

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

**RESOLUTION ADOPTING AND ENACTING ANIMAL CONTROL REGULATIONS
AGAINST PUBLIC NUISANCE CAUSED BY ANIMALS 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. § 28-1322 prohibits any person from intentionally disturbing the peace and quiet of any person, family, or neighborhood; and,

WHEREAS, Neb. Rev. Stat. § 28-1322 further specifies the penalty for disturbing the peace; and,

WHEREAS, Neb. Rev. Stat. § 28-523 prohibits littering on public and private property; and,

WHEREAS, Neb. Rev. Stat. § 28-523 further specifies the penalty for littering; and,

WHEREAS, Neb. Rev. Stat. § 71-501 empowers the County Board to make and enforce regulations to prevent the introduction and spread of contagious, infectious, and malignant diseases in the County; and,

WHEREAS, Neb. Rev. Stat. § 71-501 further empowers the County Board to make rules and regulations to safeguard the health of the people and prevent nuisances and insanitary conditions; 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 "public nuisance caused by animals" and provides for enforcement of regulations against 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 regarding public nuisance caused by animals in Sarpy County, Nebraska, and outside the limits of any incorporated city or village in said Sarpy County:

**Section 1
Terms Defined**

The word "litter" as used in this Resolution shall mean all waste material susceptible of being dropped, deposited, discarded or otherwise disposed of by any person upon any property in Sarpy County but does not include wastes of primary processes of farming or manufacturing,

and/or any material appearing in a place or context not associated with that material's function or origin.

The word "owner" as used in this Resolution 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 2

Littering of Animal Waste

Any person who deposits, throws, discards, or otherwise disposes of animal waste on any public or private property or in any waters commits the offense of littering unless:

- (1) Such property is an area designated by law for the disposal of such material and such person is authorized by the proper public authority to so use such property; or
- (2) The litter is placed in a receptacle or container installed on such property for such purpose.

It shall be unlawful for any person owning, keeping or harboring an animal or allowing such animal to be under his charge or control to do any of the following:

- (1) Permit an animal to defecate on any privately owned or occupied property other than that of the owner or the person having control of the animal without immediately cleaning or removing the excrement;
- (2) Permit an animal to defecate on public property, including designated off leash dog parks, without immediately cleaning or removing the excrement.

Section 3

Obstruction of Enjoyment

It shall be unlawful for any person owning an animal to permit that animal to unreasonably obstruct the use and enjoyment of property held by others in the community by allowing such animal to habitually bark, howl, yelp, or make other noise which by loudness or frequency causes a breach of the peace.

It shall be unlawful for any person owning an animal to permit the animal to engage in menacing behavior including but not limited to the chasing of vehicles or the frightening of passerby or neighbors.

Section 4

Unsanitary conditions

It shall be unlawful for any person owning an animal to permit unsanitary conditions to exist on any premises where an animal is kept which would cause foul or obnoxious odors, attract flies or vermin, or otherwise threaten the public health and safety.

Section 5

Violation of Resolution, Penalty

Failure to comply with Section 2 of this Resolution shall constitute a violation of Nebraska Revised Statute § 28-523. Pursuant to Nebraska Revised Statute § 28-523, said person shall be guilty of a Class III misdemeanor for the first conviction of littering and subject to a maximum of three (3) months' imprisonment, a five hundred dollar (\$500) fine, or both.

A person convicted of the offense of littering for the second time shall be guilty of a Class II misdemeanor and subject to a maximum six (6) months' imprisonment, a one thousand dollar (\$1000) fine, or both.

A person convicted of the offense of littering for the third or a subsequent time shall be guilty of a Class I misdemeanor and subject to not more than one (1) year imprisonment, a one thousand dollar (\$1000) fine, or both.

Failure to comply with Sections 3 and/or 4 of this Resolution shall constitute a violation of Nebraska Revised Statute § 28-1322. Pursuant to Nebraska Revised Statute § 28-1322, said person shall be guilty of a Class III misdemeanor and subject to a maximum of three (3) months' imprisonment, a five hundred dollar (\$500) fine, or both.

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.

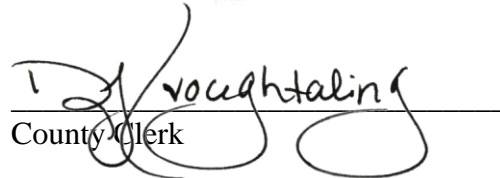
Attest:



SEAL



Sarpy County Board Chairman



County Clerk