

**BEFORE THE BOARD OF COUNTY SUPERVISORS
OF HALL COUNTY, NEBRASKA**

**IN THE MATTER OF OWNERSHIP
OF ANIMALS IN HALL COUNTY,
NEBRASKA**

RESOLUTION NO. 16-069

WHEREAS, the Board of County Supervisors of Hall County, Nebraska is desirous of passing an updated resolution approving the regulation of the ownership of animals in Hall County, Nebraska reflective of the Revised Statutes of Nebraska; and

WHEREAS the Board of County Supervisors of Hall County, Nebraska is desirous of passing an updated resolution to provide for the regulation of animals, to guard against injuries and annoyances derived from animals running at large or dangerous animals, and to regulate sales, purchases and such other acts as permitted or prohibited under the **Revised Statutes of Nebraska (Reissue 2010)**; and

WHEREAS, the last time any similar Resolution was passed was on July 9, 1968; and

WHEREAS the Board of County Supervisors of Hall County, Nebraska is desirous of passing an updated resolution to provide for an Animal Control Authority Agreement with the Central Nebraska Humane Society pursuant to **Rev. Neb. Stat. §54-623.01 (Reissue 2010)**; and

WHEREAS, the last time said Agreement between Hall County and the Central Nebraska Humane Society was updated was August 4, 2004; and

WHEREAS the Board of County Supervisors of Hall County, Nebraska, believes that it is in the best interests of the citizens and residents of Hall County, Nebraska, as well as such animals within Hall County, that a resolution be adopted approving such regulations and agreements.

Now, THEREFORE, BE IT RESOLVED, by the Board of County Supervisors of Hall County, Nebraska that the following regulations pertaining to the ownership and regulation of animals and livestock animals within Hall County Nebraska are approved for adoption.

Article I: Terms

§1. Terms, Defined.

As used in this Resolution, unless the context otherwise requires, the following terms shall be defined as follows:

1. ***Abandon***: Pursuant to **Neb. Rev. Stat. §§28-1008 and 54- 617**, abandon shall mean to leave any animal or livestock animal in one's care, whether as owner or custodian, for any length of time without making effective provisions for its food, water, shelter, containment, and veterinary or other care as is reasonably necessary for the animal's health, safety and welfare.
2. ***Animal***: Pursuant to **Neb. Rev. Stat. §§28-1008 and 54- 617**, animal shall mean any male or female vertebrate member of the animal kingdom, excluding:
 - a. Human beings;

- b. Animals that are sold commercially as food for human consumption;
 - c. Animals that are slaughtered as food for human or animal consumption;
 - d. Animals that are slaughtered or processed for human use;
 - e. Animals that are used for scientific research conducted at commercial or academic facilities;
 - f. Animals that are used as commonly acceptable bait for lawful fishing activities;
 - g. Livestock animals; or
 - h. Vermin.
3. Animal Abuse: Animal abuse shall mean the knowing, willful, intentional, negligent, reckless and/or inhumane killing, maiming, injuring, torturing, or beating of any animal or livestock animal with the following exceptions:
- a. Euthanasia or treatment by a Veterinarian or at a
 - i. Veterinary Hospital or Clinic or Animal Control Facility;
 - ii. Killing or injuring by members of law enforcement or Animal Control Officers in the course of their duties;
 - iii. Killing or injuring by persons protecting themselves or others from potential death or serious injury; or
 - iv. Training or disciplining an animal using commonly accepted methods.
4. Animal Control Authority: Pursuant to **Neb. Rev. Stat. §54-617**, animal control authority means any entit(ies) authorized to enforce the animal control laws of any county, city or village of this state and any applicable state or federal animal control laws, Animal Control Authority also includes any law enforcement agencies or other agencies designated by a county, city or village to enforce the animal control laws of such county, city or village or any applicable state, or federal animal control laws.
5. Animal Control Officer: Pursuant to **Neb. Rev. Stat. §54-617**, animal control officer shall mean any individual employed, appointed, authorized or designated by any Animal Control Authority or law enforcement agency for the purpose of aiding in the enforcement of any local, County, State and/ or Federal animal and/or livestock ordinances, laws, rules and regulations relating to the licensure of animals, control of animals, or seizure and impoundment of animals, and includes any law enforcement officer or other employee whose duties in whole or in part include assignments of seizure and impoundment of animals.
6. Animal Shelter: Pursuant to **Neb. Rev. Stat. §28-1018**, animal shelter shall mean any facility used to house or contain dogs and cats and owned, operated or maintained by an incorporated humane society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, protection and humane treatment of such animals, or such facility named by the County as an animal control authority used for the impoundment, maintenance and disposition of animals and/or livestock animals held under the authority of this Resolution, state laws or County Ordinances.
7. Auctions or Exchange Facility or Venue: Pursuant to **Neb. Rev. Stat. §54-7, 105.01**, auction or exchange facility or venue shall mean any event or commercial establishment, place, or facility where animals or livestock animals are regularly consigned, bought, sold, exchanged, given away, traded or otherwise transferred. This section does not apply to individual sales or transfers of pets or livestock animals by their owners.
8. Bedding: Shall mean any dry material such as straw, wood chips, or any other absorbent material that provides insulation for animals and/or livestock animals.
9. Birds: Shall mean any male or female feathered vertebrate, including pigeons.

10. Bite: Shall mean any seizure with the teeth or mouth by an animal or livestock animal which causes any abrasion, breaking of the skin, bleeding, or other physical harm or damage.
11. Boarding Kennel or Stable: Pursuant to **Neb. Rev. Stat. § 54-626**, boarding kennel or stable shall mean any commercial facility used to house dogs, cat, horses, mules, or donkeys owned by persons other than the owner or operator or such facility. The primary function of a boarding kennel is to temporarily harbor animals when the owner of the animal(s) is unable to do so or to provide training, grooming, or other non-veterinary service for consideration before returning the animal(s) to the owner. A facility which provides such training, grooming, or other non-veterinary service is not a boarding kennel or stable unless animal(s) owned by persons other than the operator of such facility are housed at such facility overnight. Veterinary clinics, animal control facilities, animal rescues, and nonprofit animal shelters are not boarding kennels or stables.
12. Casual Breeder: Pursuant to **Neb. Rev. Stat. §28-1008**, casual breeder shall mean any person or entity, other than a commercial cat or dog breeder, who offers for sale, trades, leases, or receives any consideration for, one or more animals from a litter produced from an animal owned or leased by such person or entity.
13. Circus: Shall mean a commercial variety show featuring animal or livestock animal acts for public entertainment.
14. Commercial Animal Establishment: Shall mean any pet shop, grooming shop, auction facility, riding school or boarding, breeding or other kennel, stable, cattery, aviary, performing animal or livestock animal exhibition, or a breeding or boarding kennel with the following exceptions:
 - a. An animal shelter;
 - b. A veterinary hospital or clinic;
 - c. A commercial facility that sells, slaughters, or processes animals; or
 - d. A commercial or academic animal research facility.
15. Commercial Cat or Dog Breeder or Dealer: Pursuant to **Neb. Rev. Stat. § 54-626**, commercial cat or dog breeder shall mean a person engaged in the business of selling cats or dogs who sells, exchanges, leases, or in any way offers to sell, exchange, lease or transfer thirty-one or more cats or dogs in a twelve-month period beginning on April 1 of each year, who owns or harbors four or more cats or dogs, intended for breeding, in a twelve-month period beginning on April 1 of each year, whose cats or dogs produce four or more litters within a twelve-month period beginning on April 1 of each year, or who knowingly sells, exchanges or leases cats or dogs for later retail sale or brokered trading. Dealer shall mean any person or entity who is not a commercial cat or dog breeder or a pet shop who is engaged in the business of buying for resale or selling or exchanging, cats or dogs as a principal agent or who claims to be so engaged. A person or entity who sells, exchanges or leases thirty or fewer cats or dogs within a twelve-month period beginning on April 1 of each year is not a dealer.
16. Cruelly mistreat: Pursuant to **Neb. Rev. Stat. §§28-1008 and 54-617**, cruelly mistreat shall mean to knowingly and intentionally kill, maim, disfigure, torture, beat, mutilate, burn, scald, or otherwise inflict harm upon any animal or livestock animal
17. Cruelly neglect: Pursuant to **Neb. Rev. Stat. §§28-1008 and 54- 617**, cruelly neglect shall mean to fail to provide any animal or livestock animal in one's care, whether as owner or custodian, with food, water, medical care and/or other care as is reasonably necessary for the animal's health and/or welfare.
18. Dangerous Animal: Pursuant to **Neb. Rev. Stat. §54- 617**, dangerous animal shall mean any animal or livestock animal that has killed a human being, has inflicted injury on a human being that requires medical treatment, has been previously determined to be a potentially dangerous animal

by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the animal inflicts an injury on a human being, injures a domestic animal, or threatens the safety of humans or domestic animals or livestock, or has killed a domestic animal or livestock animal without provocation with the following exceptions:

- a. An animal that was provoked;
 - b. An animal that is serving as a guard for persons or property; or
 - c. An animal that kills or injures a person who is trespassing.
 - d. An animal performing his or her duty as a law enforcement or military animal under the direction of his or her law enforcement or military handler.
19. Domestic animal: Pursuant to **Neb. Rev. Stat. §54-183**, shall mean a cat, a dog, a pet bird or a livestock animal.
 20. Enclosure: Pursuant to **Neb. Rev. Stat. §54-646**, enclosure shall mean any structure used or intended to immediately restrain or contain an animal or livestock animal by means of a building, fence, kennel, compartment or any other means.
 21. Exotic Animal: Pursuant to **Neb. Rev. Stat. §54-7,105.01 (Reissue 2010)**, Exotic animal or Exotic Pet means any animal which is not commonly sold through licensed livestock markets pursuant to the Livestock Auction Market Act. Such animals shall include, but not be limited to, miniature cattle (bovine), miniature horses and miniature donkeys (equine), miniature sheep (ovine) and miniature goats (caprine), alpacas and llamas (camelid), pot-bellied pigs (porcine), small mammals (with the exception of cats of the *felis domesticus* species and dogs of the *canis familiaris* species), monkeys, squirrels, chipmunks, raccoons, skunks, snakes, lions or other non-domesticated cat species, wolf hybrids and foxes. The term also includes birds and poultry, but does not include beef and dairy cattle, calves, swine, bison or domesticated cervine animals.
 22. Fowl: Shall mean any species of domesticated poultry or pen-raised game birds, other than pigeons.
 23. Hybrid animal: Shall mean any animal which is the product of the breeding of a domestic animal with a nondomestic animal species.
 24. Humane killing or Humane Destruction or Humane euthanasia: Pursuant to **Neb. Rev. Stat. §28-1008**, humane killing or humane destruction or humane euthanasia shall mean the destruction of an animal by a humane method which causes the animal a minimum of pain and suffering.
 25. Kennel: Shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
 26. Livestock or Livestock Animal: Pursuant to **Neb. Rev. Stat. §§ 54-183 and 54-617**, livestock animal shall mean any hoofed animal commonly associated with domestic agricultural purposes, including but not limited to: horses, mules, donkeys, cows, sheep, goats, llamas, hogs, bovine, equine, swine, sheep, goats, and domesticated cervine animals, as well as ratite birds, or any species of poultry, other than pigeons. Livestock also includes buffalo, deer, antelope, fowl, and any animal in a zoo, wildlife park, refuge, nature park or nature center intended to be on exhibit.
 27. Medical treatment: Pursuant to **Neb. Rev. Stat. §28-1008**, medical treatment shall mean treatment administered by a physician, veterinarian or other licensed health care professional, including that resulting in sutures, surgery, and treatment for one or more broken bones.
 28. Mutilation: Pursuant to **Neb. Rev. Stat. §28-1008**, mutilation shall mean intentionally causing permanent injury, disfigurement, degradation of function, incapacitation, or imperfection to an animal or livestock animal. Mutilation does not include conduct performed by a veterinarian licensed to practice veterinary medicine and surgery in this state or conduct that conforms to

commonly accepted animal husbandry or grooming practices.

29. Owner or Custodian: Pursuant to **Neb. Rev. Stat. §§ 28-1008 and 54-617**, owner or custodian shall mean any person(s), or firm(s), corporation(s), organization(s), political subdivision(s) or department(s) possessing, harboring, keeping, or having control or custody of an animal or livestock animal, or anyone knowingly permitting an animal or livestock animal to remain on or about any premises owned or occupied by such person.
30. Performing Animal Exhibition: Shall mean any spectacle, display, act, circus, fair, or event in which animals or livestock animals perform.
31. Person: Pursuant to **Neb. Rev. Stat. § 54-187**, person shall mean and include any individual or business entity such as a firm, partnership, corporation, association, business, limited liability company or partnership, or agents or servants of an individual or business entity.
32. Pet: Pursuant to **Neb. Rev. Stat. § 54-645**, pet shall mean any animal or livestock animal kept for pleasure or companionship rather than solely for utility.
33. Pet Shop: Shall mean any person, partnership, or corporation, whether operated separately or in connection with another business except for a licensed kennel or stable that buys, sells, or boards any species of animal or livestock animal.
34. Potentially Dangerous Animal: Pursuant to **Neb. Rev. Stat. §54-617**, potentially dangerous animal shall mean any animal that when unprovoked:
 - a. inflicts an injury on a human being that does not require medical treatment; or
 - b. injures a domestic animal or livestock animal; or
 - c. chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; or
 - d. Any specific animal with a known propensity, tendency, training or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals or livestock animals.
35. Restraint: Shall mean securing an animal or livestock animal by a leash or lead, which results in it being under the control of owner or custodian, or being confined within the real property limits of its owner or custodian by means of approved enclosure.
36. Riding School or Riding Stable: Shall mean any place which has available for hire, any equine species, including horses, ponies, donkeys, mules, and burros.
37. Running at Large: Running at Large shall mean any dog or other animal outside the premises of its owner or custodian and not controlled by a collar, leash, cord, chain, lead rope, rope, cage, kennel or other suitable means of restraint.
38. Shelter: Shelter shall mean any structure with a roof and at least three (3) walls designed and capable of protecting and/or housing one or more animals or livestock animals while providing protection from the elements and affording any animal or livestock animal housed or protected in it, the space to sit, stand, lie down, and turn around.
39. Sheriff: Shall mean the sheriff of Hall County, his or her Deputies, or such Sheriff's duly authorized representative(s).
40. Stable or Boarding or Breeding Stable: Shall mean any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling horses or other animals or livestock animals other than dogs or cats.
41. Torture: Shall mean subjecting an animal or livestock animal to pain, suffering, or agony with the following exceptions:
 - a. The slaughter of animals or livestock as food for human or animal consumption;
 - b. The slaughter or processing of animals or livestock for human use;

- c. The use of animals or livestock animals for scientific research conducted at commercial or academic facilities;
 - d. The use of animals as commonly acceptable bait for lawful fishing activities;
 - e. The extermination of vermin;
 - f. The euthanizing or treatment of an animal or livestock animal by a Veterinarian or at a Veterinary Hospital or Clinic;
 - g. The euthanizing or treatment of an animal or livestock animal at an animal control facility;
 - h. The killing or injuring of animals or livestock animals by members of law enforcement or Animal Control Officers in the course of their duties;
 - i. The killing or injuring of animals or livestock animals by persons protecting themselves or others from potential death or serious injury; or
 - j. The training or disciplining of animals or livestock animals using commonly accepted methods.
42. *Vermin*: Shall mean animals that infest places where humans live, work, or control and which are commonly considered objectionable, excluding animals used solely as feeder animals. Examples include but are not limited to rodents, insects and wild bee colonies.
43. *Wild Animal or Wild Creature*: Shall mean any animal or livestock animal that is native to a foreign country, of foreign origin or character, not native to the United States, not native to the State of Nebraska, and/or is any wild, poisonous, or potentially dangerous animal not normally considered domesticated, including, but not limited to monkeys, squirrels, chipmunks, raccoons, skunks, snakes, lions or other non-domesticated cat species, wolf hybrids and foxes.

Article II: Enforcement.

§1. Enforcement; Jurisdiction; Agencies; Duties.

1. This Resolution shall be enforced outside of the limits of any city or village located within the corporate and/or geographical boundaries of Hall County, or within cities or village limits contracted with Hall County Sheriff's Department for the provision of law enforcement services therein.
2. The provisions of this Resolution and County Ordinances shall be enforced by the agency with which the County contracts to enforce said provisions and the Hall County Sheriff's Department. All employees of said Animal Control Authority shall be designated Animal Control Officers (ACO's) for the purposes of this Resolution and the County Ordinances.
3. The County Health Department shall assist in enforcement of this Resolution and with County Ordinances relating to public health, safety and welfare.
4. This Resolution shall not apply to:
 - a) Care or treatment of any animal or livestock animal by veterinarian(s) licensed under the Nebraska Veterinary Practice Act until December 1, 2008, and the Veterinary Medicine
 - b) Commonly accepted care or treatment of a police or military animal or police or military livestock animal by a law enforcement or military officer in the normal course of his or her duties;
 - c) Research activity carried on by any research facility currently meeting the standards of the federal Animal Welfare Act, 7 U.S.C. 2131 et seq., as such act existed on January 1, 2003;
 - d) Commonly accepted practices of hunting, fishing, or trapping;

- e) Commonly accepted practices occurring in conjunction with rodeos, animal racing, hunting tests, field trials, herding trials, pulling contests; or other similar such exhibitions or contests;
- f) Humane killing or euthanasia of an animal or livestock animal by the owner or by his or her agent or a veterinarian upon the owner's request;
- g) Commonly accepted practices of animal husbandry with respect to farm animals, including livestock animals and commercial livestock operations, including their transport from one location to another and non-negligent actions taken by personnel or agents of the Nebraska Department of Agriculture or the United States Department of Agriculture in the performance of duties prescribed by law;
- h) Use of reasonable force against an animal or livestock animal, other than a police or military animal, which is working, including killing, capture, or restraint, if the animal or livestock animal is outside the owned or rented property of its owner or custodian and is injuring or posing an immediate threat to any person or other animal;
- i) Killing of house or garden pests or vermin;
- j) Commonly followed practices occurring in conjunction with the slaughter of animals or livestock for food or byproducts; and
- k) Commonly accepted animal or livestock training practices.

§2. Interference with Animal Control Officer.

It shall be unlawful for any person to interfere with a Sheriff or an Animal Control Officer (ACO) in the performance of his or her duties. The enforcement of the provisions of this Resolution shall be under the direction of the Hall County Sheriff or Animal Control Authority. For the purpose of enforcing the above regulations or abating any violation or nuisance existing hereunder, the sheriff may enter upon private premises, and may impound any such animal.

Article III: Commercial Animal Establishments.

§1. Commercial Animal Establishments.

Pursuant to **Neb. Rev. Stat. §54-633**, all provisions of this Resolution and any County Ordinances relating to the care and control of animals and livestock animals shall apply to commercial animal establishments as well as to all animals not kept for sale or resale.

§2. Commercial Establishments; Inspections.

Pursuant to **Neb. Rev. Stat. §54-705**, it shall be a condition of the issuance of a permit for operating a commercial animal establishment that the Animal Control Authority on behalf of the County, the Sheriff's Department, the County's designee or the Health Department shall be permitted to inspect the premises and all animals thereon semi-annually. Refusal to allow an inspection by any authorized agent of the County or Health Department shall be grounds for revocation of said permit. All commercial animal establishments shall comply with any standards regarding sanitation, care, and adequate housing such as may be promulgated and adopted by the Animal Advisory Board and approved by the County Board. Copies of any such standards regarding sanitation, care, and adequate housing shall be on file with the County Clerk and/or the Animal Control Authority, and shall be available for public inspection. Commercial animal establishments shall also comply with all other applicable local, state, or federal laws governing them.

Article IV: Animal Care and Welfare.

§1. Shelter Required.

No owner shall fail to provide pets or other animals or livestock with shelter of sufficient size to allow each pet to stand, turn around, and lie down, and be of sufficient construction to shield the pets from the wind, sun, precipitation and extreme weather conditions. No owner shall fail to keep the animal or livestock shelters and enclosures on his or her property clean and in a sanitary condition.

§2. Food, Water, Care, Grooming

Owners and caretakers shall provide at a minimum:

1. Food of sufficient quantity and nutritive value to meet the daily requirements for the condition and size of each animal, and fresh, clean water for his or her animals in containers of sufficient weight and design as to preclude readily tipping over and spilling the contents.
2. Adequate shelter in subzero degree temperatures, excessive heat or stormy weather.
3. Sufficient grooming of animals as may be required to keep such animals free from dangerous matting, skin diseases and insect infestations which can affect the health of the animals.
4. Keep the enclosure or tethered area where the animals are kept free from unsanitary or dangerous conditions that may cause injury to the animals or in any other way endanger the health of the animals.
5. Appropriate veterinary care for treatment of injuries, parasite and disease, sufficient to maintain good health of the animals.

§3. Cruelty to, Abuse and Neglect of and Abandonment of Animals or Livestock Animals Prohibited.

1. Pursuant to **Neb. Rev. Stat. §§ 28-1009 and 54-903**, no person shall beat, cruelly mistreat, torment, tease, torture, cruelly neglect, abandon or otherwise abuse any animal or livestock animal.
2. No person shall cause, instigate, or permit any fight or other combat between animals or livestock animals, or between animals and humans or livestock animals and humans for fee, entertainment or exhibition.
3. No person shall cause, place or confine an animal or livestock animal or allow an animal or livestock animal to be confined in a dwelling, motor vehicle or trailer under such conditions or for such periods of time as to endanger the health or well-being of the animal or livestock animal including, but not limited to, extremes of heat or cold, lack of food or water, or any other circumstance which may cause suffering, disability, injury or death.

Article IV: Rabies Control.

§1. Rabies Vaccinations.

1. Pursuant to **Neb. Rev. Stat. § 71-4402**, no owner of any dog or cat over the age of three (3) months shall fail to cause the same to be vaccinated against rabies by a duly licensed veterinarian.
2. No owner of any dog or cat vaccinated as required by subsection (A) shall fail to have such dog or cat revaccinated within ten days of the expiration date set forth for the original or

any subsequent vaccination of said dog or cat.

§2. Vaccination Certificates—Issuance and Exhibition.

Every veterinarian who vaccinates any dog or cat for rabies shall provide the owner thereof with a certificate showing the date of such vaccination. The owner of a vaccinated dog or cat shall exhibit the certificate of vaccination to any animal control officer upon demand.

§3. Rabies Control; Reporting and Impoundment.

Pursuant to **Neb. Rev. Stat. § 71-4402,**

1. 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 Sheriff or Animal Control Authority for a period of not less than ten 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 State of Nebraska to be a rabid species; or
 - c) The animal is of a species which has been determined by the State of Nebraska to be a rabid species not amenable to rabies protection by immunization, whether or not such animal has been vaccinated. If, after observation and examination by a veterinarian, at the end of the ten-day period the animal shows no clinical signs of rabies, the animal may be released to its owner unless otherwise prohibited by law.

2.
 - a) Except as provided in subdivision (b) of this subsection, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with State law or regulation or if such injury to a person is caused by an owned animal determined by the State of Nebraska to be a rabid species amenable to rabies protection by immunization which has been vaccinated, such animal shall be confined by the owner or other responsible person as required by the animal control authority for a period of at least ten days and shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement unless ownership of the animal is otherwise prohibited by law.

 - b) A vaccinated animal owned by a law enforcement or governmental military agency which bites or causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in subdivision (a) of this subsection. Such agency shall maintain ownership of and shall control and supervise the actions of such animal for a period of fifteen days following such injury. If during such period the death of the animal occurs for any reason, a veterinarian shall within twenty-four hours of the death examine the tissues of the animal for clinical signs of rabies.

3. Any animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within seventy-two hours of the time of the bite or abrasion shall be immediately subject to any tests which the animal control authority believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two-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.

4. All incidents of biting or abrasion caused by animals shall be reported in writing to the Animal Control Authority by the medical professional treating the injury, the injured party, or in the case of a minor child, the parent or guardian.

5. In the case of domestic or hybrid animals known to have been bitten by a rabid animal, the following rules shall apply:

- a) If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with State statute, such bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place such domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than six months; and
- b) If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with State statutes, such domestic or hybrid animal shall be subject to the following procedure: (1) Such domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than thirty days following vaccination; (2) 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 months under the supervision of a veterinarian; or (3) such domestic or hybrid animal shall be destroyed if the owner does not comply with either subdivision (1) or (2) of this subdivision.

Article V: Animal Restraint and Control.

§1. Running at Large; Restraint Required; Penalty.

Pursuant to **Neb. Rev. Stat. §§ 54-617-54-624**, it shall be unlawful for any owner to suffer or permit any dog or other animal or livestock animal to run at large within the corporate and geographical limits of Hall County. "Running at Large" shall mean any dog or other animal or livestock animal off the premises of the owner and not under the immediate control of a person physically capable of restraining the animal or livestock animal by holding a leash, cord, chain, rope, cage or other suitable means of physical restraint or if the animal or livestock animal is out of doors on the premises of the owner, the animal shall be in an adequate fenced in area or securely fastened to a leash, chain, or trolley system that is of a size and weight appropriate to the size, weight and temperament of the animal or livestock animal to prevent the animal or livestock animal from leaving the owner's premises. Pursuant to **Neb. Rev. Stat. § 54-615**, animals and livestock found running at large and not under restraint may be declared to be a public nuisance and may be taken into custody by any animal control officer or Sheriff and may be impounded in the animal shelter or other suitable location and there confined in a humane manner.

§2. Animals Used and Trained for Law Enforcement; Exemption.

Any animal used by law enforcement agencies including but not limited to the City of Grand Island Police Department, the Hall County Sheriff's Department or the Nebraska State Patrol shall be exempted from the provisions of this Resolution and related County Ordinances, including the Animal Running at Large and Dangerous Animal Resolutions while such animal is being trained or used for law enforcement purposes.

§3. Dangerous Animals or Potentially Dangerous Animals on Owner's Property.

Pursuant to **Neb. Rev. Stat. §§ 54-617,**

1. While unattended on the owner's property, a dangerous or potentially dangerous animal shall be securely confined, in a humane manner, indoors or outdoors in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the animal from escaping. The pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground at a depth of at least one foot. The pen or structure shall also protect the animal from the elements. The owner of a dangerous animal shall post warning signs on the property where the animal is kept that are clearly visible from all areas of public access and that inform persons that a dangerous animal is on the property. Each warning sign shall be no less than ten (10) inches by twelve (12) inches and shall contain the words warning and dangerous animal in high-contrast lettering at least three (3) inches high on a black background.
2. All pens or structures for confining dangerous animals or potentially dangerous animals shall be at least ten (10.0) feet from any privately-owned property abutting the animal owners' property.

§4. Dangerous and Potentially Dangerous Animals; Actions Required; Costs and Penalties.

1. A dangerous or potentially dangerous animal that has been declared as such shall be spayed or neutered and implanted with a microchip identification number by a licensed veterinarian within thirty (30) days after such declaration. The cost of both procedures shall be the responsibility of the owner of the dangerous or potentially dangerous animal. Written proof of both procedures and the microchip identification number shall be provided to the Animal Control Authority after the procedures are completed not to exceed thirty (30) days after the declaration of dangerous or potentially dangerous has been made.
2. Failure to have the animal spayed or neutered and implanted with a microchip identification number within thirty (30) days of the declaration will result in the impoundment of the animal.
3. Failure to provide proof the animal being spayed or neutered and implanted with a microchip identification number within thirty (30) days of the declaration will result in the impoundment of the animal.
4. Any person violating any provision of this section shall be fined pursuant to this Resolution. If a violation is of a continuing nature, i.e., each day after the deadline that the animal is not spayed/neutered and/or microchipped, each day of the violation shall constitute a separate violation.

§5. Dangerous and Potentially Dangerous Animals Restraint; Impoundment; Confiscation.

Pursuant to **Neb. Rev. Stat. §§ 54-620,**

1. No owner of a dangerous or potentially dangerous animal shall fail to keep such animal securely muzzled and restrained by a leash or chain whenever off the owner's property.
2. Any dangerous animal or potentially dangerous animal in violation of this Resolution or applicable County Ordinance or state or federal law may be immediately impounded by animal control officers. The owner shall be responsible for the costs incurred by the Animal Control Authority for the care of the dangerous or potentially dangerous animal confiscated by the Animal Control Authority or for the destruction of any dangerous or potentially dangerous animal if the action by the Animal Control Authority is pursuant to law.

3. In the event an animal conforming to the definition of potentially dangerous animal 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, the potentially dangerous animal shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.
4. An animal conforming to the definition of dangerous animal shall be immediately confiscated by an animal control officer, placed in quarantine for the proper length of time, and thereafter destroyed in an expeditious and humane manner.

Article VI: Fees.

§1. Registration Fees; Amounts; Delinquent.

The owner of any animal that has been declared “potentially dangerous” or “dangerous” shall pay an annual inspection fee. Such fee shall become due at the time of the declaration, and then shall be paid annually thereafter with the annual fee becoming due on January 15 of the year following the declaration, and shall become delinquent on February 15 of said year. The inspection fee shall be adopted, set and fixed annually, and collected by the Animal Control Authority.

§2. Rabies Control; Reporting and Impoundment.

Pursuant to **Neb. Rev. Stat. § 71-4402,**

1. 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 Sheriff or Animal Control Authority for a period of not less than ten 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 State of Nebraska to be a rabid species; or
 - c. The animal is of a species which has been determined by the State of Nebraska to be a rabid species not amenable to rabies protection by immunization, whether or not such animal has been vaccinated. If, after observation and examination by a veterinarian, at the end of the ten-day period the animal shows no clinical signs of rabies, the animal may be released to its owner unless otherwise prohibited by law.
2. a. Except as provided in subdivision (b) of this subsection, whenever any person has been bitten or has an abrasion of the skin caused by an animal owned by another person, which animal has been vaccinated in accordance with State law or regulation or if such injury to a person is caused by an owned animal determined by the State of Nebraska to be a rabid species amenable to rabies protection by immunization which has been vaccinated, such animal shall be confined by the owner or other responsible person as required by the animal control authority for a period of at least ten days and shall be observed and examined by a veterinarian at the end of such ten-day period. If no clinical signs of rabies are found by the veterinarian, such animal may be released from confinement unless ownership of the animal is otherwise prohibited by law.
- b. A vaccinated animal owned by a law enforcement or governmental military agency which bites or

causes an abrasion of the skin of any person during training or the performance of the animal's duties may be confined as provided in subdivision (a) of this subsection. Such agency shall maintain ownership of and shall control and supervise the actions of such animal for a period of fifteen days following such injury. If during such period the death of the animal occurs for any reason, a veterinarian shall within twenty-four hours of the death examine the tissues of the animal for clinical signs of rabies.

3. Any animal of a rabid species which has bitten a person or caused an abrasion of the skin of a person and which is unowned or the ownership of which cannot be determined within seventy-two hours of the time of the bite or abrasion shall be immediately subject to any tests which the animal control authority believes are necessary to determine whether the animal is afflicted with rabies. The seventy-two-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.

4. All incidents of biting or abrasion caused by animals shall be reported in writing to the Animal Control Authority by the medical professional treating the injury, the injured party, or in the case of a minor child, the parent or guardian.

5. In the case of domestic or hybrid animals known to have been bitten by a rabid animal, the following rules shall apply:

a. If the bitten or exposed domestic or hybrid animal has not been vaccinated in accordance with State statute, such bitten or exposed domestic or hybrid animal shall be immediately destroyed unless the owner is willing to place such domestic or hybrid animal in strict isolation in a kennel under veterinary supervision for a period of not less than six months; and

b. If the bitten or exposed domestic or hybrid animal has been vaccinated in accordance with State statutes, such domestic or hybrid animal shall be subject to the following procedure: (1) Such domestic or hybrid animal shall be immediately revaccinated and confined for a period of not less than thirty days following vaccination; (2) 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 months under the supervision of a veterinarian; or (3) such domestic or hybrid animal shall be destroyed if the owner does not comply with either subdivision (1) or (2) of this subdivision.

§3. Impounded Animals; Disposition.

1. All animals that are not domestic animals, including but not limited to feral cats, may be humanely euthanized as soon as they are captured or otherwise taken into custody.
2. All animals impounded and not euthanized shall be retained until completion of the observation period and the determination by a licensed veterinarian that said animal is not infected with rabies, and then may be redeemed by its owner upon payment of the fees for impoundment and cost of care as adopted, set and collected by the Animal Control Authority. Any domestic animal not claimed within three (3) clear working days after being impounded or such extended period as is granted in writing by the Animal Control Authority to allow the animal's owner to construct an enclosure or anti-escape barrier in conformance with this Resolution Animals not so returned shall

become the property of the Animal Control Authority and may be placed for adoption, fostered or humanely euthanized by said agency at its discretion.

3. Any animals determined to have rabies by a licensed veterinarian shall be destroyed as soon as possible after that determination is made.
4. All domestic animals impounded pursuant to other sections of this Article shall be retained until redeemed by their owner upon payment of fees for impoundment and cost of care in an amount adopted, set and collected by the Animal Control Authority. Any domestic animal not claimed within three (3) clear working days after being impounded or such extended period as is granted in writing by the Animal Control Authority to allow the animal's owner to construct an enclosure or anti-escape barrier in conformance with this Resolution. Animals not so returned within the specified time period shall become the property of the Animal Control Authority and may be placed for adoption, fostered or humanely euthanized by said agency at its discretion. The foregoing time period shall not include the day of impoundment.
5. No dog or cat impounded under this Chapter may be released until said animal is vaccinated and licensed as required by the provisions of this ordinance.

Article VII. Penalties.

§1. General Penalty.

In addition to any penalty proscribed for a violation of a Nebraska Revised Statutes (Reissue 2010), any person violating any provision of this Hall County Resolution shall be guilty of a Class III Misdemeanor, pursuant to Neb. Rev. Stat. §71-1631.01 (Reissue 1986), as amended, and punishable as provided in Neb. Rev. Stat. §28-106 (Reissue 1985). If a violation is of a continuing nature, each day of the violation shall constitute a separate violation. The penalties herein provided shall be cumulative and shall be in addition to any other penalty or forfeiture or impoundment provided elsewhere in this Resolution or by other local, state or federal law(s).

Article VIII: Conflicts.

Any portion(s) of former Resolutions or County Ordinances in conflict with this Resolution are herein and hereby, repealed.

Article IX: Force and Effect.

This Resolution shall be in force and take effect after its passage and any required publication or notice, as provided by law.

Resolution moved by Supervisor Doug Lanfear.

Seconded by Supervisor Pamela Lancaster

Vote:

Supervisor Arnold:	For <u>X</u> ;	Against ___ ;	Abstained ___ ;	Not Present ___ .
Supervisor Lancaster:	For <u>X</u> ;	Against ___ ;	Abstained ___ ;	Not Present ___ .
Supervisor Lanfear:	For <u>X</u> ;	Against ___ ;	Abstained ___ ;	Not Present ___ .
Supervisor Purdy:	For <u>X</u> ;	Against ___ ;	Abstained ___ ;	Not Present ___ .

Supervisor Quandt: For X; Against ___; Abstained ___; Not Present ___.
Supervisor Richardson: For X; Against ___; Abstained ___; Not Present ___.
Supervisor Schuppan: For X; Against ___; Abstained ___; Not Present ___.

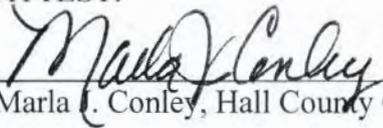
PASSED AND ADOPTED THIS 19TH DAY OF JUNE, 2016.

HALL COUNTY BOARD OF SUPERVISORS



Scott Arnold
Chairman of the Board of Supervisors

ATTEST:



Marla J. Conley, Hall County Clerk

Prepared by:
Nancy Berger-Schneider, Deputy Hall County Attorney

Article X: Animal Advisory Board.**§1. Establishment.**

There is hereby established, an Animal Advisory Board for Hall County, whose duty it shall be to advise the County Board on all matters relating to this Resolution. The board shall be composed of five (5) members: five (5) members appointed by the Board Chairperson, subject to confirmation by the County Board, one (1) of whom shall be a licensed veterinarian, three (3) shall be registered voters residing within the County, and one (1) member of the County Board of Supervisors. Other non-appointed members shall consist of the Sheriff or his/her designee, the County Attorney or his/her designee, the director of the Animal Control Authority or his/her designee, and the director of the Hall County Health Department or his/her designee. Appointed members shall serve without compensation. The Animal Advisory Board shall meet biannually in January and July of each year, and/or on any such other occasions as may be found necessary and established by said Board.

§2. Composition and Membership; Term of Office; Quorum; and Procedure.

Said advisory board shall be composed of the following voting members: one veterinarian and three (3) representatives from the community at large, who shall be appointed by the Board Chairperson, a member of the County Board of Supervisors, the Sheriff or his/her designee, the director of the Animal Control Authority or his/her designee, and the director of the department of health department or his/her designee, and the County Attorney or his/her designee. All but the Board member and the Board-chair appointed members shall serve as ex officio members without voting privileges. The original appointees to the Animal Advisory Board shall serve terms as follows: One for one year, one for two years, and one for three years. Thereafter, all appointments shall be for three year terms, provided, any appointment to fill a vacancy shall only be for the unexpired portion of the term of the member being replaced. The Board Chairperson may remove any appointed member without cause.

§3. Nuisance Owner: Declaration.

1. Any owner or custodian in possession of any animal regulated by this Resolution may be declared a Nuisance Owner upon written request by the Animal Control Authority, Animal Advisory Board or Law Enforcement of Hall County for any one of the following:
 - a) The owner has violated of one or more violations of this Chapter on four (4) separate occasions in a twenty-four (24) month period; or
 - b) The owner has failed to comply with the requirements of this Resolution or the applicable Revised Statutes of Nebraska after the animal has been deemed Potentially Dangerous or Dangerous;

§2. Surrender and Impoundment.

1. Upon written request by the Animal Control Authority, Animal Advisory Board or Law Enforcement officials to declare an owner a Nuisance Owner, the owner must surrender the animal to the Animal Control Authority within five (5) days of receiving notice of Nuisance Ownership. Service of Nuisance Ownership shall be by personal service or certified U.S. Mail to the last known address of the owner. The animal will be impounded by the Animal Control Authority until a final determination of Nuisance Ownership has been made.
2. In the event continuation of the nuisance ownership might cause irreparable harm or poses a

serious threat to public health, safety or welfare, or the health, safety or welfare of residents of the property where the animal resides, the animal shall be impounded immediately by the Animal Control Authority and held until final determination of Nuisance Ownership is made.

§3. Determinations and Appeals.

1. The owner may accept the Notice of Nuisance Ownership as a final determination, or the owner may appeal the Notice of Nuisance Ownership pursuant to Article XII of this Resolution.
2. Upon either acceptance of a Nuisance Ownership determination or after appeal and a determination by the Animal Advisory Board of Nuisance Ownership, the disposition of the animal will be at the discretion of the Animal Control Authority and what it determines appropriate.
3. The owner will be responsible for payment of all impoundment fees as adopted and set by the Animal Control Authority.
4. Nuisance owners shall be prohibited from owning or residing with any animal outside of the corporate limits of any city or village within Hall County for a period of two (2) years from the date of determination. Owners found to be in violation of this subsection shall be subject to the Animal Control Authority immediately impounding and disposing of said animal(s). Ultimate disposition of the animal will be at the discretion of the Animal Control Authority by any humane means allowable under the Revised Statutes of Nebraska.
5. If a violation is of a continuing nature, i.e., each day after the deadline that the animal is in the possession of a prohibited owner, each day of the violation shall constitute a separate violation.

Article XII: Appeals Procedure.

§1. Dangerous and Potentially Dangerous; Nuisance Owner; Declaration; Appeal; Disposition.

1. If it shall appear to a Sheriff or an Animal Control Officer that any animal conforms to the definition of a dangerous animal or potentially dangerous animal, or an owner is a Nuisance Owner pursuant to this Resolution, written notice declaring the animal a dangerous or potentially dangerous animal or an owner a Nuisance Owner shall be delivered to the animal's owner either by personal service or by Certified U.S. mail addressed to the last known address of said owner.
2. In the case of a dangerous animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall deliver said animal to the Animal Control Authority for impoundment and disposition. In the case of a potentially dangerous animal, within five (5) days of personal service or mailing of a notice of declaration to the animal's owner said owner shall either provide reasonable proof of compliance with this Resolution and/or the applicable state or federal law(s) or shall deliver said animal to the Animal Control Authority for impoundment and disposition. Refusal or failure by the owner of any animal declared a dangerous animal or potentially dangerous animal to comply with this subsection shall be a violation of this Resolution and shall be subject to abatement as a public nuisance pursuant to provisions of this Resolution.
3. The owner of any animal declared a potentially dangerous animal or dangerous animal by an animal control officer, or declaration of a Nuisance Owner pursuant to this Resolution

above may appeal the decision to the Animal Advisory Board by submitting a letter of appeal to the Animal Control Authority within 72 hours of either receiving personal service or mailing of the written notice of declaration. The Animal Advisory Board shall hold a hearing within ten (10) days of delivery of the letter of appeal to the Authority. The hearing shall be conducted informally. The animal's owner and Animal Control Authority shall present oral or written statements or reasons supporting or opposing the declaration to the Animal Advisory Board. Statements by each participant shall be limited to a total time of thirty (30) minutes or less. Upon conclusion of the hearing the Animal Advisory Board may reverse, modify or affirm the declaration of the Animal Control Authority. Notice of the determination of the Animal Advisory Board shall be given to the animal's owner and the Animal Control Authority, either personally or by Certified or Registered United States Mail.

This Addendum of Hall County Resolution 16 069 shall be in force and take effect after its passage and any required publication or notice, as provided by law.

Resolution moved by Supervisor Damola Lancaster

Seconded by Supervisor Doug Lanfear
Vote:

Supervisor Arnold:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Lancaster:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Lanfear:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Purdy:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Quandt:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Richardson:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>
Supervisor Schuppan:	For <input checked="" type="checkbox"/>	Against <input type="checkbox"/>	Abstained <input type="checkbox"/>	Not Present <input type="checkbox"/>

PASSED AND ADOPTED THIS 19TH DAY OF OCTOBER, 2016.

HALL COUNTY BOARD OF SUPERVISORS



Scott Arnold
Chairman of the Board of Supervisors

ATTEST:



Marla J. Conley, Hall County Clerk

Prepared by: Nancy Berger-Schneider, Deputy Hall County Attorney