

WASHOE COUNTY CODE CHAPTER 55
ANIMALS AND FOWL

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55.010 Definitions.

As used in sections 55.010 to 55.790, inclusive, unless the context otherwise requires, the terms as defined herein shall have the meaning ascribed to them.

“Abandoned Cat” means a domesticated cat that an owner has forsaken entirely or refused to provide care and support.

“Alternative livestock” means the following species, including subspecies, of the family Cervidae, if they are born and reared in captivity and raised on private property to produce meat or other animal by-products, or as a breeding stock to produce alternative livestock:

1. Fallow deer (*Dama dama*); and
2. Reindeer (*Rangifer Tarandus*).

Persons with alternative livestock must be in compliance with Nevada Administrative Code (“NAC”) 503 and 504

“Ambient Temperature” means the temperature of the environment immediately surrounding the animal.

“Amphibian” means any cold-blooded vertebrate of the class Amphibia, comprising frogs, toads, newts, salamanders and caecilians, the larvae being typically aquatic and breathing by gills, and the adults being typically semi-terrestrial and breathing by lungs and/or through the moist, glandular skin.

“Animal” means every living creature, except members of the human race.

“Animal bite” means breaking of the skin by the teeth of an animal.

“Animal congest area” herein described as “congested area” includes those areas of Washoe County so designated by the board of county commissioners and listed herein as follows:

1. Incorporated City of Reno;
2. Incorporated City of Sparks;
3. Greater Truckee Meadows and surrounding environs;
4. Woodland Village Area;
5. Pebble Creek area;
6. Eagles Nest area;
7. Spring Ridge area;
8. Arrow Creek/Southwest Vistas area;
9. Timberline area;
10. Pleasant Valley area;
11. Sunridge/Reindeer area;
12. Saint James Village area;
13. Old Washoe City area;
14. New Washoe City area;
15. Incline Village area;
16. Franktown area;
17. Gerlach area;
18. Empire area;
19. Spanish Springs area;
20. Wadsworth and Stampmill Estates Subdivision area.

“Animal services center” means the facility designated by the board of county commissioners for receiving, impounding, care and disposal of animals.

“Animal control officer” means those employees of the county who have been designated by the county pursuant to NRS 280.125: to enforce the provisions of this chapter and Nevada state law; to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10); to prepare, sign and serve written citations on persons accused of violating the provisions of Nevada Revised Statutes or the Washoe County Code as they relate to animal control as specified in NRS 171.17751(1); and to perform other functions as permitted by law.

“At large” means every instance in which a domestic animal, except a cat, is physically off the premises of its owner, handler or keeper, unless physically restrained by a leash and under the control of a person within the congested areas designated by the board of county commissioners. “At large” does not

include a dog exhibited in dog shows, trials, or obedience training; or a dog which is safely and securely confined within or upon any vehicle; or a dog under control in a designated off-leash area; or dogs used by law enforcement agencies.

“Attack” means the deliberate action of a dog, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human or animal with the intent to kill, wound, injure or otherwise harm the object of its actions.

“Board” means the board of county commissioners of Washoe County, unless the context otherwise requires.

“Breeder” means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

“Breeding” means producing the offspring of dogs or cats, called a litter.

“Canine” includes any member of the dog family not customarily domesticated by man.

“Cat” means any domestic feline animal, male or female, sexed or neutered.

“Cattery” means a building, residence, room or area used to house cats where more than 7 cats over the age of 4 months of age are kept and maintained.

“Commercial animal establishment” means any pet store, kennel or boarding facility used for the business of buying, selling or boarding animals.

“Commercial breeder” means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

“Confined” means the animal is restricted to the property of the owner by leash, cord, chain, wall or fence barrier.

“Congested area” includes any area of the county so designated by the board of county commissioners and described in sections 55.240 to 55.330, inclusive.

“County” means all the area of Washoe County as defined by NRS 243.0430, and as it may be amended from time to time.

“Cruelty” means every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. Cruelty has the same meaning as torture.

“Dangerous dog” means a dog determined to be dangerous under section 55.750.

“Dealer” has the meaning as described in NRS 574.260, and as it may be amended from time to time.

“District health officer” means the Washoe County district health officer and his authorized representatives.

“Dog” means any domestic canine animal, ~~male or female, sexed or neutered.~~

“Domestic animal” includes, but is not limited to, the following: any dog, cat or other animal that is kept by a person primarily for personal enjoyment. Domestic animal does not include any exotic animal or an animal that is kept in connection with farming or agriculture or drawing heavy loads.

“Domesticated cat” means a cat that is socialized to humans and is appropriate as a companion.

“Eartipping” means straight-line cutting of the tip of the left ear of a cat while the cat is anesthetized.

“Exotic animal” includes any bear, canine, feline, hoofed animal, marsupial, primate, any while hybrids thereof, raptor and reptile.

“Feline” includes any member of the cat family not customarily domesticated by man.

“Feral Cat” means a cat:

1. That is born in the wild; or
2. That is a formerly owned cat that has been abandoned and is no longer socialized.

“Feral Cat Colony” means a group of cats that congregates, more or less, together as a unit. Although not every cat in a feral cat colony may be feral, any non-feral cats that congregate with a colony shall be deemed to be a part of it.

“Feral Cat Colony Caretaker” means a person other than an owner who provides food, water and shelter to, or otherwise cares for, a feral cat colony, and who is approved by a sponsor.

“Game warden” has the meaning ascribed to it in NRS 501.047.

“Health authority” has the meaning ascribed to it in NRS 441A.050.

“High-risk species” refers to such species as the striped skunk, spotted skunk, raccoon, fox, bat, coyote, bobcat, badger, weasel and such other high-risk transmitters of rabies as may from time to time be defined by the district health officer.

“Hoofed animal” includes any ungulate animal not customarily domesticated by man except alternative livestock as defined in NRS 501.003.

“Horse tripping” means deliberately causing an equine to fall or lose its balance with a rope, lasso, stick or other object for sport, entertainment, competition or party. “Horse tripping” does not include tripping a horse to provide medical or other health care for the horse.

“Hoofed animal” includes any ungulate animal not customarily domesticated by man except alternative livestock as defined in NRS 501.003.

“Immediate supervision” means there is an adult within sight who can both monitor and control the behavior and actions of an animal.

“Isolation area” means a location where potentially infected animals can be separated from other animals from the period of time to control disease transmission, under such conditions as to prevent direct or indirect conveyance of the infectious agent from spreading to other animals.

“Isolation room” means a separate room in which conditions are established to control and contain the transmission of disease, such as, but not limited to, contamination from feces and bodily secretions, mites, and arthropod vectors, and which has a separate air supply with ventilation to the outside with no admixture in the general circulation.

“Kennel” means an enclosure including a residence where more than three dogs over 4 months of age are kept and maintained.

“Litter” means live offspring from one birth of a cat or dog.

“Livestock” means:

1. All cattle or animals of the bovine species.
2. All horses, mules, burros, asses or animals of the equine species.
3. All swine or animals of the porcine species.

4. All goats or animals of the caprine species.
5. All sheep or animals of the ovine species.
6. All poultry or domesticated fowl or birds.

“Low-risk species” refers to the gopher, mouse, hamster, various squirrels, rat (wild and pet), rabbit (wild and domestic) and all poultry (wild or domestic) and other such low risk transmitters of rabies as may from time to time be defined by the district health officer.

“Marsupial” includes kangaroos, wombats, bandicoots, opossums and related animals.

“Medium-risk species” refers to the dog and cat and such other medium-risk transmitters of rabies as may from time to time be defined by the district health officer.

“Microchip” means a radio frequency identification device that is implanted into an animal.

“Nuisance” has the meaning described in Washoe County Code 50.308 (18) and (19).

“Operator” has the meaning as described in NRS 574.290, and as it may be amended from time to time.

“Own” means to keep, harbor or have charge of, or have the care, custody or control of an animal, or permit an animal to be or remain on, or be lodged or fed within, such person’s house, yard or premises.

“Owner” means any person keeping, harboring or having charge of or having the care, custody or control of an animal, or permitting any animal to be or remain on, or be lodged or fed within, such person’s house, yard or premises. “Owner” does not apply to animals owned by others that are temporarily maintained on the premises of a veterinarian. Owner does not include a feral cat colony caretaker.

“Primate” means any non-human member of the order Primates.

“Proper authority” means an animal control officer, humane officer authorized to make arrests pursuant to NRS 574.040, game warden or other peace officer having specific responsibilities in animal control.

“Proper enclosure of a dangerous dog” means the secure confinement of a dangerous dog either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. If the pen or structure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground.

“Quarantine” means placement of a biting animal or an animal exposed to a rabid animal or to a high risk species in isolation at a veterinary hospital, animal shelter or other location in a manner such that the animal can be carefully observed for signs of illness or abnormal behavior.

“Rabies control authority” means the district health officer or his designee.

“Raptor” includes any bird of prey.

“Releasing agency” means:

1. A society incorporated pursuant to NRS 574.010 to prevent cruelty to animals;
2. A nonprofit entity that provides for the temporary shelter, care or placement of pets; or
3. An organization that takes into custody pets which have been abandoned, abused or neglected and places those pets with new owners.

“Reptile” means any cold-blooded, usually egg-laying vertebrate of the class Reptilia, comprising snakes, lizards, turtles and tortoises, having an external covering of scales or horny plates and breathing by means of lungs.

“Retailer” has the meaning as described in NRS 574.320, and as it may be amended from time to time.

“Service animal” means an animal that has been individually trained to perform tasks for people with disabilities in accordance with NRS 426.097 and the Americans with Disabilities Act. Service animals are working animals, not pets.

“Shelter” means a structure which promotes the retention of body heat during cold weather, which promotes cooling and provides sun protection in hot weather, which allows an animal to remain dry during wet weather, and which is appropriate to the season and the species.

“Special event” includes, but is not limited to:

1. Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity promoted as a festival, trade show open to the public, craft show, public dance, special event, concert or performance;
2. Any activity that substantially increases or disrupts the normal flow of traffic on any street or highway;
3. Any activity which involves the use of public facilities; or
4. Any activity which involves the use of any county or city services that would not be necessary in the absence of such an event.

“Sponsor” is any animal humane organization that agrees to comply with the requirements of this section and provides written notice to regional animal services that it will serve as a sponsor for feral cat management.

“Substantial bodily harm” has the meaning set forth in NRS 0.060.

“Tether” means a cable, chain, rope or other similar devise that is used to restrain an animal.

“Tier 1 exotic animal” means an exotic animal for which an exotic animal permit is not required. Tier 1 exotic animals are those animals that are customarily sold in a retail pet store, and include but are not limited to, guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, hedgehogs, sugar gliders, and coldblooded species not otherwise listed in tier 2 or tier 3. Tier 1 exotic animal also includes raptors.

“Tier 2 exotic animal” means an exotic animal that may be allowed within all areas of Washoe County with an exotic animal permit. Tier 2 exotic animals include:

1. Any constrictor who, at maturity, is greater than 12 feet in length and 30 pounds in weight, such as but not limited to, the Burmese python;
2. Any Varanidae, who at maturity, is greater than 20 pounds in weight, such as but not limited to, the Nile monitor;
3. Potos flavus, the kinkajou;
4. Cynomys, the prairie dog;

5. All Felidae (except the domestic cat), who at maturity, are less than 65 pounds, including F1 hybrids (exotic cat bred to domestic cat), such as but not limited to, the ocelot and serval;
6. Any other exotic animal that is not identified as a tier 1 or tier 3 exotic animal.

“Tier 3 exotic animal” means an exotic animal that may be allowed within all areas of Washoe County with an exotic animal permit. Tier 3 exotic animals include:

1. All Marsupial (except the sugar glider), such as but not limited to, the kangaroo;
2. All Mustelidae (except the domestic ferret), such as but not limited to, the otter, badger and weasel;
3. All Felidae, who at maturity, are 65 pounds or greater, such as but not limited to, the clouded leopard or tiger;
4. All Ursidae, such as but not limited to, the black or brown bear;
5. All Canidae (except the domestic dog), such as but not limited to, the wolf;
6. All Hyaenidae, such as but not limited to, the spotted hyena or striped hyena;
7. All Procyonidae (except the kinkajou), such as but not limited to, the ring-tailed cat or coati;
8. All non-human primates of the family Hominoidea, such as but not limited to, the gorilla, gibbon, chimpanzee or orangutan;
9. All Cercopithecidae (old world monkey), such as but not limited to, a macaque or baboon;
10. All Aotidae, such as but not limited to, a night monkey;
11. All Atelinae, such as but not limited to, the howler monkey or spider monkey;
12. All Pitheciidae, such as but not limited to, a titi or saki;
13. All Viverridae, such as but not limited to, a binturong or African palm civet;
14. All venomous reptiles and amphibians that are harmful to humans and pets (except any species of dart frog), such as but not limited to, a rattlesnake;
15. All Crocodylia, such as but not limited to, a crocodile or alligator;
16. The Komodo dragon;
17. All Heloderma, such as a Gila monster or beaded lizard;
18. All Tapiridae, such as a tapir;
19. All Giraffidae, such as a giraffe;
20. All Elephantidae, such as an elephant;
21. The Hippopotamidae, such as a hippopotamus;
22. The Rhinocerotidae, such as a rhinoceros;
23. The Hydrochoerus hydrocaeris, such as a capybara; and
24. Any wild hybrids thereof, such as a tigon or liger.

“TNRM” means trap, neuter, return and monitor.

“TNRM Program” means a program in which feral and stray cats are trapped, neutered or spayed, micro-chipped, vaccinated against rabies, and returned to the colony location in which they were found, and which are then monitored by the feral cat colony caretaker.

“Vaccination against rabies” means the inoculation of a dog, cat or ferret with rabies vaccine licensed by the United States Department of Agriculture and included in the latest Compendium of Animal Rabies

Vaccines of the Public Health Service of the United States Department of Health and Human Services. Such vaccination must be performed by a licensed veterinarian.

“Veterinarian” means a member of the profession of veterinary medicine as described in chapter 638 of NRS, or the term as defined by the applicable veterinary practice act in any state of the United States.

“Wildlife” means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not. [§4, Ord. No. 1207; A Ord. No. 1269]

55.020 Department of regional animal services: Creation.

1. The department of regional animal services is hereby created.
2. The department shall be responsible for the operation of the animal services center, field services, enforcement of laws and ordinances pertaining to animals within Washoe County, emergency response in times of disaster, and other functions as may be assigned by the board of county commissioners. (Adopted May 12, 2015; Bill No. 1738, Ordinance No. 1557)

55.021 Director of regional animal services: Creation.

1. The position of director of regional animal services is hereby created.
2. The director shall be appointed by the board of county commissioners upon recommendation by the county manager. (Adopted May 12, 2015; Bill No. 1738, Ordinance No. 1557)

55.022 Director of Regional Animal Services: Powers and duties.

Subject to chapter 5 of this code regulating county personnel, the director of regional animal services shall appoint, supervise and direct all technical, administrative and operational staff as the department requires. In addition to such duties as may be required in the daily administration of the department, the board of county commissioners and the county manager may make additional assignments as necessary.

(Adopted May 12, 2015; Bill No. 1738, Ordinance No. 1557)

55.023 Animal services center.

1. An animal services center is hereby established which shall be maintained in such place as is provided for by the board of county commissioners.
2. The animal services center provides for the receipt, impoundment, care and disposal of animals. Operation, direction, supervision and necessary control of the animal services center shall be under the direction of the director of regional animal services.
3. In carrying out the functions of the animal services center, the board of county commissioners may enter into written agreements upon such terms and conditions as the board deems appropriate and in compliance with all applicable laws.

(Adopted May 12, 2015; Bill No. 1738, Ordinance No. 1557)

55.035 Animal Services Advisory Board; creation, duties.

1. The animal services advisory board is hereby created.

2. The animal services advisory board shall facilitate communication between community member and the director of regional animal services to ensure that regional animal services' programs, operations and goals relative to the care and safety of animals are consistent with community needs and desires.

3. The animal services advisory may offer opinions and make recommendations to the director of regional animal services in the following areas:

(a) Development of short and long-term departmental goals and objectives;

(b) Amendments to Washoe County Code Chapter 55;

(c) Development of materials and programs to educate the public;

(d) Evaluation and recommendations on departmental delivery of programs and services to the community;

(e) Recommendations on departmental policies and procedures;

(f) Input to the director of animal services regarding animal-related community needs and trends.

4. The director of regional animal services shall serve the animal services advisory board in a technical and advisory capacity. The director of regional animal services, or his or her designee, shall attend each meeting and shall provide a report to the animal services advisory board. The report may include such subjects as departmental program and service statistics, emerging developments, financial and budgetary updates, recent events and accomplishments, and proposed goals and objectives for the upcoming quarter.

5. The director of regional animal services, or his or her designee, shall report the recommendations of the animal services advisory board to the board of county commissioners at least biannually.

(Adopted August 23, 2016; Bill No. 1769, Ordinance No. 1585)

55.036 Animal Services Advisory Board; composition, appointment, terms of service, officers, meetings, compensation and removal.

1. The animal services advisory board shall consist of seven members, all residents of Washoe County, one member from each of the following groups:

(a) A veterinarian or veterinary technician licensed to practice in Nevada, and who is not employed by Washoe County;

(b) A real estate or business professional with knowledge or experience related to homeowners' associations, business organizations and/or financial operations;

(c) A representative of a humane or rescue organization;

(d) An individual with an interest in promoting the health and safety of animals in Washoe County;

(e) An elected member of the Washoe County Board of County Commissioners;

(f) An elected member of the Reno City Council;

(g) An elected member of the Sparks City Council;

2. The members listed in subsection 3 (a)-(e) shall be appointed by and shall serve at the pleasure of the board of county commissioners. The elected members from the Reno and Sparks' city councils shall be appointed by their respective memberships.

3. The animal services advisory board members listed in subsection 3 (a)-(d) shall serve four-year terms, which expire on June 30th of their respective terms. However, following enactment of this section, the members listed in subsections 3 (a) and 3 (b) shall serve a four-year term, and the members listed in the subsections 3 (c) and 3 (d) shall serve a two-year term.

4. The animal services advisory board members listed in subsections 3 (a)-(d) may serve, with reappointment, a maximum of two consecutive terms. An additional term may be considered for a member's appointment if there are no other interest and qualified applicants.

5. The animal services advisory board members shall select from among their membership a chair, who shall act as presiding officer at meetings, and a vice-chair, who shall act in the absence of the chair. The chair and vice-chair shall each hold office for one year.

6. Animal services advisory board meetings shall be conducted in the following manner:

(a) Regular meetings shall be held quarterly. The date and time of all meetings shall be set by the director of regional animal services.

(b) Special meetings may be called by the chair at the request of the director of regional animal services whenever there is sufficient business to come before the board.

(c) One more than half of the total membership shall constitute a quorum for the transaction of business. Motions before the board require a majority vote of the members present and voting for passage.

7. Animal services advisory board members shall serve without compensation, but may be entitled to reimbursement for expenses upon prior approval of the director of regional animal services.

8. Any animal services advisory board member who is appointed by the board of county commissioners may be removed by the board of county commissioners for cause. For purposes of this section, "cause" includes three consecutive absences from board meetings, as well as engaging in activities contrary to the mission, goals or objectives of the animal services advisory board.

(Adopted August 23, 2016; Bill No. 1769, Ordinance No. 1585)

55.040 Animal control officer; powers and duties.

An animal control officer shall have the following powers and duties:

1. To enforce all provisions of this chapter and all laws of the state relating to the care, treatment, impoundment and disposal of animals.

2. To possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10).

3. To provide sufficient food, water and shelter for impounded animals at the animal services center or other authorized location.

4. To take up, impound and safely keep any animal found to be in violation of the provisions of this chapter and Nevada law.

5. To collect any costs or charges hereinafter provided in this chapter for the impounding and keeping of any animal; to account for all money received and disbursed; and to keep an accurate record of all animals impounded.

6. To dispose of animals, including by destruction, lawfully impounded in accordance with rules promulgated pursuant to section 55.485 and Nevada law.
7. To employ the use of the tranquilizer gun and all other animal control equipment in the performance of their duties.
8. To prepare, sign and serve written citations on persons accused of violating a provision of the Nevada Revised Statutes or the Washoe County Code as it pertains to animals. All citations so issued and served shall comply with the requirements of NRS 171.1773 and NRS 171.17751(5).
(Adopted May 12, 2015; Bill No. 1738, Ordinance No. 1557)

55.050 Powers of peace officer.

All duly authorized peace officers shall have the authority and power to assist when required in carrying out the provisions of this chapter.

[§7, Ord. No. 1207]

55.060 Interference with animal control officer or peace officer.

It is unlawful for any person to interfere with or oppose or resist an animal control officer or any peace officer who is enforcing the provisions of this chapter.

[§8, Ord. No. 1207]

55.070 Report of violations.

1. Any person who observes a violation of any provision of this chapter may report the suspected violation to regional animal services. A complaint may be oral or written. Any person requesting civil or criminal action to be taken must submit a written complaint of the violation to regional animal services.
2. In accordance with NRS 207.280, any person who knowingly makes a false complaint to regional animal services that a felony or misdemeanor has been committed is guilty of a misdemeanor.
(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.080 Warning of certain violations of chapter.

An animal control officer may issue an oral or written warning to any person suspected of violating the provisions of this chapter or Nevada Revised Statutes. The warning may precede or be issued in lieu of a written citation or notice of civil penalty.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.090 Collection and disbursement; fees.

1. All money collected under the provisions of this chapter, unless otherwise provided by the board or by law, shall be paid into a special revenue fund.
2. All fees required to be paid pursuant to the provisions of this chapter shall be set by the board from time to time.

[§11, Ord. No. 1207]

55.100 Restraining animals.

1. In the congested areas, each person who has the care, custody or control of any livestock, domestic animal or exotic animal, must keep the animal restrained by a fence, cage, coop, chain, tether, leash or other adequate means so that the animal shall not leave the premises upon which it is kept.

2. In the congested areas, it is unlawful for the owner of any dog to allow the dog to be in a public area unless the dog is on a leash. This provision does not apply to special areas that may be designated for training programs, dog shows or dog parks.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.110 Keeping of animal in sanitary conditions.

No person shall keep any animal unless its area is kept clean and free from animal waste and offensive odors. Offensive odors are odors that are offensive to a reasonable person of normal sensitivities.

(Adopted February 9, 2016; Bill No. 1757, Ordinance No. 1575)

55.120 Nuisance.

It is unlawful for the owner or person having the care, custody or control of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance, as defined herein, upon any public property or any other property under the control of or in possession of any other person, whether or not open to the public.

[§14, Ord. No. 1207; A Ord. No. 1269]

55.125 Keeping of noisy animals.

Except as provided in NRS 40.140, it is unlawful for any person to keep, harbor or own any animal which by making loud and frequent noises causes annoyance to the neighborhood or to any persons in the vicinity.

[§15, Ord. No. 1207; A Ord. No. 1269]

55.130 Animal waste disposal.

1. Within the congested areas, it is unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon a public area or upon the private property of another unless the person immediately removes and properly disposes of the feces. Nothing in this section authorizes such person to enter upon the private property of another without permission.

2. Within the congested areas, it is unlawful for any person to walk a dog upon a public area or upon the private property of another without carrying a suitable container for the removal and disposal of dog feces.

3. Persons with disabilities who use service animals for assistance are exempt from this section.

4. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while the animal is actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

(Adopted February 9, 2016; Bill No. 1757, Ordinance No. 1575)

55.140 Cruelty to animals; generally.

1. It is unlawful for any person to:

- (a) Fail to provide an animal with sufficient and wholesome food;
- (b) Fail to provide an animal with sufficient and potable water;
- (c) Fail to provide an animal with accessible and necessary shelter;
- (d) Fail to provide the animal with reasonable veterinary care when needed;
- (e) Beat, overdrive, overload, overwork, torment, torture, or unjustifiably injure, maim, mutilate, poison or kill any animal whether belonging to himself or another;
- (f) Intentionally allow an animal to fight with another animal or person;
- (g) Abandon an animal;
- (h) Crop a dog's ears without assistance from a licensed veterinarian;
- (i) Dock a dog's tail that is more than five days old;
- (j) Restrain an animal in violation of NRS 574.100; or
- (k) Engage in the practice of horse tripping in violation of NRS 574.100.

2. Nothing contained in this section shall be construed to prohibit or interfere with an animal control officer or law enforcement officer's exercise and performance of his or her duties.

3. Any violation of this section of the Washoe County Code for cruelty to animals shall be punished as a misdemeanor pursuant of NRS 244.359.

(Adopted February 9, 2016; Bill No. 1757, Ordinance No. 1575)

55.150 Cruelty to or interference with police service animals.

It is unlawful for a person to intentionally or knowingly:

- 1. Cause bodily injury or death to a police service animal;
- 2. Engage in any conduct likely to cause bodily injury or death to a police service animal;
- 3. Lay out, place or administer any poison, trap, substance or object which is likely to cause bodily injury or death to a police service animal;
- 4. Taunt, torment, strike or otherwise assault a police service animal;
- 5. Throw any object or substance at or in the path of a police service animal;
- 6. Interfere with or obstruct a police service animal, or attempt such interference or obstruction;
- 7. Interfere with a handler in such a manner as to inhibit, restrict or deprive the handler of his or her control of a police service animal;
- 8. Release a police service animal from its area of control, or to trespass within such area;
- 9. Place any food, object or substance into a police service animal's area of control; or

10. Offer or agree with one or more persons to engage in or cause the performance of any act which violates this section.

[§18, Ord. No. 1207]

55.170 Animal fighting; pigeon shoots.

1. It is unlawful for any person to instigate, promote, arrange, carry on or participate in any fight between birds or animals. Unlawful acts include, but are not limited to:

(a) Keeping, using or breeding any bird or animal for baiting or fighting;

(b) Receiving money or other items of value for admission to a bird or animal fight;

(c) Allowing a house, apartment, pit or place to be used for a bird or animal fight; and

(d) Acting as an assistant, umpire, principal or spectator to encourage or further a bird or animal fight.

2. It is unlawful for any person to manufacture, own, possess, purchase, barter, exchange, sell, or advertise for barter, exchange or sale, any gaff, spur or other sharp implement designed to be attached to a cock or other bird with the intent that the implement be used in fighting another cock or other bird.

3. It is unlawful for any person to provide or use pigeons or other birds, or to fire upon the same, in connection with any shoot which may result in the killing or injuring of any pigeons or such other birds.

(Adopted February 9, 2016; Bill No. 1757, Ordinance No. 1575)

55.175 Permitting dog to chase, worry, injure or kill domestic animals on open range or private property unlawful.

1. It is unlawful for any person to permit a dog to chase, worry, injure or kill cattle, sheep or other domestic animals on the open range or on private property.

2. Subsection 1 does not apply to the use of a dog to herd domestic animals at the direction or with the permission of the owner of those animals.

[§21, Ord. No. 1207]

55.190 Endangering animals.

1. It is unlawful for any person to confine an animal in a pen, house, car, truck, trailer, or any other place without a sufficient supply of good and wholesome air, water, food and necessary veterinary care.

2. It is unlawful for any person to hold or confine an animal in a car, truck, trailer, box or crate when the temperature and surrounding environment may cause the animal unnecessary suffering or death.

3. To ensure humane treatment and alleviate suffering or needless death, any animal control officer or peace officer may remove an animal from a situation that restricts the animal's ability to escape suffering or death. However, the officer will make every reasonable effort to allow the owner of the animal to remedy the situation before removal, or if no owner is available, the officer will attempt to notify the owner as soon as possible that the animal has been removed.

(Adopted February 9, 2016; Bill No. 1757 Ordinance No. 1575)

55.200 Restraining animals.

It is unlawful for any person who has the care, custody or control of any animal to restrain the animal upon public or private property without the permission of the property owner.

(Adopted November 20, 2015; Bill No. 1751, Ordinance No. 1569)

55.220 Police dogs and horses exempt from chapter.

Any and all dogs and horses in use by a peace officer shall be exempt from all provisions of this chapter that pertain to animals, unless the context specifically provides otherwise and except for sections 55.570 to 55.645, inclusive of this chapter.

[§26, Ord. No. 1207]

55.230 Determination of congested areas.

For the purpose of certain regulations regarding animals in Washoe County, the board will divide the county into areas determined to be congested areas and areas not determined to be congested areas under this chapter. The complete metes and bounds description of each of the congested areas as well as corresponding map of these congested areas shall be adopted by the board by resolution, which may be amended from time to time by the board.

(Adopted November 10, 2015; Bill No. 1757, Ordinance No. 1569)

55.240 Incorporated City of Sparks: Congested areas.

The land within the incorporated City of Sparks is hereby determined to be a congested area for purposes of this chapter. Any land annexed to the city is presumptively determined to be within the congested area pursuant to this section.

[§28, Ord. No. 1207]

55.245 Incorporated City of Reno: Congested areas.

The land within the incorporated City of Reno is hereby determined to be a congested area for purposes of this chapter. Any land annexed to the city is presumptively determined to be within the congested area pursuant to this section.

[§4, Ord. No. 1269]

55.340 Licensing of dogs in congested areas required; fees; license tags; unlawful to fail to license.

1. Within a congested area, every person keeping or maintaining any dog over the age of 4 months, within 30 days after the dog attains this age, or after first bringing a dog into a congested area to keep and maintain, shall obtain and thereafter continuously maintain for the dog a current and valid dog license issued by regional animal services and shall comply with the vaccination provisions of section 55.580.

2. Each dog license shall be renewed within 30 days from the expiration date of the certificate. After this date, a penalty fee shall be charged for late licensing.
 3. The license fee shall be set by the board of county commissioners.
 4. Upon payment of the license fee, regional animal services will issue:
 - (a) A certificate stating the license period of which the license fee is paid, a description of the dog, the date of payment and name and address of the person to whom the license is issued.
 - (b) A metal tag or implanted microchip numbered to correspond with the license.
 5. A dog license is not transferable from one dog to another.
 6. No refund shall be made on any dog license fee because of death of the dog or the owner moving out of the county before expiration of the license period.
- (Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.350 Rabies vaccination required.

1. It is unlawful to own or possess a dog, cat or ferret which is not appropriately vaccinated against rabies. Rabies vaccinations must be given by a veterinarian licensed to practice veterinary medicine in the state in which the animal was vaccinated. Each rabies vaccination shall expire as noted on the vaccination certificate, and shall include the information specified in section 55.590.
 2. This section does not apply to an animal that for medical reason should not be vaccinated, provided the owner furnishes such as a statement from a licensed veterinarian.
- (Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.360 Dogs to wear license tags and collars; lost tags; exceptions.

1. The owner of the dog for which a license tag has been issued shall attach the license tag to a suitable collar around the dog's neck. If such tag is lost, the owner shall procure a duplicate tag and pay a fee as set by the board.
 2. Licensed dogs confined on the premises of the owner are not required to wear a license tag and collar while so confined, but the owner shall produce evidence of current licensing upon request by an animal control officer.
- [§40, Ord. No. 1207]

55.370 Unauthorized removal of license tag; use of non- current license tag.

1. It is unlawful for any person to remove any license tag issued under the provisions of section 55.340 to 55.360, inclusive, from any dog not owned by him or not lawfully in his possession or under his control.
 2. It is unlawful for any person to place on any dog, or to permit any dog in his control or possession to wear, any license tag not issued as provided in section 55.340 to 55.360, inclusive, for that particular dog for the then current license year.
- [§41, Ord. No. 1207]

55.380 Licensing exemptions.

The licensing provision of this chapter to not apply to a dog which is used by a public law enforcement agency, or which is in the temporary care and custody of a releasing agency approved by regional animal services.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.390 Variance permit: permit to keep more than three dogs over 4 months of age and/or seven cats over 4 months of age.

Except as provided in section 55.430, a person shall not keep more than three dogs and/or more than seven cats over 4 months of age, for more than 30 days in a six month period, at any place or residence within a congested area without a permit issued in accordance with sections 55.400 to 55.420, inclusive. For purposes of this chapter, a dog or cat over 4 months of age shall be deemed an adult.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.400 Variance permit: Applications; inspections; fees.

1. An application for a variance permit to keep more than three adult dogs and/or seven adult cats must be submitted to regional animal services. The application must:

- (a) Specify the number and breed(s) of the dogs and/or cats for which the permit is requested;
- (b) Be accompanied by drawings showing the layout of the property and type of fencing, containment or kennel required under sections 55.410 and/or 55.415;
- (c) Be accompanied by an emergency preparedness plan for evacuation of any and all animals on the property; and
- (d) Be accompanied by an application fee in the amount established by the board. A releasing agency as defined herein is exempt from the application fee.

2. Upon receipt of the application to keep more than three adult dogs and/or seven adult cats, an animal control officer shall review the submitted materials and inspect the premises for which the application for a variance permit is made to determine that:

- (a) Keeping the dogs and/or cats at the location specified in the application will not violate any state or local animal welfare laws or regulations;
- (b) The fencing, containment or kennel located on the premises will meet the requirements contained in sections 55.410 and/or 55.415;
- (c) Maintenance of the dogs and/or cats is not likely to endanger the peace, health or safety of persons residing in the county; and
- (d) The premises are capable of being maintained in a clean and sanitary condition, and any dog or cat therein is not likely to be subject to neglect, cruelty or abuse.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.410 Containment requirements for keeping more than three adult dogs.

1. The dogs which are the subject of a variance permit to keep more than three adult dogs must be kept:

- (a) In a yard with a secure perimeter fence, of appropriate height for the largest breed of dog being kept;
- (b) Inside the residence; or
- (c) In a secure kennel, of appropriate size based on the requirements for the largest breed of dog being kept (if a kennel is required by regional animal services). If more than four dogs are kept in the kennel, the width of the kennel must be increased by the size requirements for the largest breed of dog being kept in that kennel.

2. Kennel specifications. Except as provided in subsection 4, kennels must:

- (a) Be not less than 6 feet in width by 10 feet in length by 6 feet in height for four small sized dogs under 30 pounds. The width of the kennel must be increased by 2 feet for each additional dog of similar size.
- (b) Be not less than 12 feet in width by 15 feet in length by 6 feet in height for four medium sized dogs between 30 pounds and up to 60 pounds. The width of the kennel must be increased by 4 feet for each additional dog of similar size.
- (c) Be not less than 18 feet in width by 20 feet in length by 6 feet in height for four large size dogs between 61 pounds and up to 90 pounds. The width of the kennel must be increased by 6 feet for each additional dog of similar size.
- (d) Be not less than 20 feet in width by 25 feet in length by 6 feet in height for four extra-large size dogs, over 91 pounds. The width of the kennel must be increased by 8 feet for each additional dog of similar size.

3. In addition to the requirements of subsection 2, kennels must:

- (a) Be constructed of 11.5 gauge chain link fence or sturdy material of equal or greater strength as specified by regional animal services;
- (b) Meet the following flooring requirements:
 - (1) Have a concrete floor; or
 - (2) Have a gravel or dirt floor if:
 - (i) The posts supporting the kennel walls have concrete footings not less than 24 inches in depth; and
 - (ii) The perimeter of the kennel has a concrete footing, or material of similar strength at least 6 inches wide and not less than 12 inches deep;
- (c) Have walls which are securely fixed to the concrete floor or footings;
- (d) When deemed necessary by the animal control officer, the top of the kennel shall be enclosed and securely attached to the walls; and
- (e) Contain an area sheltered from adverse climatic conditions to which the dogs have access at all times.

4. Width and length of kennels may be altered upon approval of the animal control officer provided that the overall square foot size requirements specified in subsection 1(c) and subsection 2 are met for the size and number of dogs kept.

5. If the dogs will be kept in an existing kennel, an animal control officer shall inspect the kennel to determine that it meets the requirements contained in this section. The animal control officer may recommend and specify alterations to be made to an existing kennel to come into compliance with the requirements of this section.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.415 Containment requirements for keeping more than seven adult cats.

1. The cats which are the subject of a variance permit to keep more than seven adult cats must be kept in a containment which:

- (a) Is structurally sound and maintained in good repair;
- (b) Ensures that the cats are not allowed to be at large in the congested areas of the county;
- (c) Prevents the entrance of other animals;
- (d) Maintains an ambient temperature sufficient to protect the cats from excessive heat and cold; and
- (e) Contains an area sheltered from adverse climatic conditions to which the cats have access to all times.

2. The enclosure shall provide a minimum space of 500 cubic feet for eight cats. An additional space of 100 cubic feet is required for each additional cat.

3. The enclosure shall be constructed and maintained so that the cats have access to clean water, food, resting perches and litter.

4. Nothing in this section prevents a cat owner from using his or her residence to house the cats.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.420 Variance permit: approval or denial of application to keep more than three adult dogs and/or seven adult cats; issuance of permit; appeals.

1. In addition to the required premises inspection, the animal control officer shall conduct an investigation and shall consider:

- (a) Any animal related complaint pertaining to the premises; and
- (b) Whether the applicant has received a notice of civil penalty or citation for more than one violation of Washoe County Code Chapter 55 within one year immediately preceding the application.

2. The animal control officer shall notify and/or contact persons residing within 200 feet of the location at which the dogs or cats will be kept or maintained and persons residing on property adjacent to the property for which the variance permit application has been submitted that an application has been filed. Such persons may submit written objections to the application to regional animal services within 15 days of the notification.

3. Upon completion of the animal control officer's review, inspection and investigation, the animal control officer shall submit his or her written recommendation to approve or deny the variance permit, along with all supporting documentation, to the director of regional animal services. The animal control officers shall not recommend approval of the permit unless the officer can make the findings set forth in

section 55.400 (2). The animal control officer may also recommend additional conditions on the issuance of the permit.

4. The director of regional animal services or the director's designee shall review the animal control officer's recommendation, and approve or deny the permit application within 90 days of receiving the completed application. If approved, the director may specify conditions on the permit deemed necessary for the health of the involved animals and/or public safety.

5. As a requirement of the variance permit, the applicant must ensure that:

(a) All dogs are licensed in accordance with section 55.340;

(b) All dogs and/or cats are microchipped; and

(c) Animal control officers are granted access to inspect the premises where the dogs and/or cats are located upon reasonable notice at a reasonable time. Inspections shall be performed before a permit is issued, upon receipt of a complaint and during the required annual renewal. Failure to comply with a reasonable request for inspection shall constitute a violation of this section.

6. If the director of regional animal services determines that the applicant must construct or remodel a dog or cat containment to comport with section 55.410 and/or 55.415, the applicant must apply to the building department of the local jurisdiction for the appropriate permits, if required, within 15 days of the director's notification that the variance permit has been approved. The construction or remodeling must be completed within 60 days of the permit's approval. In case of demonstrated hardship or for other good cause, regional animal services may permit a longer period of time in which to construct or remodel the enclosure.

7. If the director of regional animal services denies an application for a variance permit, thereby prohibiting the keeping of more than three adult dogs and/or seven adult cats on the premises, the applicant must comply with section 55.390 within 30 days of the director's decision. The director shall provide the applicant with a written reason(s) for denying the permit.

8. The director's decision is a final decision. A person aggrieved by the director's decision may file an appeal with the administrative hearing office not later than 30 days after receiving the director's notification that the application for a variance permit has been denied. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

9. The administrative hearing office shall hold a hearing on the appeal as soon as practicable. If the administrative hearing officer affirms the director's decision, the applicant may file a petition for judicial review in the district court within 30 days.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.430 Variance permit not required; circumstances.

1. A variance permit to keep more than three adult dogs and/or seven adult cats is not required and the provisions of section 55.390 to 55.420, inclusive, do not apply to:

(a) Commercial animal establishments used to board animals owned by other persons and operated pursuant to the commercial animal welfare permit and a duly issued business license;

- (b) Kennels used by a member of a public law enforcement agency for dogs in the service of the agency;
- (c) Dogs or cats under the age of 4 months;
- (d) Dogs or cats in the custody or control of persons who are temporarily in the county for a period not to exceed 30 days in a six month period;
- (e) Dogs or cats brought into the county for participation in any dog or cat show or exhibition;
- (f) Dogs or cats belonging to activated military personnel that are being cared for by a resident of the county for the period of the activation, but in no event for a period greater than 18 months; and
- (g) Service animal as defined in section 55.010.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.440 Variance permit fees.

A person holding a variance permit shall pay an annual permit fee set by the board of county commissioners. The fee shall be paid each year upon renewal.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.450 Variance permit: revocation; appeal.

1. The holder of a variance permit is subject to continued compliance with the provisions of sections 55.400 to 55.420, inclusive, and to any condition(s) imposed on the permit. A variance permit may be revoked if:

- (a) The permittee receives more than one notice of civil penalty or citation for violating the provisions of Washoe County Code Chapter 55 within the permit year;
- (b) The permittee receives a notice of civil penalty or citation for cruelty to animals, as described in section 55.140, or state law;
- (c) The permittee fails to comply with the provisions of sections 55.400 to 55.420, inclusive, or
- (d) The permittee fails to comply with any condition(s) imposed on the permit.

2. If an animal control officer determines that a permittee has engaged in activity in violation of section 55.450 (1) (a) or (b), or is not complying with the provisions of sections 55.400 to 55.420, inclusive, or with any condition(s) imposed on the permit, the animal control officer may submit his or her recommendation to revoke the variance permit, along with supporting documentation, to the director of regional animal services. If the director revokes a variance permit, the permittee shall be advised in writing of the reason(s) for the revocation and may appeal that decision to the administrative hearing officer not later than 30 days after receiving the written notice. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

3. A permittee aggrieved by the administrative hearing officer's decision may file a petition for judicial review in the district court within 30 days. During the course of judicial review, the variance permit shall be continued until a decision is rendered by the district court.

(Adopted January 23, 2018, effective April 1, 2018; Bill No. 1793 Ordinance 1610)

55.455 Commercial animal welfare permit

1. Commercial animal establishments must obtain a welfare permit from regional animal services.
 - (a) No commercial animal welfare permit may be transferred or assigned between persons, between commercial animal establishments, or between a person and a commercial animal establishment.
 - (b) A commercial animal establishment must maintain a welfare permit for each individual location.
 - (c) Upon a commercial animal establishment's change of ownership or location, a new inspection and welfare permit is required.
 - (d) A commercial animal establishment shall house and care for its animals in accordance with the American Veterinary Medical Association's Animal Welfare Principles and related policies, and the provisions of this section.
 - (e) A commercial animal establishment shall comply with regional animal service's rules and records retention requirements, including, but not limited to, maintaining proof of insurance, health records, and other conditions necessary to preserve the health and safety of the animals and the public.
 - (f) The commercial animal welfare permit must be displayed in a conspicuous place within the commercial animal establishment.
 - (g) Veterinarians and/or veterinary hospitals are regulated by the Nevada State Board of Veterinary Medical Examiners and are exempt from this section.
2. All commercial animal establishments shall submit an application for a commercial animal welfare permit to regional animal services.
3. Regional animal services shall review the application and certify that the commercial animal establishment has been inspected and is in compliance with all animal welfare permit requirements. Regional animal services shall also notify the appropriate jurisdiction(s) of Washoe County, the City of Reno and/or the City of Sparks of the welfare permit status.
4. Regional animal services shall inspect each commercial animal establishment annually, and shall verify that the commercial animal establishment holds a valid business license.
 - (a) A certificate of occupancy for the appropriate jurisdiction of an approved business license may be accepted as evidence that the commercial animal establishment is in compliance with the local jurisdiction's licensing requirements.
5. All commercial animal establishments shall renew their welfare permit(s) annually.
6. In addition to the requirements set forth in NRS 574.360 through 574.510, inclusive, which outline the duties of operators, retailers and dealers, a commercial animal establishment shall:
 - (a) Maintain records for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat identified by the record, which records shall be readily available for inspection by any animal control officer.
 - (b) Allow animal control officers to enter the premises for unscheduled inspections during normal business hours.
 - (c) Ensure that the walls and floors of enclosures are constructed of nonabsorbent, nonporous material impervious to moisture, and are adequate to support the animal without sagging and to prevent injury.

- (d) Ensure that all dogs and cats are kept in an isolation room or isolation area for a minimum of 72 hours before being released to a purchaser.
 - (e) Observe each animal daily in order to identify general symptoms of injury, illness or disease.
 - (f) Ensure that any dog or cat that exhibits symptoms of injury, illness or disease is kept in an isolation room or isolation area and treated by a veterinarian. The veterinarian shall verify that the dog or cat is healthy before such dog or cat can be offered for sale.
 - (g) Ensure that each dog or cat over the age of 3 months is not sold without a valid rabies vaccination.
 - (h) Establish and maintain a written Program of Veterinary Care (PVC). The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate oversight of the facility's care and use of animals. The PVC must include method(s) of euthanasia, which should be consistent with the current American Veterinary Medical Association's Guidelines on Euthanasia.
 - (i) Provide a hand sanitizer and require members of the public to sanitize their hands prior to and after handling any animals in order to reduce the risks of transmission of disease.
 - (j) Dispose of animal carcasses in accordance with NRS 571.200 and NAC 571.200.
7. Revocation of commercial animal welfare permit. If a permittee violates this section or any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare, regional animal services may revoke the commercial animal welfare permit in accordance with the procedures and penalties set forth in section 55.800.
- (a) A commercial animal establishment located within the boundaries of the City of Reno shall maintain a City of Reno business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.
 - (b) A commercial animal establishment located within the boundaries of the City of Sparks shall maintain a City of Sparks business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.
 - (c) If the permittee fails to comply with any conditions imposed on the welfare permit, regional animal services may suspend or revoke the permit. If regional animal services suspends or revokes a welfare permit, the permittee shall be advised in writing of the reason(s) therefore and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.
 - (d) Upon the filing of an appeal, the administrative hearing officer shall hold a hearing on the appeal as soon as practicable.
 - (e) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800(6) through 55.800(17), inclusive.
 - (f) The hearing officer's decision sustaining, reversing or sustain with conditions the suspension or revocation shall be transmitted in writing to the appellant within 14 working days.

(g) Any permittee aggrieved by the hearing officer's decision may appeal that decision by filing a petition for judicial review in the district court within 30 days of the hearing officer's decision. The commercial animal welfare permit shall remain in place until a decision is rendered by the district court.

(Adopted March 8, 2016; Bill No. 1760, Ordinance No. 1576)

55.460 Unlawful for domestic animals, except cats, to be at large in congested areas; damage by animals; capture and impoundment by individuals.

1. It is unlawful for any domestic animal, except a cat, to be at large within the congested areas.
2. It is unlawful for any domestic animal to endanger property, public safety or any other animal.
3. A violation of subsection 1 or 2 is committed by the owner or person having custody, control or possession of the animal.
4. A member of regional animal services' staff or any other person may take up and impound at the animal services center:
 - (a) Any domestic animal, except a cat, which is found at large within a congested area;
 - (b) Any domestic animal which is trespassing on that persons property; and
 - (c) Any domestic animal, which is endangering property, public safety or any other animal.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.465 Impoundment of unspayed female dogs or cats running at large.

It is unlawful for the owner or any person having the control or possession of any unspayed female dog or cat to suffer or permit the dog or cat to run at large within any area of the county while the dog or cat is in the copulating season and the owner or person in charge of such female dog or cat shall keep the same secured upon his premises or in a boarding kennel so that other dogs or cats shall not have access thereto. Every female dog or cat that is not kept in conformance with this section shall be immediately seized and impounded at the animal services center.

[§51, Ord. No. 1207; A Ord. No. 1269]

55.470 Authority of animal control officer.

1. An animal control officer is authorized under this section to take possession and impound any animal, except livestock, if such animal has been observed by the animal control officer to be in violation of this chapter, or if such animal is being subjected to torture or cruelty as defined herein or by state law.
2. An animal control officer taking possession of an animal pursuant to this section, shall give written notice of impoundment, together with the reasons therefor, with the owner or, if the owner cannot be found, shall post the notice on the property from which he takes the animal.

[§52, Ord. No. 1207]

55.475 Managed care of feral cats.

1. Feral Cat Colonies.

(a) Feral cat colonies are allowed in Washoe County. Feral cat colony caretakers shall be entitled to maintain and care for feral cats.

(b) *TNRM Programs: Sponsorship.* Any animal humane organization that agrees to comply with the requirements of this section shall contact regional animal services to obtain designation as a sponsor. The humane organization shall advise regional animal services in writing and provide its address, telephone number and electronic mail address, if applicable.

(c) *Sponsor Requirements.* It shall be the duty of the sponsor to:

(1) Approve feral cat colony caretakers;

(2) Work actively to resolve any complaints over the conduct of a feral cat colony caretaker or of cats within a colony;

(3) Maintain records provided by feral cat colony caretakers on the size and location of the colonies and the vaccination, microchipping, and spay and neuter records of cats in the sponsor's colonies. Titer tests are acceptable to determine a particular colony's resistance to rabies by random examination;

(4) Provide educational training and written materials for all feral cat colony caretakers covering uniform standards and procedures for colony maintenance. An approved online training program may be accepted upon approval by regional animal services;

(5) Report annually to regional animal services on the following:

(i) Number and location of colonies by address and zip code that the sponsor maintains through the TNRM program;

(ii) Estimated total number of cats in each of the colonies;

(6) Prevent sponsored feral cat colonies from being maintained on lands managed for wildlife or other natural resources, such as, but not limited to, nature preserves, in order to avoid the taking of rare, listed, threatened or endangered species as determined by Nevada Department of Wildlife;

(7) Provide forms and other documentation necessary to allow feral cat colony caretakers to receive public or private subsidies, medical care or other assistance which may be available for their feral cat colonies.

(d) *Feral Cat Colony Caretaker Responsibilities.* It shall be the duty of each feral cat colony caretaker to:

(1) Register each colony with the sponsor;

(2) Take all appropriate and available steps to vaccinate the colony population for rabies, preferably with a three-year vaccine, and to update rabies vaccinations as mandated by law;

(3) Take all appropriate and available steps to have the colony population spayed or neutered by a licensed veterinarian;

(4) Ear tip the left ear of each colony cat that has been vaccinated, spayed or neutered so that each colony cat can be readily identified;

(5) Microchip each colony cat in accordance with professional medical standards. The sponsor and the feral cat colony caretaker shall be the named contacts for purposes of the microchip animal identification;

(6) Provide the sponsor with descriptions of each cat in the colony and copies of documents demonstrating that the cats have been vaccinated, micro-chipped and spayed or neutered;

(7) Provide the necessary sustenance for colony cats;

(8) Obtain written approval from all property owners or their authorized representatives to enter land upon which the feral cat colony caretaker requires access to establish and provide colony care;

(9) Abide by the sponsor's policies and procedures.

(e) *Withdrawal of feral cat colony caretaker or sponsor.* In the event a feral cat colony caretaker is unable or unwilling to continue in that role, he or she shall notify his or her sponsor. In the event a sponsor is unable or unwilling to continue to perform its role, it shall advise regional animal services. The sponsor shall work with regional animal services to obtain a replacement sponsor. If no new sponsor is found within 30 days, the sponsor shall notify regional animal services.

(f) *Disposition of feral cat colony cats.*

(1) An animal control officer or authorized representative who has impounded or received a cat from a member of the public, where the cat has been ear tipped or microchipped indicating that it belongs to a feral cat colony, shall attempt to contact the sponsor or feral cat colony caretaker. If a microchip is not found, the animal control officer or authorized representative shall impound the cat and notify the approved sponsors of the description and zip code where the cat was found. The sponsor shall then take all available steps to identify the cat's feral cat colony caretaker or a feral cat colony caretaker who will take responsibility for managing this cat.

(2) If an identified feral cat colony caretaker is not able to immediately take custody of the cat, the sponsor shall immediately pick up the cat.

2. Enforcement.

(a) In order to encourage the stabilization of the feral cat population in Washoe County, regional animal services shall have the following rights:

(1) To trap in a humane manner and remove any cats:

(i) Which demonstrate signs of disease; or

(ii) Which must be removed for public health or safety concerns.

(2) To euthanize in a humane manner any feral cat which demonstrates signs of rabies, or which has an illness or injury that presents an imminent danger to public health or safety.

(3) To request that a sponsor remove a feral cat that is creating a nuisance if the sponsor has failed to adequately resolve the nuisance within 30 days of written notice thereof. In the event regional animal services directs the sponsor to remove the cat, the sponsor shall have 30 days to do so.

(b) Animal control officers may investigate any nuisance complaint allegedly caused by a feral cat. In the event an animal control officer finds that a feral cat or feral cat colony has created a nuisance, the animal control officer shall advise the sponsor in writing.

(c) If a sponsor fails to perform its responsibilities, regional animal services may notify the sponsor that it must comply with the requirements of this section within 30 days. If the sponsor fails to do so, regional animal services may remove the sponsor from the list of approved sponsors, and may reassign the feral cat colonies to another sponsor.

(d) A feral cat who is not microchipped, but who was spayed or neutered, vaccinated for rabies, ear tipped, and released prior to the effective date of this section shall be deemed to be in compliance with this section.

(Adopted April 28, 2015; Bill No. 1737, Ordinance No. 1556)

55.480 Impounded animals.

1. Every animal kept or found under conditions which constitute a violation of this chapter may be impounded by an animal control officer. Upon denial, revocation or suspension of a permit, or when the owner refuses to apply for a permit, an animal control officer may also impound the animal.

2. The board of county commissioners hereby designates the animal services center as the facility in the county responsible for the care, custody and disposition of impounded animals.

[§53, Ord. No. 1207; A Ord. No. 1269]

55.485 Rules regarding impounded animals.

1. The Director of regional animal services or his or her designee may promulgate reasonable rules related to animals. These rules may include, but are not limited to:

(a) Charging owners or persons having the care, custody or possession of impounded animals for all costs and maintenance incurred by regional animal services, including special assessments.

(b) Euthanizing impounded animals in a humane manner where the animals have been left unredeemed beyond the specified impoundment period.

(c) Euthanizing impounded animals which may not be kept due to dangerous behavior, disease, age or injury.

(d) Transferring impounded, unredeemed animals.

(e) Redeeming animals upon payment of all costs as outline herein and upon licensing or relicensing and vaccination of such animals.

(f) Providing for the periodic inspection of the regional animal services center.

(Adopted November 10, 2015; Bill No. 1751, Ordinance 1569)

55.490 Period of impoundment; notice of impoundment; disposition of unclaimed animals.

1. Except in the case of livestock, an animal impounded at the animal services center will be kept for a period of five days, unless redeemed earlier by its owner.

2. If regional animal services knows or discovers the identity of the owner of an impounded animal, regional animal services staff shall attempt to provide notice of the animal's impoundment. If the identity of the owner is ascertained and notice is given, the owner may redeem the animal in accordance with section 55.500. If the owner does not redeem the animal within the time period specified by regional animal services, the impounded animal may be euthanized as provided in subsection 3 below.

3. Regional animal services may euthanize an impounded animal in a humane manner after then end of the five day impoundment period. In lieu of euthanasia, regional animal services may transfer any unredeemed animal to an authorized releasing agency requesting the animal.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.500 Redeeming impounded animals.

The owner or person entitled to possess any impounded animal may redeem such animal by:

1. Presenting proof of a current license if the animal is of a type that must be licensed;

2. Paying the license fee, if the animal is a dog and was unlicensed;

3. Requesting implantation of a microchip, if the animal is a dog or cat;

4. Paying fees for impoundment, boarding, care and any medical treatment provided to the animal; and
5. Providing proof of rabies vaccination if the animal is a type that can be vaccinated. If such animal has not been vaccinated, regional animal services shall issue a temporary license if one is required, and shall notify the owner regarding compliance with section 55.350. The owner of said animal must provide proof of rabies vaccination within 14 days of redemption.

(Adopted November 10, 2015; Bill No. 1751, Ordinance No. 1569)

55.510 Adoption of unclaimed animals; deposit for sterilization of animal; exception.

1. Animals left unclaimed or unredeemed at the animal services center may be adopted. If the animal to be adopted is to be kept as a pet (as that term is defined in NRS 574.615), the new owner, (as that term is defined in NRS 574.610), must, prior to adopting, sign an adoption contract containing the provisions set forth in NRS 574.645 agreeing to, among other things, sterilization (as that term is defined in NRS 574.625) of the animal, on or before a date certain as provided in the contract.
2. Every person seeking to adopt an animal as a pet from the animal services center must, prior to adopting the animal, deposit with the animal services center the current fee to sterilize that type of pet as set by the board of county commissioners which equates to the prevailing cost to sterilize that type of animal.
3. If the animal cannot be sterilized because it is exotic or for another legitimate reason, as determined by a veterinarian, the deposit for sterilization need not be paid.
4. Pursuant to section 55.020, the board of county commissioners may contract for adoption services. In such event, the entity providing the adoption services may establish such procedures for the adoption of animals that are consistent with state law and the terms of any agreement entered into between the county and such entity.

[§18, Ord. No. 1269]

55.530 Estrays: Applicability of state law.

If any livestock impounded pursuant to this chapter is an stray within the meaning of NRS 569.0075, then the provisions of NRS 569.005 to 569.130, inclusive, take precedence over any provisions of this chapter regarding the impoundment of animals, and take precedence over any rules promulgated or adopted pursuant to section 55.500.

[§54, Ord. No. 1207; A Ord. No. 1269]

55.540 Unlawful for livestock to be at large in congested area.

It is unlawful for livestock to be at large within any congested area. A violation of this section is committed by the owner or person having custody, control or possession of the livestock.

[§55, Ord. No. 1207]

55.550 Impoundment of livestock; notice of impoundment of livestock.

1. An animal control officer or any peace officer may take up and impound livestock found at large within any congested area.
2. When livestock are impounded, notice shall be given to the state department of agriculture as provided in NRS Chapter 569.
[§56, Ord. No. 1207]

55.560 Redemption of impounded livestock.

The owner or person entitled to the custody or possession of any impounded livestock may, at any time before the sale or other disposition thereof, reclaim and redeem such livestock by paying to the animal services center all charges imposed for the impounding of the livestock.

[§57, Ord. No. 1207]

55.570 Control of rabies; enforcement by district health officer.

Authority for the control of rabies in the enforcement of section 55.580 to 55.645, inclusive, is delegated to the district health officer.

[§58, Ord. No. 1207]

55.580 Rabies vaccination of dogs, cats, and ferrets required.

1. An owner of a dog, cat or ferret shall maintain the dog, cat or ferret currently vaccinated against rabies in accordance with the provisions of this section and the recommendations set forth in the then current "Compendium of Animal Rabies Control", published by the National Association of State Public Health Veterinarians, Inc., which is hereby adopted by reference. The publication is available, free of charge, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325. Telephone (202) 512-1800.
2. A licensed veterinarian may exempt a dog, cat or ferret from vaccination for health reasons. The veterinarian shall record the reasons for exemption and a specific description of the dog, cat or ferret, including the name, age, sex, breed and color on a certificate which must bear the owner's name and address. The veterinarian shall record whether the reason for the exemption is permanent, and if not, the date the exemption expires.
3. A dog, cat or ferret that is exempted from or too young for vaccination against rabies must be confined to the premises of the owner or kept under physical restraint by the owner.
4. The owner shall not allow a dog, cat or ferret over 3 months of age to enter this county unless the owner has in his immediate possession written proof that the dog, cat or ferret is currently vaccinated against rabies or has an exemption for health reasons.
5. If the owner of a dog, cat or ferret violates any provision of this section, the dog, cat or ferret may be impounded.

[§59, Ord. No. 1207; A Ord. No. 1269]

55.590 Veterinarians: Issuance of certificates of vaccination and rabies vaccination tags; cooperation with investigation by rabies control authority.

1. A veterinarian who vaccinates an animal against rabies shall complete three copies of a certificate of vaccination against rabies for the animal vaccinated. The certificate of vaccination against rabies must include, but is not limited to:

- (a) The name and address of the owner of the animal;
- (b) A description of the animal, including the name, age, sex, breed, color and weight of the animal;
- (c) The date the vaccination was administered;
- (d) The product name of the vaccine used;
- (e) The lot number of the vaccine;
- (f) The date the animal is due for re-vaccination based on the duration of immunity provided by the vaccine according to its label;
- (g) The number on the rabies vaccination tag issued pursuant to subsection 3;
- (h) The name, address and license number of the veterinarian; and
- (i) The signature of the veterinarian who administered the vaccine. The signature of the veterinarian may be handwritten, stamped, or produced by a computer.

2. The veterinarian shall:

- (a) Provide the original copy of the certificate of vaccination to the owner of the animal;
- (b) Provide a copy of the certificate of vaccination to the rabies control authority; and
- (c) Retain a copy of the certificate of vaccination for the period that the vaccination is current.

3. A veterinarian who vaccinates an animal against rabies shall issue to the owner a metal rabies vaccination tag, serially numbered to match the number on the certificate of vaccination against rabies.

4. A veterinarian shall cooperate with any investigation of an animal bite, or of a case of rabies or suspected case considered to have rabies by providing all information requested by the rabies control authority.

[§60, Ord. No. 1207]

55.600 Vaccination cost. The cost of rabies vaccination shall be borne by the owner of the animal vaccinated.

[§61, Ord. No. 1207]

55.610 Quarantine of biting animals; management of animals that have bitten persons; responsibility of owner for cost of quarantine, veterinary care and examination.

1. Except as otherwise provided in subsection 4, the rabies control authority shall cause a dog, cat or ferret, regardless of current vaccination against rabies, which has bitten a person, to be quarantined and, for 10 days following the bite, to be observed under the supervision of a licensed veterinarian or any other person designated by the rabies control authority. The dog, cat or ferret must be quarantined within an enclosure or with restraints deemed adequate by the rabies control authority to prevent

direct contact with a person or an animal. Alternatively, the animal control officer may take up and impound the animal and place it in quarantine for a period of time recommended by the health authority.

2. The rabies control authority authorizes an animal control officer to approve home quarantine under the following conditions:

(a) The owner must show a current rabies vaccination certificate; and

(b) The quarantine holding facilities must be approved by the animal control officer. So long as the rabies control authority continues to authorize home quarantine under the conditions listed in (a) and (b) above, an animal control officer may approve home quarantine as provided herein.

3. Nursing female animals or animals under the treatment of a veterinarian may be considered for home quarantine on a case- by-case basis in the absence of a current rabies vaccination.

4. If a dog which has bitten a person is owned by a canine unit of a law enforcement agency or is a guide dog, hearing dog or helping dog, the rabies control authority may waive the requirement that the dog be quarantined if:

(a) The bite occurred while the dog was carrying out his normal duties for the law enforcement agency or as a guide dog, hearing dog or helping dog;

(b) The dog has been vaccinated against rabies pursuant to section 55.580; and

(c) For 10 days following the bite, the dog is observed under the supervision of a licensed veterinarian or any other person designated by the rabies control authority.

5. At the end of the 10-day quarantine period the animal may be released from quarantine under any of the following circumstances:

(a) The owner of the animal presents to an animal control officer a written statement, executed by a veterinarian following the end of the quarantine period, that the animal has been examined and found to be free of any signs or symptoms of rabies and that it has been inoculated against rabies.

(b) The owner of a currently vaccinated animal presents the animal to an animal control officer or other individual designated by the rabies control authority.

(c) The animal may be examined at the owner's residence and released by an animal control officer or other individual designated by the rabies control authority.

(d) An unclaimed animal whose owner is unknown, may be released from quarantine by an animal control officer or other individual designated by the rabies control authority.

6. An animal, wild, exotic or domestic, may be destroyed in the process of capture when there is reason to believe that it has bitten a person or has rabies. Animal destruction is authorized hereunder only when circumstances reasonably require such destruction in order to effect capture.

7. A dog, cat or ferret which has bitten a person may be euthanized and tested for rabies without a period of quarantine if:

(a) The animal is so ill or so severely injured that it would be inhumane to keep it alive;

(b) In the opinion of the health authority or licensed veterinarian, the animal exhibits paralysis or neurological or behavioral symptoms that are consistent with rabies; or

(c) The behavior of the animal is so fractious or aggressive that it is not possible for the rabies control authority to manage the animal safely.

8. A dog, cat or ferret that is quarantined pursuant to subsections 1, 2, 3 or 4 must be examined by a licensed veterinarian at the first sign of illness during the 10 days of observation. Any illness must be reported immediately to the rabies control authority. If signs of rabies develop during the 10 days of observation, the dog, cat or ferret must be euthanized and its head removed and shipped under refrigeration (not frozen) for examination at the laboratory of the state department of agriculture. If at the end of the quarantine period, the animal is free of all signs of rabies:

(a) The animal must be returned to its owner upon payment of all costs of quarantine and veterinary care and examination; or

(b) The animal may be euthanized in a manner prescribed by the rabies control authority if the owner of the animal cannot be located. The head of the animal is not required to be submitted to the laboratory of the state department of agriculture for examination.

9. A bat, raccoon, skunk, or fox which has bitten a person must be euthanized immediately without a period of quarantine and the head submitted for laboratory examination as provided in subsection 8 above.

10. Any other species of animal which has bitten a person must be managed as deemed appropriate in the discretion of the rabies control authority.

11. The owner of an animal quarantined pursuant to the provisions of this chapter is responsible for all costs of quarantine and veterinary care and examination.

12. The person responsible for supervising an animal quarantined pursuant to subsection 1 shall not release the animal to any person other than the owner of the animal at the time it was quarantined or a member of the immediate family of that person.

[§62, Ord. No. 1207]

55.620 Disposal of captured animals, carcasses of destroyed animals.

Where an animal, wild, exotic or domestic, has been destroyed pursuant to section 55.610(6), and except as otherwise provided herein, the district health officer shall make every effort to remove the head intact and deliver it to the animal disease laboratory of the state department of agriculture for appropriate laboratory examination. The remaining carcass shall be destroyed or buried as prescribed by regulations governing the disposal of pathological wastes.

[§63, Ord. No. 1207]

55.630 Quarantine fees.

Quarantine fees shall be the responsibility of the owner. Quarantine fees shall be set by the board of county commissioners.

(Adopted November 10, 2015; Bill 1751, Ordinance No. 1569)

55.640 Management of animals that have been in close contact with animal suspected or known to have rabies; responsibility of owner for costs of quarantine, veterinary care and examination.

1. Except as otherwise provided in this section, a wild or exotic animal suspected or known to have rabies must be euthanized immediately. The rabies control authority may exempt a rare or valuable animal from the provisions of this section.
2. Unless the owner of the animal objects, a dog, cat or ferret which has not been vaccinated pursuant to section 55.580 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be euthanized immediately. If the owner of the animal objects, the dog, cat or ferret must be quarantined within an enclosure or with restraints deemed adequate by the rabies control authority to prevent direct contact with a person or an animal for such period of time as designated in the most current Compendium of Animal Rabies Prevention and Control, and under the supervision of a licensed veterinarian or any other person designated by the rabies control authority. The dog, cat or ferret must be vaccinated 1 month before release.
3. A dog, cat or ferret which has been vaccinated pursuant to section 55.580 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be:
 - (a) Immediately revaccinated and confined for such period of time as designated in the most current Compendium of Animal Rabies Prevention and Control, in a manner prescribed by the rabies control authority; or
 - (b) Upon the request of the owner of the dog, cat or ferret, euthanized.
4. A domesticated animal of a rabies-susceptible species, other than a dog, cat or ferret, which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be managed according to the discretion of the rabies control authority.
5. The owner of an animal confined pursuant to the provisions of this section is responsible for all costs of confinement and veterinary care and examination.
6. As used in this section, “in close contact with an animal suspected or known to have rabies” means, within the past 180 days, to have been bitten, mouthed or mauled by, or closely confined on the same premises with, an animal suspected to have rabies.

[§65, Ord. No. 1207; A Ord. No. 1269]

55.645 Prohibited activities involving high risk wild animals; relinquishment; exemptions.

1. Except as otherwise provided in subsection 2:
 - (a) A person shall not intentionally keep, harbor or in any way care for, maintain lodge or feed on private property, a bat, skunk, raccoon, fox or coyote, or any other high-risk transmitters of rabies as defined by the health authority.
 - (b) Any person violating the provisions of paragraph (a) of this subsection shall, upon request of the rabies control authority and the division of wildlife of the state department of conservation and natural resources, relinquish the animal to the rabies control authority or the division of wildlife.

2. The rabies control authority and the division of wildlife may grant to any person an exemption from the provisions of this section.

[§66, Ord. No. 1207]

55.650 Possession of exotic animals: Exotic animal permit; application for permit to keep a tier 2 or tier 3 exotic animal; inspection; fees.

1. It is unlawful for any person to keep a tier 2 or tier 3 exotic animal within the county without an exotic animal permit approved by regional animal services.

2. Application to keep a tier 2 or tier 3 exotic animal. All person wishing to keep a tier 2 or tier 3 exotic animal must submit an application to regional animal services and must:

(a) Specify the exotic animal(s) for which the permit is requested;

(b) Submit drawings showing the proposed design and location of the appropriate enclosure required under section 55.680, 55.690, 55.700, 55.710 and/or 55.720. If the animal(s) is to be kept in an existing enclosure, a detailed drawing of the enclosure must be submitted. All drawings must specify the type and size of the enclosure, the type of material used to construct the enclosure and the location of the enclosure on the premises;

(c) Submit a behavioral enrichment plan that the applicant will implement for the species;

(d) If applicable, submit a letter of approval from the applicant's homeowners' association for the subject property;

(e) Submit a certification that the proposed enclosure comports with the applicable local jurisdiction's zoning restrictions;

(f) Submit a proposed emergency plan, which must include animal evacuation and animal escape procedures, and contingency animal care in the event the applicant becomes incapacitated;

(g) If an exotic animal is to be imported into the county, submit a copy of the written approval form the department of wildlife pursuant of NRS 503.597; and

(h) Submit a certification of veterinary inspection (required for tier 3 exotic animals only).

3. Upon receipt of the application to keep a tier 2 or tier 3 exotic animal, an animal control officer shall review the submitted materials and conduct an investigation to verify:

(a) Keeping the animal at the location specified in the application comports with the local jurisdiction's zoning requirements; and

(b) The applicant's emergency plan is adequate to safely move the animal during times of emergency and to adequately protect the public in the even the animal escapes.

4. The animal control officer shall also consider:

(a) Any animal related complaints pertaining to the premises; and

(b) Whether the applicant has received a notice of civil penalty or citation for more than one violation of Washoe County Code Chapter 55 within one year immediately preceding the application for an exotic animal permit.

5. The animal control officer shall inspect the premises for which the application for an exotic animal permit is made to determine that:
- (a) Keeping the animal(s) at the location specified in the application will not violate any state or local animal welfare laws or regulations;
 - (b) The enclosure will meet the applicable requirements set forth in sections 55.680, 55.690, 55.700, 55.710 or 55.720;
 - (c) Maintenance of the animal(s) is not likely to endanger the peace, health or safety of persons residing in the county; and
 - (d) The premises are capable of being maintained in a clean and sanitary condition, and any exotic animal(s) housed on the premises is not likely to be subjected to neglect, cruelty or abuse.
6. The animal control officer shall notify and/or contact persons residing within 200 feet of the location at which the exotic animal(s) will be kept or maintained and persons residing on property adjacent to the property for which the exotic animal permit application has been submitted to inform them that an application has been filed. Such persons may submit written objections to the application to regional animal services within 15 days of the notification.
7. Each application shall be accompanied by a nonrefundable fee set by the board of county commissioners.
- (Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.660 Exotic animal permit: approval or denial of application to keep exotic animal; issuance of permit; appeals.

1. Upon completion of the animal control officer's review, investigation and inspection, the animal control officer shall submit his or her written recommendation to approve or deny the application for an exotic animal permit, along with all supporting documentation, to the director of regional animal services. The animal control officer shall not recommend approval of the permit unless the officer can make the findings set forth in sections 55.650 (3) and (5). The animal control officer may also recommend conditions on the issuance of the permit.
2. The director of regional animal services or the director's designee shall review the animal control officer's recommendation, and approve or deny the application for an exotic animal permit within 90 days of receiving the complete application. If approved, the director may impose conditions he or she deems necessary or advisable to the permit, including, but not limited to at what times and under what conditions the animal may be removed from its enclosure. In considering removal of the animal from its enclosure, the director shall consider, among other things, and in the following order of priority:
 - (a) The effect on public health and safety if such removal is allowed;
 - (b) Whether the animal should be restrained by leash or other device, while the animal is removed from the enclosure;
 - (c) Whether, and by what method, the animal will be transported to other areas within or without the county; and

(d) Whether the method of transportation of the animal is adequate to insure public health and safety. The holder of than exotic animal permit shall strictly adhere to each condition imposed by the director of regional animal services pursuant to this section. Failure to do so constitutes cause for immediate revocation of the permit to keep the animal.

3. Regional animal services shall impose the following conditions on all exotic animal permits:

(a) Within 30 days of the exotic animal permit's approval, the applicant must provide evidence of liability insurance to cover any personal injuries and property damage inflicted by the exotic animal for which the permit has been issued. Liability insurance must be obtained from an insurer authorized to do business in Nevada, and Washoe County shall be listed as an additional interest for notification purposes. Required insurance coverage is \$25,000 for tier 2 exotic animal and \$250,000 for a tier 3 exotic animal;

(b) Within 30 days of the exotic animal permit's approval, the applicant must provide a color photograph of each exotic animal for which the permit has been issue;

(c) The applicant must maintain an annual certificate of veterinary inspection for each tier 3 exotic animal. This certificate must be made available to animal control officers upon request, and during the annual renewal of inspection; and

(d) The applicant must grant animal control officers' access to inspect the premises where the exotic animal(s) is located upon reasonable notice at a reasonable time.

4. If the director of regional animal services determines that the applicant must construct or remodel an enclosure to comport with sections 55.680, 55.690, 55.700, 55.710 or 55.720, the applicant must immediately apply to the building department of the local jurisdiction where the enclosure is to be located for the appropriate permits. The enclosure must be constructed or remodeled within 60 days of issuance of the building permit and in strict compliance with the provisions this chapter, including any conditions imposed by the director of regional animal services.

5. If the director of regional animal services denies an application for an exotic animal permit, the director shall provide the applicant with written reasons for the denial.

6. If the director of regional animal services denies an application for an exotic animal permit, or if the applicant disagrees with a condition on the permit, the applicant may file an appeal with the administrative hearing office not later than 30 days after receiving the director's written notification that the application has been approved or denied. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

7. The administrative hearing office shall hold a hearing on the appeal as soon as practicable. If the administrative hearing officer affirms the director's decision, the applicant may file a petition for judicial review in the district court within 30 days.

8. Any person having custody or control of a tier 2 or tier 3 exotic animal must provide immediate notice to regional animal services of the animal's death, relocation or escape. Such person shall be liable for costs incurred by regional animal services and/or any law enforcement agency involved as a result of the animal's escape.

9. A permit obtained under this section is valid for one year and must be renewed annually. However, when the location where the animal is kept changes, the permit automatically becomes void and new application must be submitted to regional animal services.

10. Any person who holds a valid exotic animal permit with regional animal services as of April 1, 2018 may continue to possess the permitted exotic animal(s) at their current permitted location, and shall continue to comply with the conditions placed on their permits.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.670 Exotic animal permit: revocation; appeal.

1. The holder of an exotic animal permit is subject to continued compliance with the provisions of sections 55.650 to 55.730, inclusive, and to any conditions imposed on the permit. An exotic animal permit issued under sections 55.650 to 55.730, inclusive, may be revoked if:

(a) The permittee receives more than one notice of civil penalty or citation for violating the provisions of Washoe County Code Chapter 55 within the permit year;

(b) The permittee receives a notice of civil penalty or citation for cruelty to animals, as described in section 55.140, or state law;

(c) The permittee fails to comply with the provisions of sections 55.650 to 55.730, inclusive, or

(d) The permittee fails to comply with any condition(s) imposed on the permit.

2. If an animal control officer determines that a permittee has engaged in activity in violation with section 55.670 (1) (a) or (b), or is not complying with the provisions of sections 55.650 to 55.730, inclusive, or with any conditions imposed on the permit, the animal control officer may submit his or her recommendation to revoke the exotic animal permit, along with supporting documentation, to the director of regional animal services. If the director revokes an exotic animal permit, the permittee shall be advised in writing of the reason(s) for the revocation, and the permittee may appeal that decision to the administrative hearing office not later than 30 days after receiving the notice. A failure to appeal the director's decision within 30 days precludes further administrative or judicial review.

3. Notwithstanding the foregoing provisions, in cases where an animal control officer believes that the health and safety of the public or the exotic animal is in jeopardy, the animal control officer may take immediate action to suspend the permit, and may take appropriate action to protect the health and safety of the public or the animal, including, but not limited to removing the animal from the premises.

4. A permittee aggrieved by the administrative hearing officer's decision may file a petition for judicial review in the district court within 30 days. During the course of the judicial review, the exotic animal permit's revocation shall be held in abeyance until a decision is rendered by the district court.

5. If an exotic animal permit is revoked, the owner of the animal which is the subject of the permit shall transfer ownership of the exotic animal to another person who is capable of compliance with this chapter, or alternatively, shall remove it from the county. If the exotic animal is transferred within Washoe County, the transferee shall immediately apply for an exotic animal permit. If a permit is not obtained, the animal shall be confiscated by regional animal services.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.680 Enclosures for primates; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsections 2 to 8 inclusive, shall be adhered to before a primate may be kept pursuant to a permit issued under the provisions of section 55.660.
2. Enclosures for small size primates, such as marmosets and squirrel monkeys, shall be not be less than 3 feet by 4 feet by 4 feet (48 cubic feet) for two or less of such primates. The size of the enclosure shall be increased by not less than 1 foot by 3 feet by 4 feet (12 cubic feet) for each additional small size primate.
3. Enclosures for medium size primates, such as capuchins, shall be not loss than 6 feet by 6 feet by 6 feet (216 cubic feet) for two or less of such primates. The size of the enclosure shall be increased by 2 feet by 4 feet by 6 feet (48 cubic feet) for each additional medium size primate.
4. Enclosures for large size primates, such as spider monkeys, woolies and macaques, shall be not less than 10 feet by 10 feet by 8 feet (800 cubic feet) for two or less of such primates. The size of the enclosure shall be increased by not less than 10 feet by 20 feet by 8 feet (1,600 cubic feet) when there are more than two but less than five of such primates. The size of the enclosure shall be increased by 4 feet by 10 feet by 8 feet (320 cubic feet) for each additional large size primate thereafter.
5. Enclosures for large size primates, such as chimpanzees, gorillas, orangutans and gibbons, shall meet Association of Zoos and Aquariums (AZA) specifications unless regional animal services determines, under the circumstances, that other specifications are appropriate.
6. Enclosures for small and medium size primates shall be constructed of not less than 9 gauge chain link or heavy wrapped wire. The floor of such enclosures shall consist of concrete, wood or gravel. All enclosures shall have a secure top.
7. All primates shall have access at all times to an area sheltered from adverse climatic conditions. The sheltered area shall be heated during winter months.
8. Regional animal services may require security fencing surrounding any primate enclosure if it determines, under the circumstances, that such fencing is warranted.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.690 Enclosures for felines; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsection 2 to 7 inclusive, shall be adhered to before a feline may be kept pursuant to a permit issued under the provisions of section 55.660.
2. Enclosures for small size felines, 65 pounds and under such as margay, servals and ocelots, shall be not less than 10 feet by 10 feet by 6 feet (600 cubic feet) for two or less of such felines. The size of the enclosure shall be increased to at least 20 feet by 10 feet by 6 feet (1,200 cubic feet) for each additional small size feline.

3. Enclosures for large size felines, over 65 pounds, such as cougars, leopards and jaguars, shall not be less than 10 feet by 20 feet by 8 feet (1,600 cubic feet) for one of such felines. The size of the enclosure shall be increased to at least 20 feet by 20 feet by 8 feet (3,200 cubic feet) when there is more than one but less than four of such felines. The size of the enclosure for four or more of such felines shall be established by regional animal services on a case-by-case basis.
 4. Enclosures for lions shall be not less than 15 feet by 20 feet by 8 feet (2,400 cubic feet) for each lion.
 5. Enclosures for tigers shall not be less than 15 feet by 20 feet by 10 feet (3,000 cubic feet) for each tiger.
 6. Enclosures for all felines shall be constructed of not less than 9 gauge chain link or comparable material approved by regional animal services. The floor of all enclosures for felines shall consist of concrete or wood. Gravel or dirt flooring may be used if the enclosure is properly secured against escape by such felines through digging. All enclosures must have a secure top, or meet height and cantilever United States Department of Agriculture (USDA) guidelines.
 7. All felines shall have access at all times to an area sheltered from adverse climatic conditions.
- (Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.700 Enclosures for canines; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsection 2 to 4, inclusive, shall be adhered to before a canine may be kept pursuant to a permit issued under the provisions of section 55.660.
 2. Enclosures for canines, such as wolves and coyotes, shall be not less than 10 feet by 20 feet by 6 feet (1,200 cubic feet) for one of such canines. The size of the enclosure shall be increased to at least 20 feet by 20 feet by 6 feet (2,400 cubic feet) when there is more than one but less than five of such canines. The size of the enclosure for five or more of such canines shall be established by regional animal services on a case-by-case basis.
 3. Enclosures for canines shall be constructed of not less than 9 gauge chain link or comparable material approved by regional animal services. The floor of such enclosures shall consist of concrete. Gravel or dirt flooring may be used if the enclosure is properly secured against escape by such canines through digging. All enclosures shall have a secure top, or meet height and cantilever USDA guidelines.
 4. All canines shall have access at all times to an area sheltered form adverse climatic conditions.
- (Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.710 Enclosures for reptiles; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsections 2 to 5, inclusive, shall be adhered to before a reptile may be kept pursuant to a permit issued under the provisions of section 55.660.
2. Enclosures for reptiles shall be of an escape-proof design with sufficient area to insure that the reptile obtains necessary exercise. Enclosures shall be constructed of materials that allow for proper sanitation,

and cage furnishings must be removable to facilitate sanitation. Enclosures shall be constructed in such a manner as to produce as closely as possible the temperature, humidity and other conditions found in the reptile's native environment.

3. Enclosures for reptiles shall conform to the following specifications:

(a) Size requirements for snakes:

(1) Floor space: The width of the enclosure shall be equal to or greater than one-half the body length of the snake; the length of the enclosure shall be equal to or greater than the body length of the snake; and

(2) Height: equal to or greater than the flat coil dimension.

(b) Size requirements for lizards:

(1) Floor space (length of the enclosure): at least one and one-half times the length of the animals;

(2) Floor space (width of the enclosure): at least one-half the length of the animal;

(3) Height: equal to or greater than the length of the animal for arboreal;

(4) Height: at least one-half the length of the animal for terrestrial.

4. Enclosures for venous reptiles shall not be constructed of screen wire unless the wire is at least 2 layers thick with a space of not less than 1 inch between layers.

5. Enclosures for potentially dangerous or venomous reptiles shall have an appropriate warning sign affixed thereto and shall be equipped with a lock device.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.720 Enclosures for bears, hoofed animals, marsupials and raptors; minimum structural requirements.

1. The minimum structural enclosure and shelter requirements specified in subsection 2 and 3 shall be adhered to before a bear, hoofed animal, marsupial or raptor may be kept pursuant to a permit issued under the provisions of section 55.660.

2. The size of enclosures for bears, hoofed animals, marsupials and raptors shall be established by regional animal services on case-by-case basis. Regional Animal Services may require that the enclosures be at least equal in size to county, state or federal zoo enclosures for such animals.

3. Raptors shall be kept in accordance with all applicable provisions and standards found in the falconry regulations (Commission General Regulation No. 15) of the board of wildlife commissioners.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.730 Additional standards.

Notwithstanding any other provisions of this chapter, the director of regional animal services may require that security fencing and double gates be installed with any enclosure if he or she determines that such fencing and gates are warranted for animal welfare or to protect the public.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.740 Impoundment of exotic animals.

1. Any exotic animal which is kept by any person in contravention of sections 55.650 to 55.730, inclusive, may be taken up and impounded by an animal control officer for the protection of public health and safety as well as for the protection and health of the animal. Whenever possible, the animal control officer shall take up and impound the animal in the presence of the owner.
2. If an exotic animal is impounded pursuant to subsection 1, regional animal services shall notify the animal's owner either in person or, if the owner is not present when impoundment occurs, by certified mail, return receipt requested. Notification shall be considered completed on the date that the owner of the animal is personally notified, or if notified by certified mail, on the date indicated on the return receipt. If the exotic animal owner holds an exotic animal permit issued under the provisions of section 55.660, the notice of impoundment shall be accompanied by notice of immediate suspension or revocation.
3. Any animal impounded pursuant to this section shall be cared for at the expense of the owner. If the animal is being held pending a revocation appeal, the animal shall be kept in impound until any appeal is concluded or ownership is relinquished.
4. If the appeal is upheld or ownership is relinquished, regional animal services may release the animal to a receiving sanctuary, rescue or releasing agency. If regional animal services is unable to transfer the animal to a sanctuary, rescue or releasing agency with the appropriate local, state and/or federal licensing and permits, the animal may be euthanized in a humane manner.

(Adopted January 23, 2018, effective April 1, 2018, Bill No. 1794, Ordinance No 1609)

55.750 Dangerous dog; determination.

1. As used in this section a dog is:
 - (a) Dangerous if:
 - (1) It is so declared pursuant to subsections 2 or 3;
 - (2) Without provocation, on 2 separate occasions within 18 months, it behaved menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog was off the premises of its owner;
 - (3) Without provocation, it killed or inflicted substantial bodily harm upon a human being on public or private property; whether on or off the property of its owner; or
 - (4) Without provocation, it killed or injured any domestic animal while the offending dog was off its owner's property.
2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.
3. Dangerous dog determination.
 - (a) Any person who has been attacked by a dog, or an authorized representative of such person, or any law enforcement officer or animal control officer, may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.

(b) Any person whose domestic animal has been attacked by a dog, without provocation, and which has been killed or injured by said dog may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.

(c) The hearing officer or judge in such action may make a determination that the dog is a dangerous dog based upon evidence of the dog's history or propensity to attack without provocation as provided herein.

(d) In the interests of public safety, regional animal services may require a dog pending a dangerous dog determination to be kept in a completely enclosed and locked enclosure, approved by regional animal services.

4. A dog may not be found dangerous:

(a) Based solely on the dog's breed; or

(b) Because of a defensive act against a person who was committing or attempting to commit a crime; or

(c) Because a person provoked the dog by physically abusing, tormenting, teasing, assaulting, or attacking the subject animal.

5. This section shall not apply to animal shelters, commercial animal facilities, rescue/sanctuary animal facilities which have qualified as commercial animal facilities, or licensed veterinary clinics. This section shall not apply to dogs which are utilized by any law enforcement officer during the performance of his or her duties.

6. An owner or possessor of a dangerous dog shall not:

(a) Introduce the dog into or relocate the dog within Washoe County without 30 days written notice to regional animal services. The notice must include:

(1) A description of the dog;

(2) A copy of the dangerous dog determination order;

(3) The dog's current address and proposed new address;

(b) Introduce the dog into or relocate the dog within Washoe County without prior approval from regional animal services. The dog's owner must submit a new application and fee for property inspection and enclosure approval by regional animal services.

(c) Remove from Washoe County any dog declared dangerous or which has a dangerous dog determination pending without 30 days written notice to regional animal services.

7. If a hearing officer or judge has found a dog to be dangerous, the hearing officer or judge shall report that determination to regional animal services. If a law enforcement agency has made the declaration under subsection 2, the agency shall report to regional animal services.

8. Upon receipt of the determination from the hearing officer or judge or declaration from a law enforcement officer that a dog is dangerous, regional animal services shall notify the owner of the dog that he must comply with the provisions of section 55.760.

(Adopted June 9, 2015; Bill No. 1739, Ordinance No. 1558)

55.760 Dangerous dog; registration.

1. The owner of a dog that has been certified to be dangerous pursuant to section 55.750 must:

(a) Demonstrate that he has provided a proper enclosure to confine the dog and posted on his premises a clearly visible warning sign (containing letter at least 2 inches high) that there is a dangerous dog on

the property. In addition, the owner shall display conspicuously a sign with a warning symbol that informs children of the presence of a dangerous dog.

(b) A proper enclosure includes, but is not limited to:

(1) An enclosure constructed of not less than 9 gauge chain link fencing or other material of equal strength as approved by regional animal services. The floor(s) need not be concrete provided that the posts supporting the kennel walls have concrete footings not less than 24 inches in depth and the perimeter of the kennel has a concrete footing at least 6 inches wide and not less than 12 inches deep. The enclosure fencing shall be securely fixed to the pad or footing. A roof over the entire enclosure shall be constructed of not less than 9 gauge chain link fencing and securely fixed to all sides of the enclosure. All fencing and gate(s) shall be at least 6 feet in height. All animals shall at all times have access to an area sheltered from adverse climatic conditions. All sheltered areas must be located inside the enclosure. All entrances to the enclosure must be secured by a padlock at all times. The size of such enclosure shall be determined by the size of the dog as follows:

(i) Small breeds (20 pounds or less): 4 feet in width by 6 feet in length for one dog. An additional 2 feet in width for each additional dog.

(ii) Medium breeds (under 40 pounds and over 20 pounds): 6 feet in width by 12 feet in length for one dog. An additional 4 feet in width for each additional dog.

(iii) Large breeds (40 pounds or more): 12 feet in width by 18 feet in length for one dog. An additional 6 feet in width for each additional dog. Enclosures of other dimensions may be approved by an animal control officer on a case-by-case basis.

2. The owner of a dangerous dog must:

(a) Post a surety bond with the county in an amount of at least \$250,000.00 per dog declared dangerous, issued by an agency authorized to do business in the State of Nevada, payable to any person(s) injured by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest; or

(b) Provide evidence of a policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business in the State of Nevada in the amount of at least \$250,000.00 per dog declared dangerous, insuring the owner for any personal injuries inflicted by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest.

(c) Microchip the dog declared dangerous and provide the identification number to regional animal services.

(d) Spay or neuter the dog within 30 days of declaration and provide proof to regional animal services.

3. The owner of the dangerous dog shall also provide a signed statement attesting that the owner:

(a) Shall maintain and not voluntarily cancel the liability insurance policy or surety bond required herein during the life of the animal; and

(b) Shall immediately notify regional animal services once the owner has knowledge that the dangerous dog is at large, is unconfined, has attacked another animal, has attacked a human being, or has died.

(c) Shall not transfer or give away any dog that has been declared dangerous.

4. The owner of a dangerous dog shall pay an annual inspection and registration fee in an amount per dog as set by the board of county commissioners. The registration fee shall be in addition to any other fees payable under this chapter to cover the increased costs of maintaining the animal's records.

5. The owner of a dangerous dog shall comply with the provisions of this section within 30 days of receipt of notification of the hearing officer or judge's determination of a dangerous dog. Upon

compliance with this section, regional animal services shall issue a certificate of registration to the owner of the dangerous dog.

6. The dog's owner shall allow an animal control officer ~~upon~~ or peace officer to inspect the premises where the animal is maintained at any reasonable hour.

(Adopted June 9, 2015; Bill No. 1739, Ordinance No. 1558)

55.770 Dangerous dog; unlawful acts.

1. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750, to fail to register the dog in accordance with section 55.760.

2. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750 to permit the dog to be outside the required enclosure unless the dog is under the direct control and supervision of the owner and the dog is muzzled and restrained by a chain having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or license tag, but must prevent the dog from attacking or biting any person or animal.

3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the owner of said dog shall be guilty of a misdemeanor.

(Adopted June 9, 2015; Bill No. 1739, Ordinance No. 1558)

55.780 Impoundment of dangerous dog; determination pending.

1. A dangerous dog shall be immediately confiscated and impounded by an animal control officer or peace officer upon the occurrence of any of the following:

(a) The dog is not validly registered under section 55.760;

(b) The owner of the dangerous dog does not secure and maintain the surety bond or insurance required under section 55.760;

(c) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the required physical restraint of the owner;

(d) The dog attacks a person or another animal.

2. A dog determined to be dangerous pursuant to section 55.750, or a dog which is the subject of a pending dangerous dog hearing, may be held at the county animal shelter in the interest of public safety. The dog's owner shall bear the costs of boarding and other related expenses.

3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the dog shall be immediately confiscated and impounded as required by law pending further court order from a court of competent jurisdiction. The dog's owner shall bear the costs of boarding and other related expenses.

(Adopted June 9, 2015; Bill No. 1739, Ordinance No. 1558)

55.790 Harboring vicious dog prohibited.

1. A person who knowingly:

(a) Owns or keeps a vicious dog, for more than 7 days after he has actual notice that the dog is vicious;

or

(b) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious, is guilty of a misdemeanor.

2. Upon demand of a peace officer or animal control officer, a vicious dog must be surrendered.

[§81, Ord. No. 1207]

55.795 Commercial Breeding Permit.

1. Every commercial breeder in Washoe County must apply for and obtain a commercial breeding permit form regional animal services.

2. Regional animal services shall issue a permit to each commercial breeder who:

(a) Pays the applicable fee; and

(b) Complies with all other permit requirements prescribed by regional animal services,

3. Each permit shall specify the address of the premises at which the person may act as a commercial breeder.

4. The commercial breeder must display the assigned permit number in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale.

5. A commercial breeder shall not:

(a) Sell a dog or cat:

(1) Unless the dog or cat has had a registered microchip subcutaneously inserted into the animal;

(2) Unless the dog or cat has had all required, age-appropriate rabies vaccinations; and

(3) Without providing a written sales contract to the purchaser.

(b) Breed a female dog:

(1) Before she is 18 months old; or

(2) More than once a year.

6. Any commercial breeder residing within the boundaries of the City of Reno shall maintain a City of Reno business license. Any commercial breeder residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. Any commercial breeder residing within the boundaries of the unincorporated areas of Washoe County shall maintain a Washoe County business license.

(a) Regional animal services shall notify the appropriate jurisdiction(s) of the City of Reno, the City of Sparks and/or Washoe County of the commercial breeding permit status.

(b) If, at any time, the City of Reno, the City of Sparks and/or Washoe County suspends or revokes the business license, the applicable jurisdiction shall notify regional animal services and the commercial breeding permit shall be suspended or revoked.

7. For the purpose of enforcing NRS 574.360 to 574.440, inclusive, as those provisions apply to commercial breeders, any animal control officer may enter and inspect the premises specified on the permit at any reasonable hour. During inspections, the animal control officer must verify that the commercial breeder holds a valid business license. A certificate of occupancy for the appropriate jurisdiction or an approved business license may be accepted as evidence that the commercial breeder is in compliance with the local jurisdiction.

8. An animal control officer or peace officer may suspend, revoke or deny a commercial breeding permit for a violation of NRS 574.360 to 574.440, inclusive, or for a violation of any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare.

(a) If the permittee fails to comply with any conditions imposed on the commercial breeding permit, regional animal services may suspend or revoke the permit. In such case, the permittee shall be advised in writing of the reason(s) therefore and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.

(b) Upon the filing of an appeal, the administrative hearing office shall hold a hearing on the appeal as soon as practicable.

(c) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800 (6) through 55.800 (17), inclusive.

(d) The hearing officer's decision sustaining, reversing, or sustaining with conditions the suspension or revocation shall include findings of fact and be transmitted in writing to the appellant within 14 working days.

(e) Any permittee aggrieved by the hearing officer's decision may appeal that decision by filing a petition for judicial review in the district court within 30 days of the hearing officer's decision. The commercial breeding permit shall remain in place until a decision is rendered by district court.

(Adopted June 23, 2015; Bill No. 1562, Ordinance No. 1742)

55.800 Penalties.

1. Except when a civil penalty is imposed pursuant to NRS 244.359 as provided below, any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not less than \$50 or more than \$1,000, or by both fine and imprisonment. Failure to appear in the proper court to answer to such misdemeanor citation is a separate offense.

2. Each day that a violation occurs constitutes a separate offense.

3. For any second conviction for violation of the same provision of this chapter, such person violating that provision shall be punished by imprisonment in the county jail for not more than 6 months, or by a fine of not less than \$100 nor more than \$1,000, or both fine and imprisonment.

4. In lieu of all or part of the criminal penalty which may be imposed pursuant to this section, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed by law.

5. Except as prohibited by NRS 244.359, and in lieu of any criminal penalty which may be imposed for the violation(s) of any ordinance enacted pursuant to NRS 244.359(3), a civil penalty in favor of the county may be imposed in an amount not to exceed \$500. In order to impose a civil penalty as

authorized by NRS 244.359, a peace officer or an animal control officer shall serve upon a person a "Notice of Civil Penalty" (NCP). The NCP shall contain the information required in WCC 55.800(8) and will be adjudicated in accordance with WCC 55.800(6) through 55.800(16) inclusive. A NCP is a civil infraction in nature and is not to be considered a criminal offense for any reason. All civil penalties collected pursuant to WCC 55.800 shall be payable directly to Washoe County and shall be placed in the County's general fund.

6. Violation-Civil Infraction. It is a civil infraction for which a civil penalty may be imposed against an animal owner and in favor of the County, for an animal to be found in violation of any of the animal ordinances which are set forth in WCC 55.010 through 55.800 to the extent allowed by law.

7. Notice of civil penalty. Whenever any animal is found in violation of the animal ordinances which are set forth in WCC 55.010 through 55.800, a NCP may be issued. In lieu of issuing a NCP, a written warning may be served upon the owner of the animal by affixing the warning to the place of residence in a conspicuous place. The written warning shall be imprinted so as to advise the owner that the owner has violated the animal control ordinances, which animal control ordinances the owner violated, but that it carries no civil or criminal penalty.

8. Notice of civil penalty - Form. The NCP authorized by WCC 55.800(5) must be on a form which is provided by Washoe County Regional Animal Services and must contain the following information or as much of the following information as reasonably possible:

(a) The name and address of the alleged violator;

(b) The location at which the violation occurred together with the date and approximate time of the violation;

(c) The description of the animal found in violation of WCC 55.010 through 55.800 together with the section(s) of the Washoe County Code allegedly violated;

(d) The name of the peace officer or animal control officer who issues the notice of civil penalty;

(e) Information which advises of the manner in which the violation occurred, and the time within which, the NCP should be answered;

(f) Information that Washoe County Regional Animal Services Center (WCRASC) is the Washoe County agency where the alleged violator shall appear. The NCP shall also contain the address, telephone number and the hours of operation of WCRASC;

(g) The amount of civil penalty imposed together with a statement that the NCP shall not be considered a criminal offense for any purpose and that a person who commits the infraction shall not be arrested as a result; the NCP shall also inform the person served that failure to respond to the NCP within 30 days of the date of issuance shall be deemed an admission of liability and a waiver of any right to a hearing and will result in the imposition of an additional \$25.00 administrative assessment;

(h) The NCP shall also advise the individual that the Washoe County Board of Commissioners authorizes animal services to accept as payment in full for the civil penalty, one half of the authorized penalty indicated on the NCP if the individual pays that amount within 30 days of issuance.

9. Issuance. The notice of civil penalty may be issued by any peace officer or animal control officer. The NCP may be issued by the peace officer or animal control officer based upon a written and signed statement of a complaining party. In such a case, the complaining party must appear at a hearing subsequently scheduled pursuant to WCC 55.800(13) (d) below, to testify. If the complaining party does not appear at the hearing in the case, the NCP will be dismissed and the respondent released from liability.

10. Filing. The notice of civil penalty and/or an electronic facsimile thereof, must be filed with and retained by Washoe County Regional Animal Services and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein. The notice of civil penalty must be served on the person to whom it is issued as provided in section 55.800(11).

11. Service. The notice of civil penalty may be served upon the owner of the animal by personal service, regular US Postal Service mail to the last known address of the owner, or by affixing the notice to the place of residence in a conspicuous place. Service of the notice of civil penalty by mail or affixation has the same force and effect and is subject to the same penalties for the disregard thereof as if the notice of civil penalty were personally served on the owner.

12. Liability. The owner of an animal is liable for all of the civil penalties which are imposed pursuant to this chapter. The following civil penalties are hereby authorized by the Board of County Commissioners:

(a) For the first NCP relating to an ordinance: \$100.00

(b) For second or subsequent NCPs issued for the same ordinance, as follows:

(1) Second NCP- \$200.00

(2) Third or subsequent NCP- \$400.00

(c) A peace officer or animal control officer may issue a criminal citation for a fourth or subsequent violation by the owner of the same ordinance within a three year period.

13. Notice of civil penalty-Duties of animal owner/respondent.

(a) A person who responds ("the respondent") to a notice of civil penalty must either:

(1) "Admit" the commission of the civil infraction and pay the civil penalty imposed on the NCP, or

(2) "Deny" liability for the civil penalty.

(b) A person may "admit" pursuant to paragraph (1) of subsection (a) of this section by paying the amount of the civil penalty which is appropriate for the violation and which has been approved by the Washoe County Board of Commissioners.

(c) A person may "deny" liability pursuant to paragraph (2) of subsection (a) of this section by appearing in person at or by telephone contact to the Washoe County Regional Animal Services Center within 34 days of the date of issuance of the NCP to request a hearing, at which time, a date for a hearing and assignment of hearing officer on the NCP shall be scheduled.

(d) Assignment of the hearing officer to each case will be on a fixed daily rotation basis, but the hearing officer must be chosen from a list of hearing officers approved by the Washoe County Board of Commissioners. Only one hearing officer will be so assigned per day to hear scheduled cases. The

assigned hearing officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. At the hearing, the hearing officer shall have the authority to require every witness to declare, under penalty of perjury, that he will testify truthfully, by oath or affirmation, administered by the hearing officer. An affirmation is sufficient if the witness is addressed in the following terms:

"Do you solemnly swear or affirm that the evidence you shall give in this matter now pending shall be the truth, the whole truth and nothing but the truth."

Assent to this affirmation shall be made by the answer "I do".

The hearing officer shall not accept evidence from any party that does not assent to the affirmation.

(e) At the hearing, any witness may present relevant evidence regarding the infraction and the issuance of the NCP. If the hearing officer finds that the civil infraction has not occurred or a civil infraction has been committed but the respondent asserts and proves one or more legal defenses to the NCP, the hearing officer may dismiss the NCP and release the owner from liability.

(f) If the hearing officer finds that a civil infraction has been committed and no defense exists, the hearing officer may, in the interest of justice and on behalf of the County, enter into an agreement for the timely or periodic payment of the applicable civil penalty.

(g) In a contested hearing, the respondent against whom the hearing officer has entered a finding of liability and has assessed a civil penalty, by default or otherwise, may, if the assessed fine has been paid, seek judicial review thereof by filing a petition for a writ of mandate in the district court within 30 days of the hearing officer's findings.

(h) If the person served with a NCP fails to respond as set forth in this subsection, animal services may serve on the violator by mail or by personal service, an overdue notice which shall contain payment instruction including the address to which payments should be mailed or personally delivered. The overdue notice shall also state that payment of the civil penalty in accordance with WCC 55.800(8)(h) is no longer available to the violator and that the entire amount of the civil penalty indicated on the NCP shall be paid. In addition, the overdue notice shall inform the violator that an additional administrative assessment of \$25.00 will also be charged.

14. Judicial enforcement. Judicial enforcement of a notice of civil penalty must be by way of civil suit in the appropriate Justice's Court. A certified copy of the notice of civil penalty constitutes a prima facie showing that a civil infraction occurred.

15. Commencement of civil action - Procedure. The civil action authorized in WCC 55.800(14) may be commenced at any time after the expiration of 60 days following the date on which the notice of civil penalty was served pursuant to WCC 55.800(11) or 60 days following the hearing officer's findings, by the filing of a complaint in the name of Washoe County and the issuance of a summons with respect thereto. Service of such complaint and summons on the defendant must be made by certified mail, return receipt requested, addressed to the registered owner of the animal at the owner's last known address, as indicated by any animal identification or in any other manner which is authorized by law.

The proceedings in the Justice's Court for actions commenced pursuant this chapter shall be governed by the appropriate Justice Court Rules of Civil Procedure.

16. Time limit. Civil actions pursuant to this chapter may only be commenced within one year after the date on which the civil penalty occurred, and the standard of proof which is applied is the preponderance of the evidence. The County has satisfied its burden of proof if it shows that a civil infraction occurred and that the animal was owned by, registered to, or in the custody of the defendant on the date the NCP was served, unless either of these elements is satisfactorily rebutted by the defendant. The defendant may assert and prove defenses as allowed by law and the court may dismiss the notice of civil penalty if it finds that a defense has been proven by the respondent.

17. Administrative Enforcement Authority. In addition to any criminal or civil penalties which are authorized by this chapter, in the sole discretion of Washoe County Regional Animal Services and in lieu of the process contained in WCC 55.800(5) through 55.800(16), any animal control officer is authorized to utilize the administrative enforcement procedures contained within WCC Chapter 125 in appropriate cases.