

Affidavit of Publication

STATE OF NEVADA,
County of Washoe—SS.

Mary Hefling
being duly sworn, deposes and says that he is the
Record Clerk
of The SPARKS TRIBUNE, a weekly newspaper,
published in Sparks, Washoe County, Nevada; that
he has charge of and knows the advertising ap-
pearing in said newspaper, and the
Notice of County Ordinance
Bill No. 629, Ordinance No. 458

of which a copy is hereunto attached, was first
published in said newspaper in its issue dated
May 21, 1980
and was published in each of the following issues
thereafter: May 28, 1980
the date of the last publication being in the issue
of May 28, 1980

Mary Hefling
Subscribed and sworn to before me this, the
28th day of May, 1980
Loretta Dickerson
Notary Public in and for the County of ~~Washoe~~ Douglas,
State of Nevada.

My Commission expires: October 25, 1980



NOTICE OF COUNTY ORDINANCE
NOTICE IS HEREBY GIVEN that Bill No. 629, Ordinance No. 458, entitled, "An Ordinance regulating the keeping of exotic animals in the unincorporated area of Washoe County; establishing standards for enclosures in which such animals are kept; creating the Exotic Animal Advisory Board; providing penalties; and providing other matters properly relating thereto" was adopted by Commissioners Farr, Stoess, Brown, Ferrari and Underwood on May 13, 1980. Typewritten copies of the Ordinance are available for inspection by all interested persons at the Office of the County Clerk.
JUDI BAILEY
County Clerk
Pub.: 5-21, 28, 1980.

80-722

SUMMARY: Regulates keeping of exotic animals in unincorporated area of County.

BILL NO. 629

ORDINANCE NO. 458

AN ORDINANCE REGULATING THE KEEPING OF EXOTIC ANIMALS IN THE UNINCORPORATED AREA OF WASHOE COUNTY; ESTABLISHING STANDARDS FOR ENCLOSURES IN WHICH SUCH ANIMALS ARE KEPT; CREATING THE EXOTIC ANIMAL ADVISORY BOARD; PROVIDING PENALTIES; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF WASHOE COUNTY DO ORDAIN:

SECTION 1. Findings. The Board of County Commissioners of Washoe County hereby finds and declares:

1. That there is an increasing incidence of importation of exotic animals into Washoe County by the residents thereof;
2. That such animals, in the absence of proper care and supervision by their owners, constitute a potential danger to the health and safety of the residents of the County;
3. That, at present, no guidelines exist to insure that such animals will receive proper care and supervision upon their importation into the County; and
4. That the enactment of the provisions of this Ordinance is necessary under the police powers granted to the Board by subsection 1 of NRS 244.357 to protect the health and safety of the residents of the County.

SECTION 2. Definitions. As used in this Ordinance, unless the context otherwise requires, the words and terms defined in this section have the meanings ascribed to them in this section.

1. "Advisory Board" means the Exotic Animal Advisory Board created pursuant to section 3 of this ordinance.
2. "Canine" includes any member of the dog family not customarily domesticated by man.
3. "Exotic Animal" includes any bear, canine, feline, marsupial, primate and raptor.
4. "Feline" includes any member of the cat family not customarily domesticated by man.
5. "Marsupial" includes kangaroos, wombats, bandicoots, opossums and related animals.
6. "Person" includes a natural person, firm, association, corporation or partnership.
7. "Primate" includes any mammal having more than four digits with nails on hands and feet, binocular vision, a large brainpan and other such characteristics. "Primate" does not include any homo sapien.
8. "Raptor" includes any bird of prey.

80-722

SECTION 3. Exotic animal advisory board; creation; composition.

1. There is hereby created the exotic animal advisory board consisting of five members appointed by the Board of County Commissioners. Not less than two members of the advisory board shall be persons who are owners and are knowledgeable in the care and supervision of exotic animals. One member of the board shall be the Animal Control Officer or his designee. One member of the board shall be a representative of a society for the prevention of cruelty to animals incorporated pursuant to chapter 574 of NRS. One member shall be a person engaged in the practice of veterinary medicine and employed by the United States Department of Agriculture.

2. Three members of the board shall be appointed for a term of 1 year and two shall be appointed for a term of 3 years. Each succeeding term shall be for a period of 3 years. If a vacancy occurs on the board, the Board of County Commissioners shall appoint a person with appropriate qualifications as set forth in paragraph 1 above until the expiration of the term which is the subject of the vacancy.

3. The board shall elect a chairman from among its members who shall hold office for 1 year and until the election and qualification of his successor.

4. A majority of the board constitutes a quorum for the transaction of business and a majority of those present must concur in any decision.

SECTION 4. Powers and duties of advisory board.

The advisory board shall meet to consider applications for permits to keep exotic animals within the unincorporated area of the County. After consideration of an application, the board shall recommend approval or denial of the permit to the Board of County Commissioners. A recommendation of approval may be made upon such conditions as the advisory board deems necessary to insure that the animals will receive proper care and supervision and to protect the health and safety of residents of the County.

SECTION 5. Permit to keep exotic animals required.

1. Commencing on the effective date of this ordinance, it is unlawful for any person to keep any exotic animal within the unincorporated area of the County without a permit therefor approved by the Board of County Commissioners.

2. To obtain a permit to keep an exotic animal within the unincorporated area of the County, a person shall make written application therefor at the office of the County Manager. The application shall contain such information as the Manager deems necessary to assist the advisory board and Board of County Commissioners in determining whether the permit should be approved. If an exotic animal is to be imported into the County, a copy of the written approval received from the Department of Fish and Game pursuant to NRS 503.597 shall accompany the application.

3. Each application shall be accompanied by a non-refundable fee of \$25 payable to the Animal Control Officer to defray the cost of notification of abutting property owners pursuant to paragraph 4 of this section.

4. Upon receipt of the completed application, the County Manager shall notify the Animal Control Officer and the Chairman of the exotic animal advisory board of that fact and set a date for a public hearing before the board on the application. The Animal Control Officer shall notify in writing each property owner whose property abuts the property on which the application to keep an exotic animal has been received so that the property owner may submit written comments concerning the application and attend the hearing at which the application is considered.

5. At the hearing, the advisory board shall consider the application, any written comments received from abutting property owners and oral comments from any other interested person. The board shall limit its consideration of the above to protection of health and safety of County residents and to the health and safety of the exotic animal which is the subject of the application.

6. At the conclusion of the hearing, the board shall recommend to the Board of County Commissioners whether to approve or deny the permit. A recommendation of approval may only be made upon a finding by the advisory board that keeping of the exotic animal will in no way jeopardize the health and safety of residents of the County.

7. The Board of County Commissioners shall take final action on the recommendation of the advisory board as soon as practicable after receipt thereof. Any condition imposed on the approval of the permit shall be strictly adhered to by the applicant and failure to do so constitutes cause for its immediate revocation.

8. The Animal Control Officer shall issue the permit when directed to do so by the Board of County Commissioners. The Animal Control Officer shall maintain a record of the date of issuance of, the conditions imposed on, and the person to whom a permit has been issued pursuant to this section. The Animal Control Officer shall from time to time, but not less than twice yearly, inspect the premises which are the subject of the permit to determine whether the permittee is in compliance with the permit conditions.

SECTION 6. Enclosures for exotic animals; minimum structural requirements.

The following minimum enclosure and shelter requirements shall be adhered to before an exotic animal may be kept pursuant to a permit issued under the provisions contained in section 5 of this ordinance.

1. Primates

a. Enclosures for small size primates such as marmosets and squirrel monkeys shall be not less than 3 ft. by 4 ft. by 4 ft. (48 cubic ft.) for two or less of such primates. The size of the enclosure shall be increased by not less than 1 ft. by 3 ft. by 4 ft. (12 cubic ft.) for each additional small size primate.

b. Enclosures for medium size primates such as capuchins shall be not less than 6 ft. by 6 ft. by 6 ft. (216 cubic ft.) for two or less of such primates. The size of the enclosure shall be increased by 2 ft. by 4 ft. by 6 ft. (48 cubic ft.) for each additional medium size primate.

c. Enclosures for large size primates such as spider monkeys, woolies and macaques shall be not less than 10 ft. by 10 ft. by 8 ft. (800 cubic ft.) for two or less of such primates. The size of the enclosure shall be increased to 10 ft. by 20 ft. by 8 ft. (1,600 cubic ft.) when there are more than 2 but less than 5 of such primates. The size of the enclosure shall be increased by 4 ft. by 10 ft. by 8 ft. (320 cubic ft.) for each additional primate thereafter.

d. Enclosures for large size primates such as chimpanzees, gorillas, orangutans and gibbons shall meet zoo specifications unless the advisory board determines, under the circumstances, that other specifications are appropriate.

e. Enclosures for small and medium size primates shall be constructed of not less than 11 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.

f. 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.

g. The advisory board may require security fencing surrounding any primate enclosure if it determines, under the circumstances, that such fencing is warranted.

2. Felines

a. Enclosures for small size felines such as margays, servals and ocelots shall be not less than 10 ft. by 10 ft. by 6 ft. (600 cubic ft.) for two or less of such felines. The size of the enclosure shall be increased by 6 ft. by 6 ft. by 6 ft. (216 cubic ft.) for each additional small size feline.

b. Enclosures for large size felines such as cougars, leopards and jaguars shall be not less than 10 ft. by 20 ft. by 8 ft. (1,600 cubic ft.) for one of such felines. The size of the enclosure shall be increased to 20 ft. by 20 ft. by 8 ft. (3,200 cubic ft.) when there are more than one but less than 4 of such felines. The size of the enclosure for 4 or more of such felines shall be established by the advisory board on a case by case basis.

c. Enclosures for lions shall be not less than 15 ft. by 20 ft. by 8 ft. (2,400 cubic ft.) for each lion. No more than one lion may be housed in each enclosure. When more than one lion is kept, each additional enclosure may adjoin the primary enclosure.

d. Enclosures for tigers shall be not less than 15 ft. by 20 ft. by 10 ft. (3,000 cubic ft.) for each tiger. No more than one tiger may be housed in each enclosure. When more than one tiger is kept, each additional enclosure may adjoin the primary enclosure.

e. Enclosures for small size felines shall be constructed of not less than 11 gauge chain link or heavy wrapped wire. Enclosures for large size felines shall be constructed of not less than 9 gauge chain link. 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 shall have a secure top.

f. All felines shall have access at all times to an area sheltered from adverse climatic conditions.

g. The enclosure requirements for felines set forth above may be waived by the advisory board if it finds that the size and disposition of the feline are such that the feline poses no danger to public health and safety.

3. Canines

a. Enclosures for canines such as wolves and coyotes shall be not less than 10 ft. by 20 ft. by 6 ft. (1,200 cubic ft.) for one of such canines. The size of the enclosure shall be increased to 20 ft. by 20 ft. by 6 ft. (2,400 cubic ft.) when there are more than one but less than 5 of such canines. The size of the enclosure for 5 or more of such canines shall be established by the advisory board on a case by case basis.

b. Enclosures for canines shall be constructed of not less than 9 gauge chain link. The floor of such enclosures shall consist of concrete or wood. 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.

c. Canines may be kept in areas other than enclosures of the type described in paragraph b above if approved by the advisory board. However, the area shall be fenced to a height of not less than 6 feet by at least 11 gauge chain link.

d. All canines shall have access at all times to an area sheltered from adverse climatic conditions.

4. Bears, marsupials and raptors.

The size of enclosures for bears, marsupials and raptors shall be established by the advisory board on a case by case basis. The board may require that the enclosures be at least equal in size to county, state or federal zoo enclosures for such animals. Raptors shall be kept in accordance with all applicable provisions and standards therefor which are found in the Falconry Regulations of the Board of Wildlife Commissioners of the State of Nevada (Commission General Regulation No. 15).

5. The advisory board may require that security fencing and double gates be installed with any enclosure if it determines that such fencing and gates are warranted.

SECTION 7.

1. In recommending the issuance of a permit to keep an exotic animal, the advisory board shall specify at what times and under what conditions the animal may be removed from its enclosure. In imposing its conditions, the board 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 need exists for secure restraint of the animal, 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.

2. Except in cases of emergency wherein the life, health or safety of the exotic animal is threatened or immediate medical treatment is required, the owner thereof shall strictly adhere to each condition imposed by the advisory board pursuant to subsection 1 of this section. Failure to do so constitutes cause for immediate revocation of the permit to keep the animal.

SECTION 3. Revocation of permit.

1. A permit issued pursuant to section 5 of this ordinance may be revoked by the Board of County Commissioners, after hearing, for failure by the permittee to comply with any conditions imposed by the advisory board or Board of County Commissioners or failure to comply with any provision of this ordinance.

2. If a permit is revoked, the owner of the animal which is the subject of the permit shall transfer ownership of the animal by sale or gift to another person who is capable of compliance with this ordinance or shall remove it from the County. If the animal is transferred, the transferee shall immediately apply for a permit not later than 60 days from the date of application. If a permit is not obtained by the end of the 60 day period, the animal shall be removed from the County.

SECTION 9. Impoundment of animals.

1. Any exotic animal which is kept by any person in contravention of this ordinance may be taken up and impounded by the Animal Control Officer for the protection of public health and safety as well as for the protection and health of the animal itself. Whenever possible, the Animal Control Officer shall take up and impound the animal in the presence of the owner thereof.

2. If an animal is impounded pursuant to paragraph 1 of this section, the owner thereof shall be notified of that fact by the Animal Control Officer 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 by certified mail, on the date indicated on the return receipt.

3. Any animal impounded pursuant to this section shall be cared for at the expense of the owner thereof for a period of not more than 30 days. During the period of impoundment, the owner may reclaim the animal by paying the expenses incurred by the Animal Control Officer for the animal's care and by complying fully with the provisions of this ordinance.

4. At the end of the impoundment period, or sooner if the animal has been abandoned by its owner, the animal may be sold by the Animal Control Officer to the highest bidder and all money received from the sale may be applied toward

payment of expenses of the animal's impoundment. Each person who bids on the animal shall submit his bid in writing to the Animal Control Officer and shall submit an application for a permit to keep the animal pursuant to section 5 of this ordinance. Application fees shall be refunded to all unsuccessful bidders. If the amount of the highest bid exceeds the expenses of impoundment, the excess shall be refunded to the former owner of the animal if the owner's identity is known. If the owner's identity is not known, all money received shall be retained by the Animal Control Officer to defray costs of operation of the animal control center.

5. If the impounded animal is sold, the Animal Control Officer shall notify the buyer of the permit and other requirements of this ordinance and shall insure that the buyer has complied or is in the process of complying with such requirements before releasing the animal to his custody.

6. If the animal is not sold during the impoundment period, the Animal Control Officer shall, by classified advertisement in a newspaper of general circulation in the County, notify interested persons that the animal is available for purchase at the animal control center. The advertisement shall appear daily in the newspaper for a period of not less than 2 weeks and shall be placed in the section of classified advertisements where animals are advertised for sale. The Animal Control Officer shall sell the animal to the highest bidder at the end of the 2 week period in the same manner as prescribed in paragraphs 4 and 5 of this section.

7. If the Animal Control Officer is unable to sell the animal he may destroy it in a humane manner or may give the animal to any person who is capable of complying with this ordinance.

SECTION 10.

Any person who willfully and knowingly violates any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine of not more than \$500 or by imprisonment in the County jail for not more than 6 months, or by both such fine and imprisonment. Each day on which a violation occurs constitutes a separate offense.

SECTION 11. Severability.

If any provision contained in this ordinance, or the application thereof to any person, thing or circumstance is held invalid, such invalidity shall not affect the provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 12.

All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in other County ordinances which are in conflict with the provisions of this ordinance are hereby superseded to the extent of such conflict only.

Proposed on the 15th day of April, 1980.
Proposed by Commissioner Brown.
Passed on the 13th day of May, 1980.

Vote:

Ayes: Commissioners: Farr, Stoess, Brown, Underwood & Ferrari.

Nays: Commissioners: None

Absent: Commissioners: None

Bill Ford
Chairman of the Board

ATTEST:

JUDI BAILEY, CLERK

By Jack Haddell Chief Deputy
County Clerk

This ordinance shall be in force and effect from and after
the 28th day of May, 1980.

ORDINANCE NO. 458

Amended by Bill 640, Ordinance 469, Item 80-950, effective June 24, 1980.

Amended by Bill 653, Ordinance 482, Item 80-1982, effective December 31, 1980.

SECTION 5 amended by ORD. 510 (Bill 681) effective November 25, 1981, by increasing the fee for an exotic animal permit.