

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

**RESOLUTION ADOPTING AND ENACTING ANIMAL CONTROL REGULATIONS  
AGAINST ANIMAL CRUELTY 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. §28-1009 empowers the County to prohibit the abandonment or cruel neglect of an animal; and,

WHEREAS, Neb. Rev. Stat. §28-1009, empowers the County to prohibit the harassment of a police animal; and,

WHEREAS, Neb. Rev. Stat. §28-1009 additionally provides for the failure to follow the provisions of Neb. Rev. Stat. §28-1009; and,

WHEREAS, Neb. Rev. Stat. §28-1009.01 empowers the County to prohibit violence or interference with a service animal; and,

WHEREAS, Neb. Rev. Stat. §28-1009.01 additionally provides for the failure to follow the provisions of Neb. Rev. Stat. §28-1009.01; and,

WHEREAS, Neb. Rev. Stat. §28-1005, empowers the County to prohibit dogfighting, cockfighting, bearbaiting, or pitting an animal against another; and,

WHEREAS, Neb. Rev. Stat. §28-1005 further provides for the failure to follow the provisions of Neb. Rev. Stat. §28-1005; and,

WHEREAS, Neb. Rev. Stat. §28-1005.01, empowers the County to prohibit ownership or possession of animal fighting paraphernalia; and,

WHEREAS, Neb. Rev. Stat. §28-1005.01 also provides for the failure to follow the provisions of Neb. Rev. Stat. §28-1005.01; and,

WHEREAS, Neb. Rev. Stat. §28-1006 provides for prompt investigation of and arrest for any violation of §28-1005 or §28-1005.01; and,

WHEREAS, Neb. Rev. Stat. §28-1019 (1)(a) empowers the County to prohibit ownership, possession, or residing with animals when a person is convicted under Section 28-1005 or 28-1009; and,

WHEREAS, Neb. Rev. Stat. §28-1019 (b) empowers the County to prohibit ownership, possession, or residing with animals when a person is convicted under section 28-1005.01 or 28-1009; and,

WHEREAS, Neb. Rev. Stat. §28-1019(c) provides for seizure by law enforcement of any animal involved in a violation of a court order under subdivision (1)(a) or (b) of 28-1019; and,

WHEREAS, Neb. Rev. Stat. §28-1010 empowers the County to prohibit indecency with an animal; and,

WHEREAS, Neb. Rev. Stat. §28-1010 additionally provides for the failure to follow the provisions of Neb. Rev. Stat. §28-1010; and,

WHEREAS, Neb. Rev. Stat. §28-1012, empowers law enforcement to obtain a warrant for entry upon private property to inspect, care for, or impound the animal; and

WHEREAS, Neb. Rev. Stat. §28-1012, further empowers law enforcement to seize any animal, equipment, or device involved in a violation of Section 28-1009 or 28-1010; 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; 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 “animal cruelty” and provides for enforcement of regulations to prevent such actions.

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 prohibiting animal cruelty in Sarpy County, Nebraska, and outside the limits of any incorporated city or village in said Sarpy County:

### **Section 1 Animal Defined**

Whenever used in this Regulation, “Animal” shall mean any vertebrate member of the animal kingdom.

Whenever used in this Regulation, “Police Animal” shall mean horse or dog owned or controlled by the State of Nebraska or by any county, city, or village for the purpose of assisting a law enforcement officer in the performance of his or her official enforcement duties.

Whenever used in this Regulation, “Service Animal” shall mean an animal that one knows or has reason to believe is a service animal for a blind or visually impaired person, a deaf or hearing-impaired person, or a physically limited person.

## **Section 2**

### **Who Deemed Owner or Custodian**

The term “Owner” or “Custodian” means any person owning, keeping, possessing, harboring, or knowingly permitting an animal to remain on or about any premises owned or occupied by such person.

## **Section 3**

### **Animal Cruelty Terms Defined**

The term “Cruelly Mistreat” shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal.

The term “Cruelly Neglect” shall mean to fail to provide any animal in one’s care, whether as owner or custodian, with food, water, or other care as is reasonably necessary for the animal’s health.

The term “Dogfighting” shall mean the pitting of a dog against another dog; the term “Cockfighting” shall mean pitting of a fowl against another fowl; the term “Bearbaiting” shall mean the pitting of any animal against a bear; and “Pitting” shall mean bringing animals together in combat.

The term “Repeated Beating” means intentional successive strikes to an animal by a person resulting in serious bodily injury or death to the animal.

The term “Serious Injury or Illness” includes any injury to or illness of any animal which creates a substantial risk of death or which causes broken bones, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.

The term “Torture” means intentionally subjecting an animal to extreme pain, suffering, or agony. The term “Torture” does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state when that conduct conforms to accepted veterinary practices.

The term “Animal Fighting Paraphernalia” means equipment, products, and materials of any kind that are used, intended for use, or designed for use in the training, preparation, conditioning, or furtherance of the pitting of an animal against another.

## **Section 4**

### **Pound Master, Duties and Powers**

It shall be the duty of NHS to act as pound master within Sarpy County and to investigate any complaint received regarding animal cruelty.

If such complaint is founded upon facts, it shall be the duty of the pound master to impound such animal and he, she, or it may file or cause to be filed in Sarpy County Court a complaint against the owner or harborer of such animal. Such complaint may alternatively be

filed by the Sarpy County Sheriff. The owner or harborer shall be liable for the reasonable costs associated with said impoundment.

### **Section 5**

#### **Abandonment and Cruel Neglect of Animal Prohibited**

No person shall intentionally, knowingly, or recklessly abandon or cruelly neglect an animal.

### **Section 6**

#### **Police Animal Harassment Prohibited**

No person shall knowingly and intentionally tease or harass a police animal in order to distract, agitate, or harm the police animal for the purpose of preventing such animal from performing its legitimate official duties.

### **Section 7**

#### **Violence, Interference with Service Animal Prohibited**

No person shall commit violence on a service animal by (a) intentionally injuring, harassing, or threatening to injure or harass such animal (b) attempting to intentionally injure, harass, or threaten an animal that he or she knows or has reason to believe is a service animal.

A person commits the offense of interference with a service animal when he or she (a) intentionally impedes, interferes, or threatens to impede or interfere with such animal (b) attempts to internally impede interfere, or threaten to impede or interfere with an animal that he or she knows or has reason to believe is a service animal.

### **Section 8**

#### **Animal Fighting Prohibited**

No person shall knowingly promote, engage in, or be employed at dogfighting, cockfighting, bearbaiting, or pitting any animal against another. No person shall receive money for the admission of another person to a place kept for such purpose. No person shall own, use, train, sell, or possess an animal for such purpose. No person shall permit such acts to occur on any premises owned or controlled by him or her. No person shall knowingly and willingly be present at, or witness as a spectator, dogfighting, cockfighting, bearbaiting, or the pitting of any animal against another.

### **Section 9**

#### **Possession of Animal Fighting Paraphernalia Prohibited**

No person shall knowingly or intentionally own or possess animal fighting paraphernalia with the intent to commit a violation of Section 8.

### **Section 10**

#### **Indecency with Animal Prohibited**

No person shall commit indecency with an animal by subjecting an animal to sexual penetration.

## **Section 11**

### **Disposition of any Equipment, Device, Other Property or Animal Involved in a Violation**

If the owner or harbinger of the animal is adjudged guilty of animal abuse in Sarpy County, the court may, in addition to a possible monetary penalty as outlined in Section 12 below, require for the disposition of the offending animal, equipment, device, or other property involved in a violation, as may seem reasonable and proper.

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

Any equipment, device, or other property involved in a violation shall be subject to seizure and distribution or disposition as the court may direct.

## **Section 12**

### **Violation of Resolution, Penalty**

Failure to comply with Section 5 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1009. Pursuant to Nebraska Revised Statute §28-1009, said violation is a Class I misdemeanor for the first offense, and is subject to not more than one year imprisonment, a one thousand dollar fine, or both, unless the abandonment or cruel neglect results in serious injury or illness or death of the animal, in which case it is a Class IV felony, and is subject to a maximum of two year imprisonment and twelve months post-release supervision, or a ten thousand dollar fine, or both.

A violation of Section 5 that involves the knowing and intentional torture, repeated beating, or mutilation of the animal is a Class IIIA felony and is subject to a maximum of three years imprisonment and eighteen months post-release supervision, or a ten thousand dollar fine, or both.

A subsequent violation of Section 5 is a Class IIIA felony and is subject to a maximum of three years imprisonment and eighteen months post-release supervision, or a ten thousand dollar fine, or both.

Failure to comply with Section 6 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1009. Pursuant to Nebraska Revised Statute §28-1009, said violation is a Class IV misdemeanor and subject to a maximum of a five hundred dollars fine. unless the harassment is the proximate cause of the death of the police animal, in which case it is a Class IIIA Felony and subject to a maximum of three years imprisonment and eighteen months post-release supervision, a ten thousand dollar (\$10,000) fine, or both.

Failure to comply with Section 7 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1009.01. Pursuant to Nebraska Revised Statute §28-1009.01, said violation is a Class III misdemeanor, and is subject to a maximum of three months' imprisonment, or a five hundred dollar fine, or both.

Failure to comply with Section 8 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1005. Pursuant to Nebraska Revised Statute §28-1005, said violation is a Class IIIA felony subject to three years imprisonment and eighteen months post-release supervision, a ten thousand dollar fine, or both. Such violation may also subject an individual to a conviction pursuant to Nebraska Revised Statute §28-1019, for which a court may order the violator not to own, possess, or reside with any animal for at least five years, but not more than fifteen years, after the date of conviction.

Failure to comply with Section 9 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1005.01. Pursuant to Nebraska Revised Statute §28-1005.01, said violation is a Class I misdemeanor, and is subject to up to one year imprisonment, a one thousand dollar fine, or both. Such violation may also subject an individual to a conviction pursuant to Nebraska Revised Statute §28-1019, for which a court may order the violator not to own, possess, or reside with any animal for at least five years, but not more than fifteen years, after the date of conviction.

Failure to comply with Section 10 of this Resolution shall constitute a violation of Nebraska Revised Statute §28-1010. Pursuant to Nebraska Revised Statute §28-1010, said violation is a Class III misdemeanor and is subject to a maximum of three months' imprisonment, a five hundred dollar fine, or both. Such violation may also subject an individual to conviction a pursuant to Nebraska Revised Statute §28-1019, for which a court may order the violator not to own, possess, or reside with any animal for at least five years, but not more than fifteen years, after the date of conviction.

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.

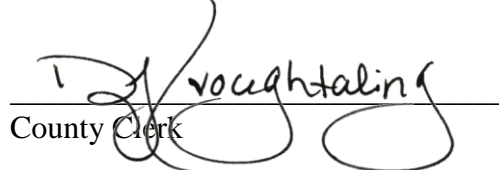
The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the \_\_\_\_\_ 19th \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2018.

Attest:



SEAL

  
\_\_\_\_\_  
Sarpy County Board Chairman

  
\_\_\_\_\_  
County Clerk