the court may, in addition to a possible monetary penalty as outlined in Section 9 below, require for the disposition of the offending dog as may seem reasonable and proper.

Disposition may include sterilization, seizure, or permanent assignment of such dog to a court-approved animal shelter or animal rescue. Reasonable costs of such disposition shall be the responsibility of the owner or harbinger.

Section 9
Violation of Resolution, Penalty

Failure to comply with this resolution shall constitute a violation of Nebraska Revised Statute §54-618. Pursuant to Nebraska Revised Statute §54-622, said violation is a Class IV misdemeanor, and is subject to a fine of up to \$500.

Additionally, pursuant to Nebraska Revised Statute §54-622.01, any owner whose dangerous dog inflicts on a human being a serious bodily injury is guilty of a Class I misdemeanor, punishable by up to one year imprisonment, or a \$1000 fine, or both. Any subsequent offense by the owner, whether or not the same dangerous dog is involved, is considered a Class IV felony punishable by up to two years imprisonment with 12 months post release supervision, or a \$10,000 fine, or both.

Further, pursuant to Nebraska Revised Statute §54-623, an owner who has been convicted under Nebraska Revised Statute §54-618 shall not own a dangerous dog within ten years after such conviction. Any owner in violation of this section shall be guilty of a Class IIIA misdemeanor which carries with it a maximum of seven days imprisonment, or a \$500 fine, or both.

Finally, if the dangerous dog of an owner with a prior conviction under Nebraska Revised Statute §54-618 attacks or bites a human being or domestic animal, the dangerous dog shall be immediately confiscated by animal control, placed in quarantine for the proper length of time, and thereafter may be destroyed in an expeditious and humane manner.

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.

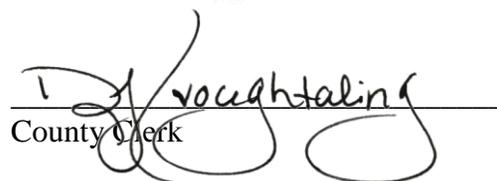
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the _____ 19th _____ day of _____ June _____, 2017.

Attest:



SEAL


Sarpy County Board Chairman


County Clerk