

BILL NO. 2009-11

NYE COUNTY ORDINANCE NO. ____

SUMMARY: A Bill proposing to amend Nye County Code Title 6, Animals, by repealing Ordinance No's 99, 161, 191, 196, 272, 283, and 356; and by adding Chapter 6.04, General Provisions; by adding Chapter 6.06, Administration and Enforcement; by adding Chapter 6.08, General Provisions – Licensing, Vaccinations, Limits on Number of Animals, Running at Large, Impoundment, Rabies Prevention; by adding Chapter 6.12, Cruelty to Animals; by adding Chapter 6.13, Animal Facility Regulations; by adding Chapter 6.20, Miscellaneous Animal Regulations; by adding Chapter 6.25, Animal Advisory Committee; by adding Chapter 6.30, Ownership and Possession of Special Conditions Animals; and other matters properly related thereto.

TITLE: A BILL PROPOSING TO AMEND NYE COUNTY CODE TITLE 6, ANIMALS, BY REPEALING ORDINANCE NO's 99, 161, 191, 196, 272, 283, AND 356; BY SETTING FORTH THE AUTHORIZATION FOR THIS BILL; BY ADDING DEFINITIONS; PROVIDING FOR ADMINISTRATION AND ENFORCEMENT; BY PROVIDING LICENSING, VACCINATIONS, LIMITS ON NUMBER OF ANIMALS, RUNNING AT LARGE, IMPOUNDMENT, RABIES PREVENTION; PROVIDING FOR CRUELTY TO ANIMALS; PROVIDING FOR ANIMAL FACILITY REGULATIONS; PROVIDING FOR MISCELLANEOUS ANIMAL REGULATIONS; PROVIDING FOR ANIMAL ADVISORY COMMITTEE; PROVIDING FOR OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS; AND OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant to NRS 244.359, The Nye County Board of Commissioners ("Board") is authorized to enact animal control ordinances; and

WHEREAS, the Board believes it is in the best interest of the people of Nye County that the County's animal control ordinance, Nye County Code Title 6, be amended; and

NOW, THEREFORE, the Board of County Commissioners of the County of Nye, State of Nevada, does hereby ordain as follows:

NYE COUNTY CODE TITLE 6 IS HEREBY AMENDED BY REPEALING ORDINANCE NO's 99, 161, 191, 196, 272, 283, AND 356 AND BY ADDING CHAPTER'S 6.04, GENERAL PROVISIONS; BY ADDING CHAPTER 6.06, ADMINISTRATION AND ENFORCEMENT; BY ADDING CHAPTER 6.08, GENERAL PROVISIONS – LICENSING, VACCINATIONS, LIMITS ON NUMBER OF ANIMALS, RUNNING AT LARGE, IMPOUNDMENT, RABIES PREVENTION; BY ADDING CHAPTER 6.12, CRUELTY TO ANIMALS; BY ADDING CHAPTER 6.13, ANIMAL FACILITY REGULATIONS; BY ADDING CHAPTER 6.20, MISCELLANEOUS ANIMAL REGULATIONS; BY ADDING CHAPTER 6.25, ANIMAL ADVISORY COMMITTEE; BY ADDING CHAPTER 6.30, OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS THERETO AS FOLLOWS:

6.04 GENERAL PROVISIONS

6.04.010 TITLE

This Title shall be known as the Animal Control Ordinance.

6.04.020 DEFINITION OF TERMS

Except as specifically defined herein or where it is plainly evident from the context that a different meaning is intended, all words and phrases in this title shall have their customary dictionary definitions. All words used in the singular shall include the plural and the plural the singular. Each gender shall include the other; and tense shall include all other tenses. The word “shall” is mandatory and the word “may” is permissive.

6.04.030 DEFINITIONS

Animal: Does not include the human race, but includes every other living creature.

Animal Advisory Committee: Animal Advisory Committee which acts in an advisory capacity to the Board of County Commissioners in the review and development of rules, regulations and ordinances for the care and control of animals in Nye County; Studies and makes recommendations regarding the acquisition and provision of services and facilities for the care and control of animals by the county; hear, consider, review and make recommendations on matters submitted including, contested decisions made by Animal Control related to the enforcement of Title 6.

Animal Control Officer: Any person employed by Nye County or Nye County Sheriff's office and responsible for the enforcement of this title, federal and state statutes/law pertaining to animals.

Animal Control Supervisor: The person employed as the supervisor of animal control for Nye County or his or her designee.

Animal Facility: A place where animals are kept for profit or non-profit, for selling, breeding, adoption, boarding, short or long term care.

Animal Rescue: An establishment owned or operated by a licensed profit or non-profit organization whose primary function is to provide temporary care and comfort to domesticated animals.

Animal Sanctuary: An establishment owned or operated by a licensed profit or non-profit organization whose primary function is to provide lifetime care and comfort to domesticated animals.

Animal Shelter: Any place designated by the County for the confinement of animals in the custody of the County pursuant to the provisions of this title.

At Large: Animals off the property of the owner and off the leash, cord, chain or fence barrier.

Bite: A puncture or tear of the skin inflicted by the teeth of an animal.

Board: Nye County Board of County Commissioners.

Cat: Any domestic cat (*Felis sylvestris catus*).

Commercial Kennel: A place where any numbers of dogs or cats are boarded and kept for commercial purposes, including breeding, boarding, and/or training. This term does not include state inspected veterinary hospitals, or the County Animal Control shelter. *see also title 17.04.110

County: Those areas of Nye County exclusive of incorporated areas.

Dog: Any male or female dog (*canis familiaris*).

Ferret: Any domestic ferret (*mustela furo*).

Health Officer: The Chief Health Officer of Nye County or his or her designee.

Livestock: All manner of farm or agricultural animal, including, but not limited to, horses, cattle, swine, goats, sheep, chickens, turkeys, mules, mustangs, burros, buffalos and other farm fowl.

Owner: Any person owning, keeping, harboring, or having care, custody and control over any animal.

Pet Store: An establishment where live animals are kept for wholesale or retail sale, barter, adoption or hire.

Potentially vicious dog: Any dog that, when unprovoked, inflicts bites on a human or a domestic animal either on public or private property; or chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or otherwise to threaten the safety of humans or domestic animals.

Residential Kennel: A place where a total of six (6) to ten (10) dogs or cats are kept by the owner for personal pleasure; animals are not kept primarily for remuneration or breeding purposes. Dogs trained for search and rescue or service animals shall not be counted toward the number of dogs or cats for the purposes of residential kennel.

Restraint or Restrained: An animal secured by a leash, cable, cord, chain or similar devise or confined within the property limits of its owner or keeper by way of a fence, cage or other devise.

Service animal: An animal that has been individually trained to mitigate his or her partner's disability.

Severe injury: Any physical injury that results in broken bones or disfiguring lacerations or which requires surgery or hospitalization.

Sheriff: The chief law enforcement officer of Nye County or his or her designee.

Special Conditions Animal: Animals that, due to unique husbandry, handling, recapture and enclosure requirements, consist of the following: Baboons (genus *Papio*), Chimpanzees (genus *Pan*), Drills and Mandrills (genus *Mandrillus*) Gelada Baboons (genus *Theropithecus*), Gibbons (genus *Hylobates*), Gorillas (genus *Gorilla*), Macaques (genus *Macaca*), Orangutans (genus *Pongo*), Siamangs (genus *Symphalangus*), Cheetahs (*Acinonyx jubatus*), Clouded Leopards (*Neofelis nebulosa*), Cougars, Panthers (*Puma concolor*), Jaguars (*Panthera onca*), Leopards (*Panthera pardus*), Lions (*Panthera leo*), Snow Leopards (*Panthera uncia*), Tigers (*Panthera tigris*), African Wild Dogs (*Lycaon pictus*), Dingoes (*Canis Dingo*), Jackals (Four species: *Canis aureus*, *mesomelas*, *simensis*, *adustus*), Maned wolf (*Chrysocyon brachyurus*), Wolves (*Canis Lupus*, *Canis Rufus*), Wolf hybrids. Bears (family *Ursidae*), Elephants (family *Eliphantidae*), Hyenas (family *Hyaenidae*), Wolverines (*Gulo gulo*), Wild hybrids and any others that would fall within this category that are not individually listed.*see also Title 17

Stray animal: Any animal running at large upon public or private land whose owner is unknown in the section where the animal is found.

Torture and Cruelty: Every act or omission whereby unjustifiable physical pain, suffering or death is caused to an animal.

Veterinarian: A graduate doctor of veterinary medicine licensed to practice in the State of Nevada.

Veterinary Facility (small animal): Any establishment operated by a veterinarian to provide dental, medical or surgical treatment, boarding, care and grooming for small animals may be provided. A veterinary clinic may have adjacent to it or in conjunction with it, or as an integral part of it, indoor pens, cages, or kennels for quarantine or observation, in a completely enclosed building. (Ord. 346, 2007)

Veterinary Facility (large and small animal): Any establishment operated by a veterinarian to provide dental, medical or surgical treatment, boarding, care and grooming for large and small animals. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, indoor and outdoor pens, stalls, cages, or kennels for quarantine or observation. (Ord. 346, 2007)

Vicious dog: Any dog that, according to the records of the appropriate authority, has, inflicted severe injury on a human being without provocation on public or private property or killed a domestic animal without provocation while off the owner's property or has been previously found to be potentially dangerous, and the owner having received notice of such, and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

Wild animal: As defined by the United States Department of Agriculture: Any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not limited to, animals such as: Deer, skunk, opossum, raccoon, mink, badger, armadillo, coyote, squirrel, fox, wolf, cougar/ mountain lion, and lynx/bobcat.

6.04.040 PROMULGATION OF REGULATIONS AND FEE SCHEDULE

- A. The Board of County Commissioners may promulgate regulations to carry out and effect the provisions of this Title and, from time to time as deemed necessary or advisable, may amend those regulations. Such regulations or amendments thereto, shall not become effective until the resolution adopting such regulations is published at least one time in a newspaper of general circulation in the County, and the public is so noticed of the place where a copy of the regulations or amended regulations may be reviewed or obtained.
- B. The Board of County Commissioners, by resolution, shall promulgate a schedule of the fees and penalties required by Title 6; and, from time to time as deemed necessary or advisable, the Board by resolution may amend that schedule of fees and penalties. The resolution adopting the fee/penalty schedule, or any amendments thereto, must be published at least one time in a newspaper of general circulation in the County prior to the fees and/or penalties going into effect.

6.06 ADMINISTRATION AND ENFORCEMENT

6.06.010 ENFORCEMENT

The county's animal control officers and sheriff's officers have the authority to enforce the provisions of this title, state and federal statutes/law related to the safety and health of animals and the public safety of the communities. Pursuant to such authority the officers designated having authority may

- A. Issue citations, tickets, summons and any other legal notices;
- B. Investigate suspected or alleged violations thereof;
- C. Issue a "general duty citation" when a serious violation exists, but no regulation pertaining to the situation is included within Title 6. The officer issuing the citation will reference a state and/or federal statute / law, related to protecting the safety and health of animals, and/or the public safety of the communities.
- D. Perform such other duties reasonably necessary to the above or as the county may provide.

6.06.020 RESISTING AUTHORIZED PERSONNEL UNLAWFUL

No person shall oppose, resist or interfere with any official engaged in the performance of any duties related to the enforcement of this title.

6.06.030 APPEAL OF ADMINISTRATIVE DECISIONS

- A. Where it is alleged that there is error in any decision or determination made by an administrative official pursuant to administrative authority granted pursuant to this title, an appeal of such determination may be made to the animal advisory committee.
- B. Appeals must be made within fifteen (15) days of the date of the administrative decision.
- C. In exercising its powers, the animal advisory committee may, so long as such action is not in conflict with this title, reserve, affirm, or modify the administrative decision or determination.

6.06.040 VIOLATION OF THIS TITLE—PENALTY

Unless otherwise provided herein, any person who violates any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than six months, or both fine and imprisonment.

6.08 GENERAL PROVISIONS—LICENSING, VACCINATIONS, LIMITS ON NUMBER OF ANIMALS, RUNNING AT LARGE, IMPOUNDMENT, RABIES PREVENTION

6.08.010 DOGS AND CATS—LICENSE REQUIRED

- A. Any person owning or possessing a dog or cat over the age of six months must obtain, and thereafter continuously maintain for the life of the animal, a license issued by the county.
- B. The Board of County Commissioners will establish license fees for each dog or cat licensed as required by this Title, in the manner provided in Section [6.04.030](#) of this Title. At the Board's discretion, those fees may be set at varying amounts, depending on:
 - 1.
 - 2. The term of the license (1 or 3 years or variable), as provided in Section [6.08.020](#) of this Chapter;
 - 3. Whether the dog or cat is spayed or neutered; and/or
 - 4. If the dog or cat is maintained in a kennel for which the operator has obtained a permit, as provided in Section [6.08.050](#), [6.08.060](#) and [6.08.070](#) of this Chapter.
- C. The Board of County Commissioners may establish a penalty to be assessed for each license or renewal of license which is not obtained within 30 days.
- D. A trained and working service dog as defined by this title shall be duly licensed, but the license fee for that dog shall be waived.

E. Proof of rabies vaccination as required by this title must be provided prior to the issuance of the license.

F. The owner of any dog required to be licensed shall securely fasten to the animal a license tag provided by the county. It is unlawful for any person to:

1. Remove a license tag from any dog not owned or lawfully possessed by such person.
2. Place on any dog any license tag that does not relate to that particular animal.
3. Place on any dog any counterfeit or imitation license tag.

G. The minimum penalty fee that shall be assessed for a dog or cat not being licensed will be \$50 per animal. A portion of the penalty fee will go towards getting the identified animal properly licensed.

6.08.020 TERM

The term of each dog or cat license issued by the County shall be effective for a period coinciding with the effective period of the dog's or cat's rabies vaccination.

- A. For first-time licenses (for puppies or kittens, new residents of the County or otherwise), the term shall be variable, ending on the expiration date of the dog's or cat's current vaccination.
- B. For renewals of licenses, the term shall be for one or three (3) years, depending on the vaccine administered, with the license expiring on the expiration date of the vaccination.

6.08.030 DOGS, CATS AND FERRETS—RABIES VACCINATION REQUIRED

- A. Any person owning or possessing a dog, cat or ferret over the age of six months shall cause the same to be vaccinated for rabies within thirty (30) days of ownership or possession.
- B. The minimum penalty fee that shall be assessed for a dog, cat and or ferret not being appropriately vaccinated for rabies will be \$50 per animal. A portion of the penalty fee will go towards getting the identified animal properly vaccinated.

6.08.040 DOGS AND CATS — LIMITS

- A. Except as otherwise provided herein, no person shall keep more than (5) dogs, and (5) cats, over the age of three months at any one location or residence.
- B. It is unlawful for any one household or business to possess, own or keep more than two (2) unspayed or unneutered dogs over the age of six (6) months at any one time. It is unlawful for any one household or business to possess, own or keep more than two (2) unspayed or unneutered cats over the age of six (6) months at any one time. The ownership, maintenance or possession of more than two (2) unspayed or unneutered dogs or two (2) unspayed or unneutered cats by any individual is declared to be a public nuisance, subject to judicial

abatement in proceedings to be initiated by the animal control officer and/or sheriff upon receipt of a written complaint that such practice is occurring.

- C. Notwithstanding the provisions of this Chapter, the provisions of licensing shall not apply to dogs used in the operation of a farm, ranch, or other bona fide agricultural enterprise.

6.08.050 PET DOG, PET CAT FANCIER'S PERMIT

A pet fancier may keep and maintain on his or her property up to five dogs and/or five cats over six months of age which are unsterilized, provided that the owner obtains from Animal Control the appropriate pet fancier's permit and annual inspection of the premises by the animal control officer.

6.08.060 RESIDENTIAL KENNEL PERMITS *see also title 17

- A. A person may keep from (6) to (10) dogs or cats at one location or residence provided that such person:

1. Keeps such animals for the purpose of personal pleasure and are not kept primarily for remuneration or breeding purposes;
2. Obtains a residential kennel permit; and
3. Pays an annual fee of sixty dollars (\$60.00).
4. All animals maintained in these facilities, except those animals meant for resale which are less than six (6) months old, shall be licensed.

- B. The granting of a residential kennel permit is at the discretion of animal control for the purposes described above and may be conditioned to address health and safety concerns, local zoning requirements or to prevent the animals from becoming a nuisance. Residential kennel permits are site specific and non-transferrable.

6.08.070 COMMERCIAL KENNEL PERMITS *see also Title 17

A person may keep any number of dogs or cats at one location or residence provided that such person:

1. Keeps such animals for the purpose of providing a rescue/sanctuary facility or for commercial purposes, including breeding, boarding, and/or training.
2. Obtains a commercial kennel permit; and
3. Pays an annual fee of sixty dollars (\$60.00).
4. All animals maintained in these facilities, except those animals meant for resale which are less than six (6) months old, shall be licensed.

- B. The granting of a commercial kennel permit is at the discretion of animal control for the purposes described above and may be conditioned to address health and safety concerns, local zoning requirements or to prevent the animals from becoming a nuisance. Commercial kennel permits are site specific and non-transferrable.

6.08.080 RUNNING AT LARGE

- A. It is unlawful for any person owning or possessing any animal to permit the same to run at large or trespass on any public or private property.
- B. Any animal running at large or not restrained as required by this title shall be impounded and kept at an animal shelter for a period of at least three (3) working days.
- C. Any animal impounded pursuant to this section may be reclaimed within seventy-two (72) hours upon:
1. Proof of ownership or lawful possession, and
 2. Payment based on the current Nye County Animal Shelter fee schedule, plus the daily cost of boarding.

For purposes of this section, “daily cost of boarding” means the average daily cost to the county to board and maintain impounded animals. This cost shall be calculated by the animal shelter supervisor at least once a year and the basis for the calculation shall be published in a memorandum, approved by the county commissioners and made available for public inspection and copying.

D. Any sick or injured animal impounded pursuant to this section may be euthanized at any time after impoundment, if, in the professional judgment of shelter management, inhumane suffering may be prevented thereby.

E. After three (3) business days, any animal impounded pursuant to this section is considered abandoned and may be made available for auction, adoption or destroyed.

6.08.090 IMPOUNDMENT FOR VIOLATIONS OF THIS CODE

- A. An animal may be impounded by an animal control officer or sheriff’s officer when such officers have probable cause to believe that the owner or person possessing such animal is in violation of this title or other law related to animals.
- B. Any animal impounded pursuant to this section shall be released to its owner or person lawfully possessing it upon final disposition of all criminal charges or citations relating to the impoundment, unless otherwise ordered by a court of law. Nothing in this section shall prevent the release of the animal sooner if so directed by the animal control.

6.08.090 RELEASE OF IMPOUNDED ANIMALS

- A. No animal impounded pursuant to the provisions of this title shall be released until the owner or person lawfully possessing such animal is in compliance with all of the applicable provisions of this title.
- B. Prior to the release of any animal impounded pursuant to the provisions of this title, the location where the animal resides may be subject to inspection to ensure that the animal is properly restrained and cared for.
- C. Any livestock surrendered to animal control, or deemed abandoned after posting of legal notice by an animal control officer and impounded pursuant to the provisions of this title, which are not claimed by its owner within three (3) working days may be made available for auction, adoption or destroyed.

6.08.100 SUSPICION OF RABIES BY ANIMAL CONTROL OFFICER

If an animal control officer suspects an animal has rabies, the officer may impound such animal for examination by a veterinarian. For purposes of this section an animal will be suspected of having rabies whenever it bites another animal or person. If the animal is afflicted with rabies, it shall be confined for such time or disposed of as the animal control supervisor directs. Any confinement, quarantine or disposal pursuant to this section will be at the owner's expenses.

6.08.110 RESPONSIBILITY OF OWNER TO QUARANTINE ANIMAL SUSPECTED OF RABIES

A person that knows or has reason to know that an animal is infected with rabies, has been exposed to rabies, or has been bitten by another animal infected with rabies shall immediately notify an animal control officer, and, if such person is the owner or has lawful possession of the animal, shall surrender the animal to such officer. In the event an animal taken into custody pursuant to this section is afflicted with rabies, the animal shall be confined for such time or disposed of as the animal control supervisor directs. Any confinement, quarantine or disposal of an animal pursuant to this section shall be at the owner's expense.

6.08.120 ANIMAL BITES; REPORTS REQUIRED

It shall be the duty of anyone with knowledge thereof to report any animal bite to the animal control officer and/or sheriff, and to provide all the pertinent information requested.

6.08.130 REPORTING OF FOUND ANIMALS

Any person who takes custody of any lost or abandoned animal, or any animal running at large, shall report the animal as such to an animal control officer within twenty-four (24) hours after taking custody thereof.

6.08.14 ANIMAL WASTE AND ODOR

A. No person having, owning or possessing an animal shall permit, either willfully or through failure to exercise due care, such animal to excrete any solid waste upon any public or private property (unless such private property is under the ownership or control of said person). No violation of this section shall occur if the owner or person having custody of the offending animal properly and voluntarily removes and properly disposes of the solid waste.

B. No person shall permit any animal related odors to permeate from property such person owns or possess which is injurious to the public health, indecent or offensive to the senses of a reasonable person, or which constitutes an unreasonable intrusion into the quiet enjoyment of another's property.

6.12 CRUELTY TO ANIMALS

6.12.010 ANIMAL FIGHTING

A. It is unlawful for any person to keep or use, or be in any manner connected with or interested in the management of, or receive money or other things of value for the admission of any person to, a house, apartment, pit or place for the baiting and fighting of birds or animals, and it is unlawful for any owner or occupant of a house, apartment, pit or place to willfully procure or permit the same to be used or occupied for such baiting or fighting, or to instigate, promote, arrange or carry on, or do any act as assistant, umpire, principal, spectator or otherwise, in aid of or calculated to encourage or further any fight between birds, dogs or other animals.

B. The minimum penalty fee that shall be accessed for a violation of this chapter will be \$1,000 per animal plus cost of impoundment and veterinarian fees.

6.12.020 CRUELTY

A. It is unlawful for any person to overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any animal, whether belonging to himself or to another, or deprive any animal of necessary sustenance, food, drink or shelter, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.

B. It is unlawful for any person to ride or drive a horse while under the influence of intoxicating liquor or drug.

C. It is unlawful for any person to intentionally trip or fell any equine animal by the legs or by any means whatsoever for the purposes of, but without limitation hereto, sport or entertainment.

D. Nothing herein contained shall be construed to prohibit or interfere with the animal control officer or code or law enforcement officer in the exercise and performance of the powers and duties in this title set forth as to them, and any properly conducted scientific experiments or investigations performed only under the authority and direction of the faculty of any regularly incorporated medical college or university of the state of Nevada.

E. The minimum penalty fee that shall be accessed for a violation of this chapter will be \$1,000 per animal per offense plus cost of impoundment and veterinarian fees.

6.12.030 ABANDONING INJURED ANIMALS

It is unlawful for any person owning, possessing or having the care, custody and control of an animal, whether injured or not, to abandon the same, or leave it to die in a public street, road, alley, or other public place, or upon the private property of himself or another, more than one hour after he receives notice that it is left disabled.

6.12.040 POISONING

It is unlawful for any person to unjustifiably administer any poisonous drug or substance to any animal, or unjustifiably expose any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another. Nothing in this section or chapter shall be construed to:

- A. Prevent or restrict an animal control officer, police officer, health officer or similar official in the exercise and performance of the powers and duties of such officers;
- B. Prevent the eradication by poisoning of animals commonly considered pests which are harmful or destructive to man, other animals or property;
- C. Prevent the eradication by poisoning of “vertebrate pests” as that term is defined by NRS 555.005;
- D. Prevent scientific experiments or investigations on animals performed by an accredited medical college or research institution.
- E. The minimum penalty fee that shall be accessed for a violation of this chapter shall be \$1,000 per animal per offense.

6.12.050 ENDANGERING ANIMALS

- A. It is unlawful for any person to throw, drop or place upon any road or public or private right-of-way any material, substance or device intended to wound, disable or injure an animal.
- B. The minimum penalty fee that shall be accessed for a violation of this chapter shall be \$1,000 per animal per offense.

6.12.060 TRANSPORTING OF ANIMALS

- A. It is unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle, device, or otherwise, any animal in a cruel or inhumane or dangerous manner, or so as to produce torture.
- B. It is unlawful for any person to transport any animal in the bed of an open truck or similar vehicle without taking reasonable measures to prevent the animal from jumping or being thrown from the vehicle.

C. It is unlawful for any person to confine an animal in a motor vehicle under conditions or for such period of time as may endanger the health of such animal due to heat, cold, lack of food or water or other circumstances that could reasonably be expected to cause suffering.

D. The minimum penalty fee that shall be assessed for a violation of this chapter shall be \$250 per animal per offense.

6.13 ANIMAL FACILITY REGULATIONS

6.13.010 DEFINITIONS

For purposes of this chapter:

“Ambient temperature” means the temperature directly and immediately affecting the animal.

“Dealer” means a person who, for compensation or profit, buys, sells, breeds, adopts, grades or imports animals for resale.

“Housing facility” means a building, room or other area which contains one or more animal enclosures.

“Operator” means a person responsible for the operation of a for-profit or nonprofit animal shelter, a kennel, sanctuary, rescue or commercial establishment engaged in the business of selling or adopting animals.

“Retailer” means a person who acquires pets for resale. (Ord. 2417 § 1 (part), 2007)

6.13.020 BUILDINGS AND GROUNDS; HOUSING FACILITIES

An operator shall ensure that:

A. The buildings and grounds at all locations where animals are kept:

1. Are clean and in good repair; and
2. Do not become accumulated with trash.

B. Housing facilities: *see also title 17 and Nye County Planning office for Zoning requirements.

1. Are constructed and maintained in such a manner as to:
 - a. Protect the animals inside from injury:
 - b. Prevent the animals inside from escaping; and
2. Have adequate and reliable sources of electrical power and potable water available.

6.13.030 ENCLOSURE GENERALLY

An operator shall:

- A. Provide all animals with enclosures located indoors, except animals that are acclimated to the outdoor environment.
- B. Ensure that the interior of a housing facility for indoor enclosures is constructed and maintained in such a manner as to be substantially impervious to moisture as required by species and to facilitate regular cleaning.
- C. Provide a suitable method to eliminate excessive water from the interior of a housing facility for indoor enclosures. All drains must be constructed and maintained in such a manner as to avoid foul odors. Any closed system for drainage must be equipped with traps that prevent the release of sewage into the housing facility.
 - 1. Ensure that indoor enclosures are constructed and maintained in such a manner as to:
Protect the animals inside from excessive illumination while providing an amount of light, by natural or artificial means or both, of a sufficient distribution and intensity to allow for routine inspection and cleaning.
 - 2. Provide a sufficient amount of heat when necessary to protect the animals inside from cold and to maintain their health and comfort. The ambient temperature of an indoor enclosure in which one or more animals are kept must not be allowed to fall below fifty (50) degrees Fahrenheit, unless each animal is acclimated to a lower temperature.
 - 3. Provide adequate ventilation at all times to maintain the health and comfort of the animal(s) inside as required by species. The system of ventilation must provide fresh air by means of windows, doors, vents or air conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the ambient temperature reaches eighty-five (85) degrees Fahrenheit or greater, air conditioning, exhaust fans and vents, or other auxiliary ventilation must be provided, unless each animal is acclimated to a higher temperature.

6.13.040 ANIMALS KEPT OUTDOORS

If animals are kept outdoors, an operator shall:

- A. Provide a suitable method for the rapid drainage of surface water from the area where each animal is kept.
- B. Provide each animal with a sufficient amount of shelter to:
 - 1. Remain dry from rain and snow; and protected from wind when a high wind warning has been issued by the National Weather Service or which creates a wind chill of less than fifty (50) degrees Fahrenheit unless each animal is acclimated to a lower

temperature:

2. Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; and
3. Remain warm when the atmospheric temperature falls below the fifty (50) degrees Fahrenheit. If the ambient temperature falls below the temperature to which an animal is acclimated, the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the animal to remain warm.
4. After considering the ambient temperature, provide each animal with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

6.13.050 PRIMARY ENCLOSURES GENERALLY

An operator shall ensure that a primary enclosure is constructed and maintained in such a manner as to:

A. Protect the animals inside from injury;

Prevent the animals inside from escaping;

Allow the animals inside convenient access to food and water;

Enable animals inside to remain clean and dry as required by species; and

Provide sufficient space for each animal inside to turn about freely and to stand, sit and lie in a comfortable normal position as appropriate for the species.

6.13.060 FLOOR SPACE OR PRIMARY ENCLOSURE FOR ANIMALS

Persons keeping livestock shall ensure that a primary enclosure in which each animal is kept is provided sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position as appropriate for the species.

6.13.070 ANIMALS KEPT IN ENCLOSURES TOGETHER

If animals are kept in enclosures together, an operator shall ensure that:

A. Animals placed with other animals are compatible.

B. An animal that displays a vicious disposition is not placed together with any other animal.

B. A female animal is not placed together with any intact male animal during periods of estrus, except for supervised breeding.

6.13.080 FOOD AND WATER

An operator shall ensure that:

- A. Clean potable water is accessible to the animal at all times or except as directed by a veterinarian to provide adequate care.
- B. Each animal is fed at least once each day, except as otherwise required to provide adequate care.
- C. The food provided to an animal is wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the animal, based upon its condition and size.
- D. Supplies of perishable food are to be adequately refrigerated or properly stored to prevent spoilage.
- E. Containers of food are:
 - 1. Durable, except that disposable receptacles may be used if they are discarded after each feeding; and
 - 2. Located so as to be accessible to the animals while reducing to a minimum any contamination from excreta.
- F. Containers of food and water are kept clean. Self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration and the caking of food.

6.13.090 SANITATION

An operator shall ensure that:

- A. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.
- B. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.
- C. Excreta are removed regularly from enclosures during business hours to prevent contamination and to reduce to a minimum odors and the risk of disease. An enclosure must be disinfected at least once daily and before placing another animal in the enclosure. If a hosing or flushing method of cleaning is used, all animals must be removed from the enclosure and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.
- D. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every two weeks by:

1. Washing them with water of a temperature not less than one hundred twenty (120) degrees Fahrenheit and with soap or detergent; or
 2. Washing all soiled surfaces with a safe and effective disinfectant; or
 3. Cleaning all soiled surfaces with live steam.
- E. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.
- F. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly during the business day and disposed of properly.
- G. Enclosures not in use are to be cleaned, washed and disinfected at least once every two weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.
- H. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.
- I. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

6.13.100 PROGRAM TO CONTROL DISEASE AND CARE FOR HEALTH

An operator shall, with the approval of a veterinarian, establish and maintain a program to control disease and care for the health of animals. As part of this program, an operator shall ensure that:

- A. Each animal is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.
- B. Blind, lame, injured, ill or diseased animals are provided with the appropriate veterinary care that is consistent with the purposes for which an animal is being kept or humanely euthanized.
- C. Any animals under quarantine or being treated for a communicable disease are kept separate from other animals.

6.13.110 EXAMINATION BY VETERINARIAN; NOTICE OF TREATMENT OR MEDICATION TO PURCHASER; SALE OF AN ANIMAL THAT REQUIRES IMMEDIATE TREATMENT PROHIBITED

- A. A retailer or dealer shall, after the acquisition of a cat or dog for resale or adoption, cause the animal to be examined by a veterinarian. The retailer or dealer shall not sell or adopt the

animal before it is initially examined by a veterinarian.

- B. A retailer or dealer shall cause a cat or dog acquired for resale to be reexamined by a veterinarian:
 - 1. Fourteen (14) days after the date of its initial examination; and
 - 2. Every thirty (30) days after until sold.
- C. If a veterinarian conducting an examination pursuant to this section finds that a dog or cat has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, he shall provide a written statement setting forth his findings to the retailer or dealer.
- D. A retailer or dealer shall provide to the purchaser of a cat or dog, at the time of sale, written notice of any veterinary treatment or medication received by the cat or dog after it was acquired by the retailer or dealer, including a copy of any statement provided by a veterinarian pursuant to subsection C. The notice must be signed by the retailer or dealer, date and include the dates on which the animal was examined and on which the animal received medication or a vaccination.
- E. A retailer or dealer shall not knowingly sell a cat or dog if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.
- F. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the animal is clinically ill as a result of the parasite.

6.13.120 PROVISION OF WRITTEN STATEMENT TO PURCHASER OF CAT OR DOG : REQUIRED DISCLOSURES; SIGNATURE OF SELLER AND PURCHASER

- A. A retailer or dealer shall, before selling a cat or dog, provide the purchaser of the cat or dog with a written statement that discloses:
 - 1. The name, address and telephone number of the retailer or dealer.
 - 2. The date the cat or dog was born, if known.
 - 3. The name and address of the person from whom the retailer or dealer obtained the cat or dog and, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.

4. The name and address of the breeder of the cat or dog, if any, and, if the breeder holds a license issued by the United States Department of Agriculture, the breeder's federal identification number.
5. The registration numbers, if any, of the cat's or dog's sire and dam with the appropriate breed registry or any health certifications from a health certification organization such as the Orthopedic Foundation for Animals or its successor organization, if any.
6. A record of any immunizations administered to the cat or dog before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.
7. The medical history of the cat or dog, including, without limitation:
 - i. The date that a veterinarian examined and, if applicable, reexamined the cat pursuant to subsections 1 and 2 of NRS 574.450 and determined that the cat or dog did not have any illness, disease or other condition that is terminal or required immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the cat or dog is clinically ill as a result of the parasite.
 - ii. Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the cat or dog pursuant to subsections 1 and 2 of NRS 574.450 and if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.
 - iii. The name and address of the veterinarian who performed the examinations or reexaminations or administered any treatments or medications.
8. That a copy of the veterinarian's evaluation of the health of the cat or dog made pursuant to NRS 574.450 is available to the purchaser.
9. The written statement must be signed and dated by the retailer or dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

6.13.130 NOTICE OF AVAILABILITY OF INFORMATION CONCERNING AN ANIMAL

A retailer or dealer shall conspicuously post within close proximity to the primary enclosure of an animal offered for sale the following notice at least 100-point type:

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF

BIRTH, SOURCE, LINEAGE AND MEDICAL HISTORY OF DOGS OR CATS BE PROVIDED TO THE PURCHASER BEFORE COMPLETION OF ANY SALE

6.13.140 DUTIES UPON DETERMINATION THAT PET WAS SOLD WITH CONDITION THAT REQUIRES IMMEDIATE TREATMENT

If a person purchases a pet from a retailer or dealer and, within ten (10) days after the sale, a veterinarian determines that the pet has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and that was in existence on the date of the sale, the retailer or dealer shall, at the option of the purchaser, either:

- A. Refund the purchase price of the pet if the pet is returned or provide the purchaser with another pet of equal value; or
- B. Reimburse the purchaser, in an amount not to exceed the purchase price of the pet, for expenses incurred by the purchaser in obtaining a diagnosis and treatment for the pet from a veterinarian chosen by the retailer or dealer. (Ord. 2417 § 1 (part), 2007)

6.13.150 SEPARATING DOG OR CAT FROM MOTHER

A retailer, dealer or operator shall not separate a dog or cat from its mother until it is accustomed to taking food or nourishment other than by nursing.

6.13.160 KNOWINGLY SELLING AN ANIMAL WITH CONDITION REQUIRING IMMEDIATE TREATMENT PROHIBITED; PENALTIES

- A. A retailer or dealer who sells an animal that he knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this section from selling any animals for not more than one year.
- B. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires clinically immediate hospitalization or immediate surgical intervention unless the animal is clinically ill as a result of the parasite.

6.13.170 ANNUAL INSPECTION OF PREMISES REQUIRED

Any retailer, dealer or operator which is required to maintain a current business license shall have their premises inspected annually by the animal control officer to ensure compliance with the provisions of this chapter and title. After July 1, 2009, any retailer, dealer or operator which is required to obtain a business license shall have their premises inspected and approved by an animal control officer prior to the initial issuance of a business license to ensure compliance with the provisions of this chapter and title.

6.20 MISCELLANEOUS ANIMAL REGULATIONS

6.20.010 AUTHORITY

The board of county commissioners, acting as trustees for the unincorporated towns and other unincorporated areas, is empowered to enact ordinances for each area so requesting, pursuant to any or all of the guidelines in this chapter.

6.20.020 LIVESTOCK

- A. No person shall keep any livestock on any parcel of land which is less than one-half (1/2) acre in area, or within thirty feet (30') of any residence other than his own. All livestock must be confined within a suitable barn, corral, enclosed pasture or enclosed runway. Nothing in this section shall be construed to apply to livestock lawfully upon the open range as defined in Nevada Revised Statutes 568.355.
- B. Any person who, on the effective date hereof, owns and keeps any livestock on a parcel of land which is at least one-half (1/2) acre in area, shall not thereafter be deemed in violation of subsection A of this section in the event that the owner of adjacent property subsequently builds a residence closer than thirty feet (30') to that person's barn, corral, enclosed pasture or enclosed runway.
- C. Persons keeping livestock shall ensure that a primary enclosure in which each animal is kept is provided sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position as appropriate for the species.

6.20.030 EXCESSIVE NOISE UNLAWFUL

- A. It is unlawful for any person to keep, harbor or possess any animal which by loud, frequent and/or consistent barking, yelping and howling, or in any other manner disturbs the peace and quiet of any neighborhood. Such conduct is declared to be a public nuisance, subject to judicial abatement.
- B. In determining whether an animal's noise violates this section, factors to be considered include, but are not limited to, the time of day the sounds occur, the intensity and duration of the noise, whether the sound is recurrent, intermittent or constant, the circumstances which might cause the animal to make noise, and the proximity of the noise to others.
- C. In seeking to abate any such nuisance occurring in the presence of an officer, it shall be the duty of the animal regulation officer, and/or sheriff to take whatever steps they may, in their discretion, believe to be necessary, and any such officer may enter upon private property and take any such dog into custody, and impound the same provided the dog may not be taken from any dwelling, house or other building, and provided the owner of the property is absent.

6.20.040 EXHIBITIONS; WILD ANIMALS AND/OR SPECIAL CONDITIONS ANIMALS *see also Title 17

No wild animal and/or Special Conditions animal, shall be exhibited until the owner or person having care, custody or control thereof obtain a Special Conditions Animal permit from Animal Control to do so. Provisions of this chapter inclusive do not apply to any livestock. Exhibitor must have USDA Exhibitors license for those animals that require it.

6.20.050 VICIOUS AND POTENTIALLY VICIOUS DOGS

- A. It is unlawful for any person to keep, harbor or own any vicious dog as defined by county ordinance.
- B. When the animal control officer classifies any as a vicious dog or a potentially vicious dog under this article, the animal control officer shall notify the dog owner of such classification. The notice to the owner shall meet the following requirements:
 - 1. The notice shall be in writing and mailed by certified mail to the owner's last known address.
 - 2. The notice shall include a summary of the animal control officer's findings that form the basis for the dog classification as a vicious dog.
 - 3. The notice shall be dated and shall state that the owner has a right to request a hearing on the classification within 15 days from the date of the notice.
 - 4. The notice shall state that the AAC shall conduct the hearing.
 - 5. The notice shall state that if the owner does not request such a hearing within 15 days from the date of the notice, the classification of the dog as a vicious dog or potentially vicious dog shall be final and conclusive for all purposes.
 - 6. The notice shall include a form to request a hearing before the animal advisory committee and shall provide specific instructions on mailing or delivering such a request. If a dog has more then one owner, notice to one owner shall be sufficient for purposes of this article.
- C. When the animal advisory committee receives a request for a hearing from an owner, it shall schedule such a hearing within 10 calendar days of receipt of the request. The committee shall notify the owner in writing by certified mail of the date, time and place of the hearing; such notice shall be made to the owner at least ten days prior to the date of the hearing. At the hearing, the owner shall be given the opportunity to testify and to present evidence. The AAC shall also receive such other evidence and hear such other testimony as it may find reasonably necessary to make a determination either to sustain, modify or overrule the classification of the dog by the animal control officer. Within ten days of the date of the hearing, the board shall notify the owner in writing by certified mail of its determination on the matter. If the determination is made that the dog is a vicious dog or potentially vicious

dog, the notice shall specify the date upon which that determination is effective. Unless the board determines that a later date is appropriate in a particular case, the effective date of the determination shall be the date of the animal control officer's classification.

- D. If the identity of the owner of a dog which the animal control officer has classified as a vicious dog or potentially vicious dog cannot be determined, the dog shall be immediately confiscated. If the owner claims such a dog, the dog shall be released to its owner, together with a copy of the notice specified in subsection (1) of this section. If the dog remains unclaimed for seven days, the dog shall be destroyed in an expeditious and humane manner. Under no circumstances shall such dog/animal be placed for adoption.
- E. A decision overturning the Animal Control Director's determination shall not affect the Animal Control Director's right to later declare a dog to be a vicious dog or to determine that the dog poses a threat to public safety, for the dog's subsequent behavior.
- F. Other remedies. The AAC/animal control director may order that the owner and the dog complete a course of obedience and/or anti-bite training approved by animal control.
- G. Guard or security dogs, trained for such purpose and maintained under conditions designed to guarantee the safety of the public, are expressly exempted from the operation of this section.
- H. Upon conviction under the provisions of this section, the court may, in addition to the imposition of a penalty in accordance with this title, order that such dog be muzzled or kept within a sufficient enclosure, or that such dog/animal be delivered to the animal regulation officer and destroyed.

6.20.050 EXCEPTIONS

No dog/animal shall be declared a vicious or potentially vicious dog/animal if:

- A. The dogs/animals were used by a law enforcement official for legitimate law enforcement purposes.
- B. The threat, injury or damage was sustained by a person:
 - 1. Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the dog;
 - 2. Who was provoking, tormenting, abusing, or assaulting the dog or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog; or
 - 3. Who was committing or attempting to commit a crime; or
- C. The dog was:

1. Responding to pain or injury, or was protecting itself, its offspring; or
2. Protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

6.20.060 REQUIREMENTS FOR POSSESSION OF POTENTIALLY VICIOUS DOG

- A. Any owner of a vicious or potentially vicious dog shall be jointly and severally responsible with all other owners of such dog for compliance with the requirements of this section.
- B. No person shall own, possess, keep, harbor, or have custody or control of a potentially vicious dog except in compliance with all of the following requirements:
 1. A potentially vicious dog shall not be permitted to remain in the county unless it is properly registered as provided in section 6.20.070.
 2. Except under the circumstances otherwise specifically permitted by this article, a potentially vicious dog shall at all times be maintained inside a proper enclosure.
 3. The premises where a potentially vicious dog is kept shall be posted with a clearly visible sign warning that there is a dog on the premises which presents a danger to human beings. Such sign shall include a symbol sufficient to convey without words the message that there is a dog/animal on the premises which presents a danger to human beings.
- C. It shall be unlawful for the owner of a potentially vicious dog to permit the dog to be outside a proper enclosure unless the dog is properly muzzled and restrained by a substantial chain or leash and is under the physical restraint of a responsible person at all times.
- D. Depending on the outcome of the investigation, the court may also assign the dog to private or group obedience classes or to evaluation by a behavior specialist and may require the owner to attend a responsible ownership class. These additional requirements will be at the expense of the owner.
- E. If there have been no further incidents for a period of 18 months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to the animal advisory committee for removal of the designation.

6.20.070 REGISTRATION OF POTENTIALLY VICIOUS DOG

- A. No vicious dog or potentially vicious dog shall be permitted to remain within the county unless it is registered in accordance with this section. In addition to the annual registration fees provided by section 6.08.010, the owner of a vicious dog or potentially vicious dog shall pay a fee of \$50.00 per year and shall register such owner's dog as a vicious dog or potentially vicious dog according to the classification and determination previously made under this article. No potentially vicious dog shall be registered unless the owner can

provide sufficient evidence that all of the provisions of section 6.20.060 have been and are being met.

- B. The registration provided by this section shall be nontransferable. The registration shall be renewed annually or upon the earlier transfer of ownership or possession of the dog or a change in the location of the dog's primary habitat.

6.20.080 CONFISCATION AND DISPOSITION OF A POTENTIALLY VICIOUS DOG

- A. A potentially vicious dog shall be immediately confiscated by the animal control officer upon the determination that one of the following circumstances exists:
 - 1. The dog is not validly and currently registered as required by section 6.08.010.
 - 2. The dog is not maintained in a proper enclosure.
 - 3. The dog is outside a proper enclosure but not under the restraints required by section 6.20.060, whether or not such dog is in the custody or possession of its owner.
- B. Any dog which has been confiscated under subsection (A) of this section shall be returned to its owner upon the owner's compliance with the provisions of this article and upon the payment of actual boarding expenses plus a reasonable confiscation fee, which shall be \$50.00 upon the first confiscation of any dog, \$100.00 upon the second, and \$200.00 upon the third or subsequent confiscation. If the owner has not complied with the provisions of this article and paid such confiscation costs within 20 days of the date of confiscation, the dog shall be destroyed in an expeditious and humane manner.

6.20.090 ANIMALS IN PARKS

Dog/animals must be restricted by a leash or otherwise controlled by a legally responsible person to prevent it from causing a nuisance. Owners are responsible for picking up feces deposited by their dog/animals in public places.

Exceptions- Specially permitted events, dog shows, demonstrations, exhibits.

6.20.100 PACKS OF ANIMALS

It shall be the duty of the sheriff or animal control officer upon notification of a pack of uncontrolled dogs running at large, or upon notification of a wild animal threatening the safety of the public, to take any steps to ensure the control or elimination of such dogs or such wild animals.

6.20.110 RELEASING ANIMAL OF ANOTHER

It is unlawful for any person to release from a barn, corral, cage, pen, enclosure of any type, enclosed pasture, yard or property, a dog or other animal belonging to another person.

6.20.120 PERMITTING ANIMAL TO ATTACK ANIMAL OF ANOTHER

It is unlawful for any person to permit his or her animal to attack, injure, maim or kill the animal of another. Any person found to be in violation of this section shall be fined no less than two hundred and fifty dollars \$250.00 and shall be ordered to pay restitution to the owner of the animal injured, maimed or killed, in an amount not less than the cost of treating and/or disposing of said animal.

6.20.130 PERMITTING AND/OR CREATING A CONDITION RESULTING IN AN ANIMAL ATTACKING A HUMAN BEING

- A. It is unlawful for any person to permit and/or create a condition for his or her animal (As defined and meeting the criteria of this document.) to attack, injure, maim, or kill a human being. Upon notification of an incident of this nature the Animal Control Officer assigned will determine upon initial evaluation if the Nye County Sheriff's Office is to be notified to conduct a investigation pertaining to the matter in conjunction with the Animal Control Officer's investigation that will be taking place.
- B. The Animal Control Officer and/or the Nye County Sheriff's office will conduct a well documented investigation to determine the cause of the animal attack upon a human being. The determination of the investigation by the Animal Control Officer and/or the Nye County Sheriff's office will determine who is allegedly at fault and the process determining how restitution for any and all damages to the victim(s) will be made, how the cost incurred by Nye County will be reimbursed, and the disposition of the animal(s) involved in the attack. The final conclusion of these issues will be resolved after the case investigation has been concluded and a final decision pertaining to responsibility for the attack has been determined.
- C. Any person who violates this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of one thousand dollars (\$1,000.00), or imprisonment for not more than six months, or both fine and imprisonment.

6.25 ANIMAL ADVISORY COMMITTEE

6.25.010 CREATED

There is created and established a committee consisting of seven members to be known as the Nye County Animal Advisory Committee

6.25.020 MEMBERSHIP

The members of the committee shall be appointed by the Board of County Commissioners. The board shall strive to compose the committee of at least two members of the general public and one member from each of the following groups: licensed veterinarians, nonprofit humane groups, animal special conditions, animal breeders or handlers, livestock owners or livestock conservation groups. The members of the Committee shall serve at the pleasure of the board during their respective terms of appointment.

6.25.030 TERM OF OFFICE

Two members of the committee first appointed by the board shall serve from the date of their appointment for approximately one year or until the first working Monday in July following their appointment. Two members of the Committee first appointed by the Board shall serve from the date of their appointment for approximately two years or until the first working Monday in July following their first year of their appointment. Three members of the Committee first appointed by the board shall serve from the date of their appointment for approximately three years or until the first working Monday in July following the second year of their appointment.

Thereafter, the terms of office of the members of the committee shall be for three years, expiring the first working Monday in July following their appointment. All members in good standing shall be eligible for appointment to successive terms.

6.25.040 ORGANIZATION

Within thirty days after their appointment, the committee shall meet and organize by electing a chairperson and a vice chairperson. The county Director of Emergency Services, or their authorized designee, shall be the ex officio secretary of the committee. The elected officers shall hold office for one year, with annual elections being held in July.

6.25.050 MEETINGS

During the first year the Committee shall meet bimonthly (every other month) and may hold such other meetings as circumstances may require for the performance of its function and the proper discharge of its duties and responsibilities. Thereafter, the committee shall hold quarterly meetings as needed. The committee shall meet at regularly appointed time, which meetings shall be open to the public, and shall keep a complete record of its transactions. A majority of the members shall constitute a quorum for all purposes. Absence from three consecutive regular meetings without formal consent from the chairperson of the committee shall be grounds for the Board of County Commissioners, at its discretion, to remove said member and appoint a replacement. Minutes of regular meetings shall be filed with the county within ten working days following such meeting.

6.25.060 DUTIES

The Nye County Animal Advisory Committee shall have and exercise the following duties:

- A. Act in an advisory capacity to the Board of County Commissioners in the review and development of rules, regulation and ordinances for the care and control of animals in the County;
- B. Study and make recommendations regarding the acquisition and provision of services and facilities for the care and control of animals by the County;
- C. Study and make recommendations regarding cooperation between the County, other government entities, veterinarians, professional animal handlers, animal owners, and

humane groups in the care and control of animals;

- D. Study and make recommendations regarding the County's animal population, prepare and maintain data and reports relative to animal care and control in the County;
- E. The Animal Advisory Committee shall hold hearing(s) to hear, consider, review and make recommendations on matters submitted including, contested decisions made by Animal Control related to the enforcement of Title 6 of the Nye County Code;
- F. Perform such additional duties involving care and control of animals as may be delegated by the Board of County Commissioners.

6.25.070 HEARINGS

- A. The owners or keepers of any animals(s) who are in violation of the provisions of Title 6 or have failed inspection of facilities as required by Title 17, Shall be notified by personal service or by certified mail, return receipt requested, sent to the last known address of the owner or keeper. Within seven days after notice has been served personally or deposited in the mail, the owner or keeper shall do one of the following:
 - 1. File with the animal regulation officer a written request for hearing before the animal advisory committee; or
 - 2. Pay the required fines and/or relinquish ownership of any animal(s).
- B. If a hearing is requested within the specified time period, the animal regulation officer shall convene the animal advisory committee no later than thirty days after receipt of the written request for hearing. The animal advisory committee shall act expeditiously to decide the matter and may:
 - 1. Uphold the declared violation(s) made by the animal regulation officer;
 - 2. Make such other recommendation(s) as it deems appropriate to safeguard the health, safety and welfare of the public and of the animal(s).
- C. If the animal advisory committee upholds the declared violation(s), the animal regulations officer may proceed in shutting down operation of the facility and confiscation of animals. The owner or keeper of the animal(s) shall either agree in writing with the recommendation(s) or file for relief through the Nye County justice court within ten days from the date of the meeting. The recommendation of the animal advisory committee shall be presented in justice court by the animal regulation officer. The court is not bound by any recommendations of the committee.

6.25.080 COMPENSATION

Committee members shall serve without compensation but may be entitled to the same travel expenses as county employees, upon prior approval of the board of county commissioners.

6.30 OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS

6.30.010 PURPOSE THE OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS, AS DEFINED BY THIS CHAPTER, IS REGULATED TO PROTECT THE HEALTH AND SAFETY OF THE PUBLIC AND TO PROMOTE THE WELFARE OF THESE ANIMALS

* See also Title 17

6.30.015 DEFINITIONS

The following words and phrases used in this Chapter shall have the meanings set forth in this Section.

“Applicant”: A person, corporation, partnership, or other legal entity that applies for a permit under this chapter.

“Special Conditions Animal”: Animals that, due to unique husbandry, handling, recapture and enclosure requirements, consist of the following: Baboons (genus *Papio*), Chimpanzees (genus *Pan*), Drills and Mandrillas (genus *Mandrillus*) Gelada Baboons (genus *Theropithecus*), Gibbons (genus *Hylobates*), Gorillas (genus *Gorilla*), Macaques (genus *Macaca*), Orangutans (genus *Pongo*), Siamangs (genus *Symphalangus*), Cheetahs (*Acinonyx jubatus*), Clouded Leopards (*Neofelis nebulosa*), Cougars, Panthers (*Puma concolor*), Jaguars (*Panthera onca*), Leopards (*Panthera pardus*), Lions (*Panthera leo*), Snow Leopards (*Panthera uncia*), Tigers (*Panthera tigris*), African Wild Dogs (*Lycaon pictus*), Dingoes (*Canis Dingo*), Jackals (Four species: *Canis aureus*, *mesomelas*, *simensis*, *adustus*), Maned wolf (*Chrysocyon brachyurus*), Wolves (*Canis Lupus*, *Canis Rufus*), Wolf hybrids. Bears (family *Ursidae*), Elephants (family *Eliphantidae*), Hyenas (family *Hyaenidae*), Wolverines (*Gulo gulo*), Wild hybrids and any others that would fall within this category that are not individually listed.

“Permit”: A document issued by Animal Control which authorizes a permittee to possess and maintain the specific Special Conditions animals identified on the permit.

“Permittee”: A person, corporation, partnership, or other legal entity that applies for and is granted a permit under this chapter.

"Wolf hybrid": Any canine which has had a wolf ancestor within the previous 4 generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grandsire or dam or great-great grandsire or dam. An animal shall also be considered a wolf hybrid if it has been advertised, registered or otherwise described or represented as a wolf-dog hybrid by its owner or former owner as having wolf ancestry.

6.30.020 OWNERSHIP AND POSSESSION OF SPECIAL CONDITION ANIMALS *see also Title 17

- A. It is unlawful for any person, corporation, partnership, or other legal entity to import, transfer, sell, purchase, or possess an animal classified as Special Conditions within Nye County unless that person, corporation, partnership, or other legal entity holds a permit or is exempt from holding a permit under this chapter and under the provisions of NRS 571 and 503 and NAC 441A, 503, and 504.
- B. It is unlawful for any person, corporation, partnership, or other legal entity who holds a special conditions animal permit to sell, transfer, deliver or give an animal classified as Special Conditions to any other person, corporation, partnership, or other legal entity within Nye County unless the other person, corporation, partnership, or other legal entity also holds a permit or is exempt from holding a permit under this chapter and under the provisions of NRS 571 and 503 and NAC 441A, 503, and 504.
- C. The following animals are classified as Special Conditions Animals due to unique husbandry, handling, recapture and enclosure requirements, consist of the following: Baboons (genus *Papio*), Chimpanzees (genus *Pan*), Drills and Mandrills (genus *Mandrillus*) Gelada Baboons (genus *Theropithecus*), Gibbons (genus *Hylobates*), Gorillas (genus *Gorilla*), Macaques (genus *Macaca*), Orangutans (genus *Pongo*), Siamangs (genus *Symphalangus*), Cheetahs (*Acinonyx jubatus*), Clouded Leopards (*Neofelis nebulosa*), Cougars, Panthers (*Puma concolor*), Jaguars (*Panthera onca*), Leopards (*Panthera pardus*), Lions (*Panthera leo*), Snow Leopards (*Panthera uncia*), Tigers (*Panthera tigris*), African Wild Dogs (*Lycaon pictus*), Dingoes (*Canus Dingo*), Jackals (Four species: *Canus aureus*, *mesomelas*, *simensis*, *adustus*), Maned wolf (*Chysocyon brachyurus*), Wolves (*Canus Lupus*, *Canus Rufus*), Wolf hybrids.

6.30.030 PERMIT APPLICANT QUALIFICATIONS

The granting of a special conditions animal permit is at the discretion of animal control for the purposes described above and applicants for a permit to possess a special conditions animal shall meet the following minimum qualifications. If the applicant is a corporation, partnership or other legal entity, the applicant must designate an individual who represents the organization and meets the following minimum qualifications. Any denial or revocation of a Special Conditions animal permit by Animal Control may be appealed to the Animal Advisory Committee.

- A. Applicant or designee must be at least eighteen (18) years of age.
- B. Applicant or designee must have experience in the care and handling of the Special Conditions Animal for which the applicant is applying, and/or Special Conditions Animals that applicant or designee may care and/or handle in the future.
- C. Applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within three (3) years of the date of application, or any offense involving cruelty to animals.
- D. Location of facility shall be in compliance with all local zoning & planning department requirements.

E. Special Conditions animal permits are site specific and non-transferrable.

6.30.040 PERMIT APPLICATION

The applicant shall submit the following to Animal Control for each permit, permit amendment, or permit renewal. Any false statements made by applicant on the permit application will render such application null and void, and subject applicant to the penalties provided by law.

- A. Name, complete street address, and phone number. If the applicant is a corporation, partnership, or other legal entity, the individual designated to represent the organization must also provide this information. The applicant, permittee or designee must notify Animal Control in writing of any change of address or designee fourteen (14) days prior to the change.
- B. Location where the special conditions animal(s) will be housed. Facilities for holding permitted special conditions animal(s) must be located on the premises on which the permittee resides, or shall have a full-time caretaker to supervise the care and security of the facilities.
- C. Current animal inventory, including the common and scientific name, sex, age and source of each animal, any permanent identification on the animal, and identification of animals that have injured and/or killed a human being. The permittee must notify Animal Control within seventy-two hours of the addition or death of a special condition animal listed on the inventory.
- D. A copy of current USDA, USDI, NDOW or other permits if applicable approving the possession of species listed on the animal inventory.
- E. A plan for the quick and safe recapture of the animal(s), or if recapture is impossible, for the destruction of any animal held under the permit.
- F. A plan for the emergency evacuation of the facility holding the Special Conditions animals, to be updated within 30 days of any structural changes to the facility.

6.30.050 PERMIT FEE

- A. The permit application and renewal fee shall be \$60 annually.
- B. Permit fees shall be established by the Board of County Commissioners as outlined in 6.04.040.

6.30.060 TERM OF PERMIT

Permits issued by Animal Control under the provisions of the chapter shall be valid for a term of one (1) year from the date of issue unless the permit has been revoked for violations of this chapter.

6.30.070 INSPECTION OF FACILITIES

- A. Before any permit is issued by Animal Control for the possession of a Special Conditions animal, an inspection of all animal facilities and records related to such animals shall be conducted by Animal Control for the purpose of ensuring compliance with the regulations of this chapter.
- B. Any person, corporation, partnership, or other legal entity possessing an animal restricted under this chapter shall during normal business hours and at all reasonable times allow Animal Control to inspect all animals, facilities and records relating to such animals for the purpose of ensuring compliance with the regulations of this chapter.

6.30.080 CARE REQUIREMENTS FOR ALL SPECIAL CONDITIONS ANIMALS

Care of all Special Conditions animals shall meet or exceed USDA APHIS and NDOW standards for species.

6.30.090 HOUSING REQUIREMENTS FOR ALL SPECIAL CONDITIONS ANIMALS

Housing for Special Conditions animals shall meet or exceed USDA APHIS and NDOW standards for species.

6.30.100 GENERAL RESTRICTIONS, CONDITIONS, AND REQUIREMENTS

- A. If an application for a new permit is not submitted to Animal Control on or before the expiration date, animals possessed pursuant to the expired permit shall be deemed to be possessed unlawfully and may be addressed by Animal Control. If an application for a new permit, with no changes in the current license is submitted 10 days prior to expiration date, the current license remains in effect while the application is being reviewed by the Department.
- B. A permit may be suspended or revoked by Animal Control for a violation of any term, condition or restriction of the permit. The licensee would be advised of any appeal process.
- C. A permit does not authorize the taking, possession, transportation, importation, exportation or disposal of any animal in violation of any applicable federal or state law, any county or town ordinance, or any regulation adopted pursuant thereto.
- D. A permit does not authorize the sale, barter, or trade of special conditions animal. The permittee must notify Animal Control within seventy two hours of the addition or death of animal.

This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the ____ day of _____, 2010

Proposed on the ____ day of _____, 2010.

Proposed by Commissioner _____.

Adopted on the ____ day of _____, 2010.

Vote: Ayes: Commissioners:

Nays: Commissioners:

Absent: Commissioners:

BY: _____
Gary Hollis, Chairman
Nye County Board of
County Commissioners

ATTEST: _____
Sandra "Sam" Merlino
Clerk and Ex-Officio
Clerk of the Board