

MAY 01 2009

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

LANC. COUNTY CLERK

IN THE MATTER OF PROHIBITING)
TRAPPING IN AND ALONG)
LANCASTER COUNTY ROAD)
RIGHT-OF-WAY)

RESOLUTION NO. R-09-0022

WHEREAS, Neb. Rev. Stat. § 39-1402 (Reissue 2008), provides the general supervision and control of the public roads of each county shall be vested in the county board; and

WHEREAS, Nebraska Legislature has enacted 2009 NEB. LAWS LB 5, effective March 5, 2009, amending Neb. Rev. Stat. §37-513 to provide the County the authority to adopt a resolution having the force and effect of law to prohibit the trapping of wildlife in the county road right-of-way or in a certain area of the right-of-way as designated by the county; and

WHEREAS, a resolution prohibiting the trapping of wildlife in the county road right-of-way is deemed necessary as an exercise of the County's authority for the following purposes: to protect rural residents of Lancaster County who are routinely in and along county road right-of-way in the course of their daily activities; to protect members of the general public who have occasion to be in and along county road right-of-way in connection with their travels and other activities; to protect employees of both public and private entities (e.g. County Engineer, County Sheriff, State Patrol, State Game and Parks, Fire Departments, Ambulance Companies, Power and Water Districts, etc.), whose duties often require them to work in and along county road right-of-way; and to protect the livestock and domestic animals of rural Lancaster County residents.

NOW, THEREFORE, BE IT RESOLVED, by the Board of County Commissioners of Lancaster County, Nebraska, pursuant to the authority under Neb. Rev. Stat. §37-513, that

trapping, as defined in Neb. Rev. Stat. §37-243 (Reissue 2008), in and along the entire width of all county road right-of-way including roadside ditches adjacent to the traveled roadway, and beneath bridges within such county road right-of-way, is hereby expressly prohibited and declared to be unlawful.

BE IT FURTHER RESOLVED that all violations of the provisions of this Resolution shall be punishable as provided in Neb. Rev. Stat. §37-248 (Reissue 2008).

DATED this 5 day of May, 2009, at the County-City Building, Lincoln, Lancaster County, Nebraska.

BY THE BOARD OF COUNTY COMMISSIONERS OF LANCASTER COUNTY, NEBRASKA

Deb Schorr
Ray A. Strenze
Gene Scur
Janis Kuller
Bob Rorkema

APPROVED AS TO FORM
this 5 day of
May, 2009.

Kristy Bauer
Deputy County Attorney
for GARY E. LACEY
Lancaster County Attorney