

**Carson City
Agenda Report**

Date Submitted: September 10, 2013

Agenda Date Requested: September 19, 2013

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Randal Munn, Chief Deputy District Attorney

Subject Title: For Possible Action: To approve and authorize payment of \$41,500.00 upon Jeraldine Archuleta's execution of a written settlement, waiver of claims, and hold harmless to the extent of this payment against any others claiming ownership damages, on terms satisfactory to the Carson City District Attorney's Office in full settlement of all existing and any potential future claims and causes of action and damages against Carson City, and its current or former employees individually, alleged or could have been alleged by Jeraldine Archuleta's threatened litigation with respect to the City's alleged taking of her dog Rollie without due process of law, alleged negligence and alleged intentional infliction of emotional distress. (*Randal Munn*)

Staff Summary: In May of 2013 the Board of Supervisors adopted Ordinance 2013-15, which was a substantial re-write of Carson City Municipal Code Title 7- Animal code. The new code section 7.13.070(6) provides "Any animal impounded as a result of the owner's...possible abandonment shall be kept under protective custody. Animal Services will board such animal for ten (10) days at the owner's expense. At the time of impound, written notice shall be posted upon the property from which the animal was taken or served upon the owner. If such animal is not reclaimed within ten (10) days of the date and time of impound, Animal Services shall have legal ownership of such animal." The new code section 7.13.050(8) provides "Animal Services may, upon acquiring ownership of any animal, humanely destroy said animal or adopt such animal." Rollie was brought to Animal Services by a citizen on July 25, 2013. On July 26 and July 27 Jeraldine Archuleta attempted to claim her property but alleged she could not pay at that time the fees due. The new code section 7.13.040(2) provides "Under documented hardship, fees required by this chapter may be waived by approval of the Animal Services Manager or Director." On July 30 at 12:45pm an Animal Services Officer served an animal abandonment citation upon Jeraldine Archuleta. On July 30 at 4:54pm Rollie was euthanized.

Type of Action Requested:

Resolution

Ordinance- First Reading

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Recommended Board Action: I move to approve and authorize payment of \$41,500.00 upon Jeraldine Archuleta's execution of a written settlement, waiver of claims, and hold harmless to the extent of this payment against any others claiming ownership damages, on terms satisfactory to the Carson City District Attorney's Office in full settlement of all existing and any potential future claims and causes of action and damages against Carson City, and its current or former employees individually, alleged or could have been alleged by Jeraldine Archuleta's threatened litigation with respect to the City's

alleged taking of her dog Rollie without due process of law, alleged negligence and alleged intentional infliction of emotional distress.

Explanation for Recommended Board Action: Without speculating on any alleged damages claimed by Ms. Archuleta, a federal section 1983 Civil Rights due process claim provides for an award of attorney's fees and costs to a prevailing plaintiff. The facts, which are in part set forth in the staff summary of this agenda report, make it unlikely this matter could be resolved by legal motion prior to substantial discovery or trial. Thus, the risk of attorney's fees and costs to litigate this matter would be substantially more than this pre-litigation settlement amount which fairly compensates both claimant and her attorney.

Applicable Statute, Code, Policy, Rule or Regulation: NRS 41.0349 (indemnification of present or former employees).

Fiscal Impact: \$41,500.00 self-insurance retention payable from the Insurance Fund.

Explanation of Impact: limited impact upon reserve funds.

Funding Source: Insurance Fund (590-0745-415-05-13).

Alternatives: 1) Refer back to District Attorney's office for further consideration
2) Do not approve settlement

Supporting Material: Copy of Adopted Ordinance 2013-15

Prepared By: Randal Munn, Chief Deputy District Attorney, Civil Division

Reviewed By:

_____	Date: _____
(Public Works)	_____
_____	Date: 8/12/13
(City Manager)	_____
_____	Date: 9/10/13
(District Attorney)	_____
_____	Date: 9/12/13
(Finance Director)	_____

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

ORDINANCE NO. 2013-15

BILL NO. 110

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 7, ANIMALS, CHAPTER 7.13 LICENSING AND REGULATIONS, BY AMENDING THE CHAPTER TO CHANGE THE NAME FROM ANIMAL CONTROL CENTER TO ANIMAL SERVICES AND FROM ANIMAL DIRECTOR TO ANIMAL SERVICES MANAGER, AND BY UPDATING THE CHAPTER REGARDING THE ANIMAL SERVICES DEPARTMENT'S AND OFFICER'S DUTIES, AND TO REVISE AND ELIMINATE CERTAIN PROVISIONS, AND BY AMENDING SECTION 7.13.010, DEFINITIONS, TO ALPHABETIZE AND AMEND AND ADD NEW DEFINITIONS, AND BY UPDATING SECTION 7.13.020 CARSON CITY ANIMAL CONTROL USE, TO UPDATE THE POWERS OF ANIMAL SERVICES AND RELOCATING SOME EXISTING PROVISIONS, AND BY AMENDING SECTION 7.13.030, ANIMAL SERVICES DIRECTOR- ANIMAL SERVICES OFFICERS-POWERS AND DUTIES, TO CHANGE THE SECTION NAME AND DUTIES OF THE ANIMAL SERVICES OFFICERS/SHERIFF/AUTHORITY REGARDING ANIMAL CALLS, AND BY AMENDING SECTION 7.13.040, CARSON CITY SHERIFF AND DEPUTIES, TO CHANGE THE SECTION NAME AND TO PROVIDE FOR A COLLECTIONS, DISBURSEMENT, AND FEE SCHEDULE, AND BY AMENDING SECTION 7.13.050, COLLECTIONS AND DISBURSEMENTS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING SECTION 7.13.060, USE OF TRANQUILIZER GUN, OTHER DEVICES, IN CONTROLLING ANIMALS, TO CHANGE THE SECTION NAME AND DUTIES, AND BY AMENDING SECTION 7.13.070, SEARCH AND SEIZURES, TO CHANGE THE NAME AND DUTIES REGARDING THE IMPOUNDING AND RECLAIMING OF ANIMALS, AND BY AMENDING SECTION 7.13.080, RESISTING OR OBSTRUCTING ANIMAL SERVICES OFFICERS, HEALTH OFFICER, OR SHERIFF OR DEPUTIES, UNLAWFUL, TO CHANGE THE SECTION NAME AND RESPONSIBILITY OF OWNER, AND BY AMENDING SECTION 7.13.090, RABIES VACCINATION OF DOGS, CATS AND FERRETS REQUIRED—REVACCINATION REQUIRED—EXCEPTIONS, TO CHANGE THE NAME AND AMEND SECTION 7.13.100, ANIMAL SERVICE TAGS, PERMITS, AND FEES TO RENAME IT AS DANGEROUS/VICIOUS AND BY AMENDING SECTION 7.13.110 RESTRAINING ANIMALS—SANITATION, TO CHANGE THE SECTION NAME TO PROHIBITED ACTIVITIES AND TO INCLUDE THE PROVISIONS PREVIOUSLY INCLUDED IN 7.13.210. BY AMENDING SECTION 7.13.120 DOGS RUNNING AT LARGE—IMPOUNDS, TO CHANGE THE CHAPTER NAME AND DUTIES AND INCLUDE THE PROVISIONS PREVIOUSLY CONTAINED IN 7.13.520 THROUGH 7.13.540 AND 7.13.570, AND TO INCLUDE THE CRIMINAL OFFENSE FOR ANY PERSON WHO REFUSES TO RELINQUISH ANY DOMESTIC ANIMAL TO ANIMAL SERVICES AFTER FINDING SUCH ANIMAL. BY AMENDING SECTION 7.13.130, RESERVED, TO CHANGE THE SECTION NAME AND INCLUDE THE PENALTY PROVISIONS PREVIOUSLY IN 7.13.610,

AND EXPAND THE ALLOWABLE FINE AMOUNT FROM \$500.00 TO \$1000.00 PER OFFENSE AND ADD THE PROVISION THAT A CRIMINAL PENALTY MUST BE IMPOSED FOR ANY OFFENSE WHICH PERTAINS TO THE BITES OF ANIMALS, VICIOUS OR DANGEROUS DOGS, OR CRUELTY TO ANIMALS AND PERMIT A JUDGE, IN ADDITION TO OTHER PENALTIES, TO HAVE THE DISCRETION TO ORDER THE DOG HUMANELY DESTROYED, AND BY AMENDING SECTION 7.13.140 CONDITIONS FOR RELEASE OF IMPOUNDING DOG, TO DELETE THE SECTION TITLE AND TO INCLUDE THE PROVISION PREVIOUSLY CONTAINED IN 7.13.620, AND BY DELETING SECTIONS 7.13.145 THROUGH 7.13.620, AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Title 7, Chapter 7.13 of the Carson City Municipal code is hereby amended as follows:

Chapter 7.13 - LICENSING AND REGULATIONS

Sections:

- 7.13.010 - Definitions
- 7.13.020 - Carson City [~~animal control center—Use~~] Animal Services/Powers
- 7.13.030 - [~~Animal services director—Animal services officers—Powers and duties~~] Animal Service Officer/Sheriff/Authority
- 7.13.040 - [~~Carson City sheriff and deputies~~] Collections/Disbursements/ Fee Schedule
- 7.13.050 - [~~Collections and disbursements~~] Animal Permits/License/Adoptions
- 7.13.060 - [~~Use of tranquilizer gun, other devices, in controlling animals~~] Vaccinations/Rabies/Animal Bites and Quarantine
- 7.13.070 - [~~Search and seizure~~] Impounding of Animals
- 7.13.080 - [~~Resisting or obstructing animal services officers, health officer, or sheriff or deputies, unlawful~~] Responsibility of Owner
- 7.13.090 - [~~Rabies vaccination of dogs, cats and ferrets required—Revaccination required—Exceptions~~] Endangering Animals
- 7.13.100 - [~~Animal service tags, permits and fees~~] Dangerous/Vicious
- 7.13.110 - [~~Restraining animals—Sanitation~~] Prohibited Activities
- 7.13.120 - [~~Dogs running at large—Impounds—Violations and Penalty~~]
- 7.13.130 - [~~Reserved~~] Severability
- [~~7.13.140~~] [~~Conditions for release of impounded dog~~]
- [~~7.13.145~~] [~~Conditions for release of impounded cats and additional conditions for release of impounded dogs.~~]
- [~~7.13.150~~] [~~Disposal of unclaimed animals~~]
- [~~7.13.160~~] [~~Impounding of stray animals~~]
- [~~7.13.170~~] [~~Impounding of strays~~]

~~[7.13.190] [Keeping of animals in zoned areas]~~
~~[7.13.195] [Reserved]~~
~~[7.13.200] [Vicious or dangerous dogs; unlawful acts; penalties]~~
~~[7.13.210] [Investigation of bitings or injuries]~~
~~[7.13.220] [Keeping of an animal possessing dangerous tendencies]~~
~~[7.13.230] [Miskeeping of a dangerous animal]~~
~~[7.13.240] [Vicious or dangerous animal may be killed]~~
~~[7.13.250] [Reporting of animal biting a human being]~~
~~[7.13.260] [Quarantine or impounding of biting animals]~~
~~[7.13.265] [Rabies control authority]~~
~~[7.13.270] [Suspicion of rabies]~~
~~[7.13.280] [Impounding or destroying of rabid animals]~~
~~[7.13.290] [Responsibility of owner]~~
~~[7.13.300] [Bitten animals]~~
~~[7.13.310] [Impounding for observation]~~
~~[7.13.320] [Animal control center to record animal bites]~~
~~[7.13.330] [Animals—Noises—Nuisances]~~
~~[7.13.340] [Nuisances]~~
~~[7.13.350] [Animal fighting—Firing on animals—Pigeon shoots]~~
~~[7.13.360] [Torture—Maiming]~~
~~[7.13.370] [Deprivation of sustenance or shelter]~~
~~[7.13.380] [Riding or driving an equine while under the influence of intoxicating liquor or drug]~~
~~[7.13.390] [Safety reflectors required on animals]~~
~~[7.13.400] [Trapping animals]~~
~~[7.13.410] [Disposition of trapped animals]~~
~~[7.13.420] [Overcrowding]~~
~~[7.13.430] [Abandoning animals]~~
~~[7.13.440] [Uncared for animals]~~
~~[7.13.450] [Poisoning animals]~~
~~[7.13.460] [Endangering animals]~~
~~[7.13.470] [Transporting or enclosing animals in vehicles]~~
~~[7.13.480] [Confining animals in motor vehicles]~~
~~[7.13.490] [Responsibility of motor vehicle owner]~~
~~[7.13.500] [Authority of officer]~~
~~[7.13.510] [Injury to animal by motorist]~~
~~[7.13.520] [Selling or giving away certain animals]~~
~~[7.13.530] [Disposition of animals on commercial or public property]~~
~~[7.13.540] [Sale, use or gift of animals in contests or advertising]~~
~~[7.13.550] [Cruel or unusual uses prohibited by carnivals, fairs]~~
~~[7.13.560] [Artificially colored or dyed animals]~~
~~[7.13.570] [Research facility]~~
~~[7.13.590] [Protective custody—Impoundment of animals treated cruelly]~~
~~[7.13.600] [Causing another person's animal to be disposed of—Penalties]~~
~~[7.13.605] [Unlawful acts—Stealing, butchering, harming, inhumane killing]~~
~~[7.13.610] [Violations and penalties]~~

~~[7.13.620]—[Severability—Conflicts—Invalidity]~~

Section II: Title 7, Chapter 7.13.010 of the Carson City Municipal Code is hereby amended as follows:

7.13.010 - Definitions

~~[For the purpose of this chapter, the following words and phrases have the meanings respectively ascribed to them by this section:]~~

1. "Adequate feed" means the provision at suitable intervals for the species, of a quantity of wholesome ~~[foodstuff]~~ food suitable for the species, physical condition and age, sufficient to maintain an adequate level of nutrition of an animal, such foodstuff to be served in a clean receptacle, dish or container.

2. ~~["Adequate water" means an adequate supply of clean, fresh, potable water provided at suitable intervals for the species, physical condition and age of the animal provided at least once every twelve (12) hours.]~~ "Adequate shelter" means a physical structure or place suitable for maintaining the health and life of an animal and protection from weather.

3. ~~["Adequate shelter" means a physical structure or place suitable for maintaining the health and life of an animal.]~~ "Adequate water" means an adequate supply of clean, fresh, potable water provided at suitable intervals for the species, physical condition, health and age of the animal provided at least once every twelve (12) hours.

4. "Animal" means every living creature ~~[either male or female,]~~ except humans.

5. "Animal ~~[control center]~~ Services" means ~~[any establishment]~~ the facility authorized by the Carson City Board of Supervisors for ~~[the confinement, maintenance, safekeeping and control of all]~~ receiving, impounding, care and disposal of animals that come into the custody of Carson City ~~[animal services]~~ Animal Services. ~~[officers in the performance of their official duties.]~~

~~[6. "Animal Service Officer" means any person, including the animal services director, in Carson City responsible for the enforcement of this chapter and regulations promulgated hereunder working at the direction and under the supervision of the health and human services director.]~~

~~[7] 6.~~ "Animal Services ~~[director]~~ Manager" means the person in charge of ~~[the]~~ Animal ~~[control center]~~ Services, officers and personnel.

7. "Animal Service Officer" means any person, including the animal services ~~[director]~~ manager, in Carson City responsible for the enforcement of this chapter

and regulations promulgated hereunder and authorized to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375 and working at the direction and under the supervision of the health and human services director.

~~[8.]~~ ~~"At large" means (a) except as otherwise provided in paragraph (b), any animal that is off the property of the owner, and off the leash, cord, chain or effective control of a responsible person; (b) any dog that is off the property of the owner and off a leash, cord or chain~~

~~[9]~~ 8. "Bite" means a puncture or tear of the skin inflicted by the teeth of an animal.

~~[10]~~ 9. "Confined" means a condition whereby an animal is restricted by enclosed lot, leash, cord, cage or container, chain of suitable length or size for the type of animal, except as provided for in section 7.13.090 subsection 1 and so placed that the animal has free access to food, water and shelter and further so affixed as to preclude the animal from becoming entangled on any obstruction. The cage, coop, stable, leash, container, cord, chain or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the ~~[animal services director]~~ Animal Services Officer.

~~[14]~~ 10. "Cruelty or torture" means every act of omission or commission that results in unjustifiable physical pain, suffering or death to any animal.

~~[12]~~ 11. "Enclosed lot" means a parcel of land or portion thereof around the perimeter of which is a fence or wall adequate to contain the animals kept therein.

~~[13]~~ 12. "Estray" means any livestock running at large upon public or private lands in the State of Nevada, whose owner is unknown in the section where the animal is found.

~~[14]~~ 13. "Health ~~[officer]~~ Director" means the Carson City Health ~~[Officer]~~ and Human Services Director and the Rabies Control Authority or his/her designated and duly authorized representative.

~~[15]~~ 14. "Humanely Destroyed" means any euthanasia method that quickly induces loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, or apprehension as possible.

15. "Impound" means the act of taking or receiving into custody by the animal services officer, any animal for the purpose of confinement ~~[in an animal control center]~~ at Animal Services facility consistent with the provisions of this chapter.

~~[16. "License or permit fee" means the fee paid for each animal license or permit as established by the Carson City Board of Supervisors.]~~

~~[17] 16. "Livestock" means all cattle or animals of the bovine species; all horses, mules, burros and ass [ess] or animals of the equine species; all swine or animals of the porcine species; all goats or animals of the caprine species; all sheep or animals of the ovine species; and all poultry or domesticated fowl or birds.~~

~~[18] 17. "Motor vehicle" means every self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a road or highway except devices powered by human power or used exclusively upon stationary rails or tracks.~~

~~[19 "Owner" means person owning, keeping, possessing, harboring, or having the care, custody or control of any animal, and furnishing proof of ownership with a medical certificate, bill of sale, or other indicia of ownership or possession.]~~

~~[20. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.]~~

18. "Owner" means any person owning, keeping, possessing, harboring, or having the care, custody or control of any animal, or permitting any animal to be or remain on, or be lodged or fed within such person's house, yard or premises or furnishing a medical certificate, bill of sale, or other indicia of ownership or possession.

~~[21. "Pet shop" means any profit-making or commercial establishment, premises or part thereof, maintained for the purchase, sale, exchange or hire of animals of any type; except that the term shall not include livestock or livestock auctions.]~~

19. "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

~~[22] "Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to the area. The health [officer] may, by public notice and proclamation, quarantine animals in any area of Carson City where he or she finds rabies or other disease to exist. During such quarantine period and until public notice of its termination has been given by the health [officer] director, all designated animals in that area must be securely confined by their owners in that area. Any quarantined animals found at large in such areas during such period of quarantine may be destroyed, impounded or quarantined.~~

~~[23] 20. Service animal" means an animal which has been or is being trained to provide a specialized service to a person with a disability. "Rabies Vaccination"~~

means the inoculation of a dog, cat or ferret with rabies vaccine licensed by the United States Department of Agriculture and included in the latest Compendium of Animal Rabies Vaccines of the Public Health Service of the United States Department of Health and Human Services. Such vaccination must be performed by a licensed veterinarian.

[24] 21. "Sheriff" means the Sheriff of Carson City, his or her deputies or any person designated by the sheriff to act herein.

[25 ~~"Stray animal" means any animal at large other than a dog, cat or 6stray.]~~

[26] ~~22. ["Vaccination" means administration of an antirabies vaccine to any animal by a veterinarian.] "Vaccine" means any preparation intended for active immunologic prophylaxis.~~

[27. ~~"Vaccine" means an antirabies medication in a dosage as designated by the State veterinarian.]~~

[28] ~~23. "Veterinarian" [unless otherwise indicated, means any person licensed to practice veterinary medicine in the State of Nevada or any person employed in Nevada by a governmental agency to practice veterinary medicine] means a member of the profession of veterinary medicine as described in chapter 638 of NRS, or the term as defined by the applicable veterinary practice act in any state of the United States.~~

[29 ~~"Veterinary clinic" means any establishment, [either] fixed or mobile, operated by a veterinarian to provide dental, medical or surgical treatment or care for animals.]~~

[30 ~~"Veterinary hospital" means any establishment operated by a veterinarian that provides clinical facilities and houses animals for dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine or observation, in a completely enclosed building.]~~

24. ["Wild animal"] "Wildlife" means any animal found naturally in the wild state, whether indigenous to the State of Nevada or not, and whether raised in captivity or not.

[33. ~~"Rabies control authority" means the person designated by the Carson City Board of Supervisors to administer the rabies control program.]~~

Section III: Title 7, Chapter 7.13.020 of the Carson City Municipal Code is hereby amended as follows:

7.13.020 - Carson City [animal control center ~~Use~~] Animal Services/Powers

1. There is established Carson City ~~[animal control center]~~ Animal Services which is and shall be maintained in such place or places as ~~[are]~~ provided for by the board of supervisors. The operation, direction, supervision and necessary control of ~~[the]~~ Carson City ~~[animal control center]~~ Animal Services shall be duties delegated by or contracted for by the board of supervisors.

~~[2. The Carson City animal control center shall be used for the following purposes:~~

~~a. For issuing licenses and permits as provided for in this chapter;~~

~~b. For receiving and responding to complaints of violations of this chapter or the laws of the state of Nevada~~

~~c. For offices of the animal services director, officers and other personnel of the animal control center;~~

~~d. For storage and maintenance of any automobiles, equipment or records required by the animal services director, officers or other personnel in the performance of their duties;~~

~~e. For identification, measurement, physical examination, record-keeping, impoundment, confinement, maintenance, safekeeping, destruction, and control of all animals that come into custody of the animal services officers in the performance of their official duties;~~

~~f. For the purpose of maintaining and operating a pet cemetery;~~

~~g. For determining the adoptability of any animal that comes into the custody of the animal control by observing and recording behavior and reaction to human contact after an eighteen (18) hour holding period; and~~

~~h. For such other purposes as the board of supervisors may from time to time designate.]~~

2. To enforce all provisions of this chapter and all laws of the State of Nevada relating to the licensing, permitting, control, care, treatment, impoundment, confinement, maintenance, safekeeping, identification and destruction of animals; except wildlife.

3. To keep records, accounts, receipts, and reports in accordance with provisions of this chapter and the laws of the State of Nevada.

4. To receive and respond to complaints or violations of this chapter or the laws of the State of Nevada per applicable sections of the NRS, and prepare, sign and serve

written citations to persons violating the provisions of this chapter or applicable laws of the State of Nevada.

5. To collect any costs, charges, or fees provided in this chapter.

6. To seize, impound or take custody of animals found to be in violation of the provisions of this chapter or the laws of the State of Nevada.

7. To destroy in a humane manner, any animal lawfully seized, or impounded which is determined to be by reason of abandonment, injury, disease or other cause, unfit for further use, or which is determined to be dangerous or inimical to human life or public safety.

8. To destroy in a humane manner at the owner's expense any animal whose owner requests said destruction, if the Animal Services Manager or his/her designee agrees that the destruction is the most humane action for the animal.

9. To determine the adoptability of any animal that is seized, impounded or that comes into the custody of Animal Services after a seventy- two (72) hour holding period.

10. To vaccinate, microchip, and offer for adoption unclaimed or unredeemed animals as deemed appropriate.

11. To provide chargeable services such as microchipping, vaccines, rabies vaccinations, euthanasia, and disposal.

12. To maintain, operate, and collect fees/charges associated with the pet cemetery.

Section IV: Title 7, Chapter 7.13.030 of the Carson City Municipal Code is hereby amended as follows:

7.13.030 – [~~Animal services director—Animal services officers—Powers and duties.~~] Animal Service Officer/Sheriff/Authority

1. [~~The animal services director may designate animal services officers and other personnel, as required, to properly discharge the duties required by this chapter and provided for by the board of supervisors. The animal services director, officers, and other animal control center personnel shall be subject to the direction and control of the health and human services director.~~] It is the duty of the Carson City Sheriff and his/her deputies, while on duty, to assist when needed in carrying out the provisions of this chapter including locating, impounding, documenting and reporting violations of this chapter.

~~[2. The powers and duties of the animal services director and officers are as follows:~~

~~a. To enforce all provisions of this chapter and all laws of the State of Nevada relating to the licensing, control, care, treatment, impoundment, identification and destruction of animals;~~

~~b. To maintain and keep up the Carson City Animal Control Center, or other places where animals subject to impoundment may be kept, and any other equipment or automobiles of the animal control center;~~

~~c. To collect any costs, charges, or fees hereinafter provided for in this chapter for the issuance of licenses or permits or for the impounding and keeping of any animal;~~

~~d. To take up, impound and safely keep or humanely destroy animals found to be in violation of the provisions of this chapter or the laws of the State of Nevada;~~

~~e. To forthwith destroy in a humane manner any animal lawfully impounded which is determined to be by reason of injury, disease or other cause unfit for further use or which is determined to be dangerous or inimical to human life or the public safety;~~

~~f. To forthwith destroy in a humane manner at the owner's expense, any animal whose owner requests said destruction, if the animal services director or his designee agreed that the destruction is the most humane action for the animal;~~

~~g. To purchase, maintain and loan, for a deposit to be set by the animal control, live cage traps which may be loaned to citizens of Carson City in aid in enforcing this chapter;~~

~~h. To keep accurate records of all animals impounded including age, date acquired, location found, person reporting stray, whether sterilized, and sex if that information is known or available; to account for all moneys received and disbursed; and to record all reports received involving animals, including all reports of animal bites and the time of the report, the person making the report and the disposition of each such case and make such data available to the public. Each such report shall be investigated and the animal properly quarantined, impounded or destroyed, in accordance with provisions of this chapter and the laws of the State of Nevada;~~

~~i. To collect charges and fees associated with the operation of the pet cemetery, as set from time to time by resolution of the board of supervisors.~~

~~j. To prepare, sign and serve written citations on persons accused of violating the provisions of this title of the Carson City Municipal Code.]~~

2. It is unlawful for any person to resist, obstruct or interfere with an Animal Service Officer, Animal Services Manager, Health Director, or the Carson City Sheriff/Deputies, while engaged in the performance of their duties as imposed by this chapter.

~~[3. The currently used method of killing must be posted at the animal control center.]~~

3. The Animal Service Officer, Animal Services Manager, Health Director or the Carson City Sheriff/Deputies, for probable cause, shall have the right to enter upon any private or public property in Carson City in order to examine or impound any animal thereon or therein; provided, however, that such person shall not have the right to enter a house or structure which is in use as a residence without having first secured a search warrant.

4. The Animal Service Officers shall have the authority to utilize a tranquilizer gun or any other device or substance on an emergency basis, with the permission of the Health Director, to apprehend, capture, impound, control or subdue any animal considered to be a threat to persons or property.

5. The Animal Services Officers or the Carson City Sheriff/Deputies may break and enter any motor vehicle, if necessary, to remove and impound any animal endangered by extreme heat, cold, or under any such conditions affecting the health or well being of such animal due to heat, cold, lack of food, water, or such other circumstances as may reasonably be expected to cause suffering, disability or death to the animal.

Section V: Title 7, Chapter 7.13.040 of the Carson City Municipal Code is hereby amended as follows:

7.13.040 – ~~[Carson City sheriff and deputies.]~~ Collections/Disbursements/Fee Schedule

~~[It is the duty of the Carson City sheriff and his or her deputies, while on duty, to assist when needed in carrying out the provisions of this chapter including locating, documenting and reporting violators of this chapter to animal control.]~~

1. All money collected pursuant to this chapter shall be paid into the general fund of Carson City and all expenses and disbursements incurred carrying out and enforcing the provision of this chapter shall be paid out of the same fund.
2. Under documented hardship, fees required by this chapter may be waived by approval of the Animal Services Manager or Director.
3. The fee schedule listed below shall apply to all sections of this chapter as approved by the Carson City Board of Supervisors

<u>Altered Cat/Dog Adoption</u>	<u>\$90.00(dog) \$70.00(cat)</u>
<u>Unaltered Cat/Dog Adoption</u>	<u>\$20.00</u>
<u>Kitten/Puppy Adoption</u>	<u>\$90.00</u>
<u>Altered License</u>	<u>\$8.00 per year</u>
<u>Unaltered License</u>	<u>\$25.00 per year</u>
<u>Expired License</u>	<u>\$10.00</u>
<u>Replacement License</u>	<u>\$5.00</u>
<u>1st Impound Reclaim</u>	<u>\$40.00</u>
<u>2nd Impound Reclaim</u>	<u>\$80.00</u>
<u>3rd Impound Reclaim</u>	<u>\$120.00</u>
<u>4th Impound Reclaim</u>	<u>\$160.00</u>
<u>Livestock Impound Reclaim</u>	<u>\$100.00</u>
<u>Boarding/Quarantine</u>	<u>\$10.00 per day</u>
<u>Permit Application/Inspection</u>	<u>\$50.00 one-time/non-refundable</u>
<u>Permit</u>	<u>\$50.00 per year</u>
<u>Cat/Dog Disposal</u>	<u>\$30.00</u>
<u>Owner Release Cat/Dog</u>	<u>\$30.00</u>
<u>Owner Release kitten/puppy litter</u>	<u>\$30.00</u>
<u>Owner Requested Euthanasia</u>	<u>\$50.00</u>
<u>Microchip Implantation</u>	<u>\$15.00</u>
<u>Vaccination</u>	<u>\$10.00</u>
<u>Rabies Vaccination</u>	<u>\$15.00</u>

Section VI: Title 7, Chapter 7.13.050 of the Carson City Municipal Code is hereby amended as follows:

7.13.050 - [Collections and disbursements.] Animal Permits/License/Adoptions

[All moneys collected pursuant to this chapter shall be paid into the general fund of Carson City and all expenses and disbursements incurred carrying out and enforcing the provisions of this chapter shall be paid out of the same fund.]

1. No person shall keep more than three (3) dogs over six (6) months of age or three (3) cats over six (6) months of age, at any place, or on any premises, or in any one (1) residence without first obtaining a permit to have more than the allowed number of animals from Animal Services.

2. Animals used for educational purposes such as 4H or Future Farmers of America or used in law enforcement are exempt from such permits.

3. No person shall keep any livestock or farm animals except as provided below:

- a. Horses, swine, fowl, sheep or other animals of a similar nature shall not be maintained on any lot or parcel other than a lot or parcel zoned agriculture (A), conservation reserve (CR), single-family one-acre (SF1A), single-family two-acre (SF2A) or single-family five-acre (SF5A).
- b. On residentially zoned properties requiring less than one (1) acre in land area, a maximum of two (2) rabbits, two (2) potbelly pigs, that weigh less than one hundred fifty (150) pounds each and four (4) female chickens or female ducks may be kept.
- c. The keeping or raising of livestock and other farm animals as allowable under this section shall be permitted in accordance with the table of animal units and density standards described as follows:

<u>ANIMAL TYPE</u>	<u>ANIMAL UNIT EQUIVALENT (A.U.E)</u>
<u>1-Horse, Mule or Donkey</u>	<u>1.00</u>
<u>1-Cow, Steer, or Bull</u>	<u>1.00</u>
<u>1-Pig, Llama, or Alpaca</u>	<u>1.00</u>
<u>1-Pony or Burro</u>	<u>1.00</u>
<u>1-Sheep, Goat or Mini Horse</u>	<u>0.50</u>
<u>1-Rabbit or Fowl</u>	<u>0.20</u>

- d. Livestock and farm animal numbers will be established at the density of one (1) animal unit for each seven thousand (7,000) square feet of lot area. All fractional densities are to be rounded down to the nearest whole number. For example: On a one (1) acre parcel (forty-three thousand five hundred sixty (43,560) square feet), six (6) A.U.E's would be allowed. For every residential parcel larger than one (1) acre and zoned single-family two-acre (SF2A) or single-family five-acre (SF5A), only two (2) A.U.E's may be added per additional acre up to five (5) acres.
- e. Calculations for allowable animals may be combined to total an allowable animal unit density. For example: On a one (1) acre parcel where six (6) animal units are allowed, 3 horses (3x1.00) = 3.00 A.U.E + 4 sheep (4x0.50) = 2.00 A.U.E + 5 chickens (5x0.20) = 1.00 A.U.E, for a total of 6.00 animal unit density.
- f. No person shall keep more than the allowable livestock or farm animals on any premises, or on any one (1) property without first obtaining a permit to have more than the allowed number of animals from Animal Services.

4. Every person must possess a current license for every dog he/she owns, keeps, harbors or possesses. The owner of any dog over the age of three (3) months shall maintain a current and valid license issued by Animal Services.

5. Every owner shall securely fasten about the neck of the dog, a collar with the license attached thereto. If such dog cannot wear a collar, it shall be implanted with a microchip. It is unlawful for any person to remove any license from any dog not owned by him/her, or to place on any dog a counterfeit, imitation or altered license.

6. It shall be the duty of the owner of any dog to procure a replacement license and pay the replacement license fee if such license is lost.

7. Every person applying for or renewing a license must exhibit a current certificate of rabies vaccination, as required by the NRS, if applicable, and issued by a licensed veterinarian.

8. Animal Services may, upon acquiring ownership of any animal, humanely destroy said animal or adopt such animal.

9. Every person seeking to adopt an animal from Animal Services shall sign an adoption contract containing the provisions set forth in NRS 574.645.

Section VII: Title 7, Chapter 7.13.060 of the Carson City Municipal Code is hereby amended as follows:

7.13.060 – [Use of tranquilizer gun, other devices, in controlling animals.]
Vaccinations/Rabies/Animal Bites and Quarantine

~~[The animal services officers shall have the authority to utilize a tranquilizer gun or any other form of nonlethal device or substance on an emergency basis and with the permission of the animal services director, in order to apprehend, capture, control or subdue any animal either running at large, or considered to be a threat by the animal services officer to persons or property in the immediate area.]~~

1. An owner of any dog, cat or ferret shall maintain such animal currently vaccinated against rabies in accordance with the provisions of this section and the recommendation set forth in the current "Compendium of Animal Rabies Prevention and Control" published by the National Association of State Public Health Veterinarians, Inc. which is hereby adopted by reference.

2. Any owner of a dog, cat or ferret over the age of three (3) months shall cause such animal to be vaccinated with rabies vaccine.

3. Any owner of a dog, cat or ferret shall provide Animal Services with a current certificate of rabies vaccination and pay any fees due, prior to reclaiming custody of said animal.

4. Animal Services may administer other vaccinations for any animal impounded at Animal Services. All fees for other vaccinations shall be paid by the owner or owner's representative prior to reclaiming the animal.

5. Animal Services, on advice from a licensed veterinarian, may exempt any animal from alteration or vaccination requirements.

6. Every veterinarian who vaccinates an animal with rabies vaccine shall issue the owner a certificate of rabies vaccination in accordance with NAC 441A.440, and shall provide a copy of said certificate to the Health Director.

7. Animal Services shall investigate all reports of an animal bite in accordance with all applicable sections of the NAC 441A.410 through NAC441A.430 and the Compendium of Animal Rabies Prevention and Control.

Section VIII: Title 7, Chapter 7.13.070 of the Carson City Municipal Code is hereby amended as follows:

7.13.070 – [~~Search and seizure.~~] Impounding of Animals

~~[The animal services officer, the health officer or the sheriff and the sheriff's deputies, for just cause, shall have the right to enter upon any private property or public property in the city in order to examine or capture any animal thereon or therein; provided, however, that such officer or employee, agent, or servant thereof, shall not have the right to enter a house or structure which is in use as a residence without having first secured a search warrant therefor.]~~

1. Every animal impounded shall be held by Animal Services for a minimum of seventy-two (72) hours. If within the seventy-two (72) hours, the owner provides proof of current rabies vaccine, a current license (if applicable), a reclaim fee, a boarding fee (if applicable), and any other vaccination fee, such animal shall be released to its owner.

2. Any estray shall be impounded at Animal Services as pursuant to NRS 569.005 through 569.130.

3. Impound fees shall be increased for each additional impoundment of an animal and a boarding fee shall be assessed for each day over twenty-four (24) hours from the time of impound.

4. At the owner's expense, any dog or cat impounded for the second time shall be required to be implanted with a microchip prior to release.

5. Any animal impounded at Animal Services suspected of having or having been exposed to rabies or showing any other signs of disease shall be held for inspection by a certified veterinarian at the owner's expense.

6. Any animal impounded as a result of the owner's arrest, hospitalization, protective shelter, death, or possible abandonment shall be kept under protective custody. Animal Services will board such animal for ten (10) days at the owner's expense. At the time of impound, written notice shall be posted upon the property from which the animal was taken or served upon the owner. If such animal is not reclaimed within ten (10) days of date and time of impound, Animal Services shall have legal ownership of such animal.

Section IX: Title 7, Chapter 7.13.080 of the Carson City Municipal Code is hereby amended as follows:

7.13.080 – [~~Resisting or obstructing animal services officers, health officer, or sheriff or deputies, unlawful.~~] Responsibility of Owner

[~~It is unlawful for any person to resist, obstruct or interfere with the animal services officers, the health officer, or the Carson City sheriff or the sheriff's deputies, while engaged in the performance of their duties as imposed by this chapter.]~~

1. Every person, who is the owner of, or has the care, custody or control of any dog, shall keep such dog properly restrained by leash, chain, cord or effective restraint as demonstrated by signal or voice command when not confined to the property on which it is kept. This does not apply on public property that is designated and legally posted to allow dogs unrestrained.

2. It is the responsibility of the owner of any animal to provide and maintain adequate food and water for the animal. It is the responsibility of the owner of any animal to provide adequate shelter for the animal although exceptions may apply for livestock.

3. It shall be unlawful for any owner or person having custody or control of any animal to permit any animal to excrete any solid waste upon any sidewalk, street, park, or private property, without promptly removing and properly disposing of such waste.

4. No person shall keep, maintain, possess or permit on any property, animals in such a manner as to cause damage, hazards, offensive noise, dust, odor, waste, or any other offensive condition.

5. Any person owning, possessing or having custody or control of any animal, after observing or learning of such animal having any disease, injury, or health issue, shall immediately notify a veterinarian for an examination of such animal at the owner's expense. Such owner shall immediately notify Animal Services if such examination result is positive for rabies virus.

Section X: Title 7, Chapter 7.13.090 of the Carson City Municipal Code is hereby amended as follows:

~~7.13.090 – [Rabies vaccination of dogs, cats and ferrets required—Revaccination required—Exceptions.]~~ Endangering Animals

~~[An owner of a dog, cat or ferret shall maintain the dog, cat or ferret currently vaccinated against rabies in accordance with the provisions of this section and the recommendation set forth in the then current "Compendium of Animal Rabies Control," published by the National Association of State Public Health Veterinarians, Inc.; which is hereby adopted by reference. The publication is available, free of charge, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325. Telephone (202) 512-4800.]~~

~~1. [Every person having the care, control or custody of a dog, cat or ferret over the age of three (3) months shall cause such dog or cat to be vaccinated, if applicable, with rabies vaccine within a period of thirty (30) days from the date of first caring for or having custody of said dog or cat within Carson City, or from the date said dog or cat attains the age of three (3) months.]~~ It shall be unlawful for any owner or person having custody or control of any dog to use a tether, chain, tie, trolley or pulley system or any other device to restrain such animal on any property that is less than 12 feet in length, fails to allow such animal to move at least twelve (12) feet, allows such animal to reach a fence or object which could endanger such animal in any way or by entanglement or strangulation, or use of prong, pinch, or choke collar with such constraint, or for more than fourteen (14) hours in a twenty-four (24) hour period.

~~2. [Vaccination other than rabies vaccination, may be required for any animal according to state veterinarian recommendations to the animal services director, but only upon seventy-two (72) hours notice to persons owning, harboring, keeping, or possessing such animal unless emergency conditions exist as determined by the animal services director.]~~ It shall be unlawful for any person to torture, inflict pain or harm in the course of any ritual, kill in an inhumane method, or engage in any sexual conduct or contact with any animal.

~~3. 4. [Reserved.]~~

3. It shall be unlawful for any person to overdrive, overload, cruelly beat, injure, maim, mutilate, kill or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty, whether said person is the owner or not and whether on private or public property.

4. It shall be unlawful to deprive any animal of necessary sustenance, food, drink, or shelter, or expose the animal to the elements of the weather and to the extremes of

heat or cold under such circumstance as may reasonably be expected to cause suffering, disability or death to such animal.

5. ~~[The animal services director, on advice from a qualified veterinarian, may exempt any animal from the foregoing vaccination requirements.]~~ It shall be unlawful to refuse to obtain veterinary medical care for illness, injury, disease or infirmity, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.

6. ~~[Every veterinarian who vaccinates a dog with rabies vaccine shall issue to the person having care, control or custody of such dog, kept within Carson City, a numbered tag of durable material with the phone number of the veterinarian or clinic thereon, and shall issue a certificate of vaccination, substantially as reproduced in subsection 9. of this section. The certificate shall be prepared in duplicate; the veterinarian shall furnish the original to the owner of the dog and shall keep the duplicate copy for a period of not less than three (3) years. Every veterinarian who sets up practice within Carson City on either a permanent or temporary basis must provide the department of animal services with his or her name, hospital name, hospital address, and hospital telephone number or a copy of their vaccination records.]~~ It shall be unlawful for any person to overcrowd any animal in any crate, box, enclosure, or other receptacle.

7. ~~[Reserved.]~~ It shall be unlawful for any person owning, possessing or having the care, custody or control of any animal, living or dead, to abandon such animal on any property whether private or public. An animal is considered abandoned when not claimed on or by a specified date after having been impounded, boarded, groomed, trained, handled or cared for by any person.

8 ~~[Every veterinarian sterilizing an animal shall issue to the person having care, control or custody of such animal, kept in Carson City, a certificate of sterilization, substantially similar to the one (1) set forth in paragraph 9.(b) below.]~~ It shall be unlawful for any person to willfully throw, drop or place any glass, nails, metal or any other substance or device on any property, private or public, calculated to wound, disable or injure any animal.

~~[9.a. Certificate of vaccination.~~

CERTIFICATE OF VACCINATION

Tag No. _____

Owner; daterule;

Date; daterule;

Street;daterule;

City;daterule;

Owner's Telephone Number _____

Species;daterule;

Name;daterule;

Breed;daterule;

Age;yrrule;

Color _____

Markings;daterule;

Weight;yrrule;

Sex;yrrule;

Spayed;yrrule;

Neutered;yrrule;

Vaccine

Vaccination Given: _____

Revaccination Due: _____

Rabies Tab #: _____

Manufacturer;daterule;

Brand: _____

Serial Lot #: _____

By;daterule;

Licensed Veterinarian

Address

;daterule;

;daterule;

Telephone Number;daterule

b.Certificate of Sterilization

CERTIFICATE OF STERILIZATION

OWNER;daterule;

DATE;daterule;

ADDRESS;daterule;

TELEPHONE;daterule;

CITY;daterule;

STATE;yrrule;

ZIP _____

SPECIES;daterule;

BREED;daterule;

SEX;yrrule;

COLOR;daterule;

MARKINGS;daterule;

AGE;yrrule;WEIGHT;yrrule;

NAME;daterule;

By LICENSED VETERINARIAN

;daterule;

ADDRESS;daterule;

TELEPHONE;daterule;]

9. It shall be unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle or conveyance, any animal in a cruel or inhumane manner. It is unlawful for any person to transport or convey any animal in the bed of an open pickup truck, or similar open vehicle, without making adequate provisions to prevent the animal from jumping or being thrown from the vehicle or conveyance.

10. It shall be unlawful for any person to place, confine or allow to remain, any animal in a motor vehicle during periods of extreme heat or cold or any conditions for such period of time as may endanger the health of such animal due to heat, cold, lack of water or food or any other circumstance as may reasonably be expected to cause suffering, disability or death to such animal.

~~11. [Every person applying for or renewing a dog license must exhibit a certificate of vaccination, if applicable, issued by a person licensed by this state, or any other state or nation, to practice veterinary medicine, which certificate shall show that the dog for which the license is to be issued has been vaccinated in accordance with the provisions of this section, whether said dog is spayed or neutered; provided as an alternative, the person may exhibit a current exemption from vaccination permit. A license for such dog shall not be issued unless and until such certificate of vaccination is so exhibited; provided, however, that the license collector may accept the license fee from the applicant and withhold issuance of the license until the certificate of vaccination or exemption permit is provided by the applicant.]~~ It shall be unlawful for any person selling an animal to dye or color any animal with the intent to defraud another.

12. It shall be unlawful for any person to own, keep, use, or be in any manner connected with or financially interested in, the management of, or to wager on or receive money or other things of value for the admission of any person to public or private property or place used or occupied for baiting or fighting of any animal; or to instigate, promote, arrange, or carry on, or do any act as assistant, umpire, principal, spectator or otherwise, a fight between animals, or in aid of or calculated to encourage or further any fight between animals.

13. It shall be unlawful for any person not engaged in training a dog for field trial or hunting, a club, staging a field trial or training class, to fire upon any animal, unless hunting pursuant to authority granted from the U.S. Government or the State of Nevada.

14. Any person, who intends to trap any wildlife on private or public property, shall notify the Nevada Department of Wildlife in accordance with NRS Title 45.

15. Any person, who intends to trap any dog or cat on private property within the Carson City limits, shall notify Animal Services prior to such trapping.

Section XI: Title 7, Chapter 7.13.100 of the Carson City Municipal Code is hereby amended as follows:

7.13.100 – ~~[Animal service tags, permits and fees.]~~ Dangerous/Vicious

1. ~~[Every person, firm or corporation owning, operating or maintaining a commercial kennel or any business involving the keeping of any animal including the keeping of animals for the purpose of breeding, for the purpose of medical treatment, for the purpose of care for hire, for sale or for the purpose of grooming shall first obtain a license from Carson City to operate said business or commercial kennel, as provided for in the Carson City Municipal Code, Title 4, Chapter 4.04, but the granting of said license shall be subject to the approval, denial, or revocation by the animal services director. Such business license shall at all times be subject to the planning and zoning regulations of Carson City. Such licenses must be renewed annually and exempt that person from having to obtain other licenses required in this chapter.]~~ Dangerous dogs shall be declared dangerous based upon the definition and procedures as provided in NRS 202.500. The owner of a dog declared dangerous shall comply with the mandates and requirements of state law.

2. ~~[No person shall keep more than three (3) canine animals over six (6) months of age or three (3) feline animals over six (6) months of age, at any place, or on any premises, or in any one (1) residence without first obtaining a permit from the animal services director. Such permit shall cost two dollars (\$2.00), in addition to any other license fee required, per year per dog or cat kept over three (3) in number and shall include the cost of inspection by the animal services director or officers. Such permit shall at all times be subject to the planning and zoning regulations of Carson City]~~ Vicious dogs shall be declared vicious based upon the definition and procedures as provided in NRS 202.500. The owner of a dog declared vicious shall comply with the mandates and requirements of state law.

~~[3. No wild animal or livestock shall be exhibited in public or private unless the animal is kept in an area that is zoned for livestock or kept anywhere within Carson City unless and until the owner thereof has obtained a special exemption permit from the animal services director. Such special exemption permit shall not be issued for the keeping or exhibiting of a wild animal or livestock until an investigation has been made to ascertain what precautions are reasonable and necessary to protect the health safety and general welfare of the public and of the animal. The fee for such special exemption permit shall be twenty five dollars (\$25.00) annually unless the animal is used for an education purpose as 4H or Future Farmers of America then the fee is waived. Animals are subject to the impoundment provisions of this chapter, and if impounded, the animal shall not~~

~~be released until said special exemption use permit is obtained by the owner of the animal.]~~

~~[4. The animal services director in approving, denying or revoking any license and permit required in paragraphs 1., 2. and 3. of this section shall consider the following:]~~

~~[a. The animal services director shall determine if the person requesting a license or permit can keep or maintain any animal or animals so as to not create a public nuisance.]~~

~~[b. The animal services director shall determine if the person requesting a license or permit can keep or maintain the animal or animals in compliance with all the requirements of this chapter and all other ordinances of Carson City, and the laws of the State of Nevada.]~~

~~[5. Every person must hold a license for every dog he or she owns, keeps, harbors or possesses. The owner of any dog over the age of six (6) months shall, within thirty (30) days after obtaining the dog or first bringing said dog into Carson City, obtain and continuously maintain for said dog a current and valid animal service tag issued by the Carson City Animal Control Center]~~

~~[6. Each animal service tag issued by the animal control center is annual. The tag shall be renewed on or before the date one (1) year after its original purchase.]~~

~~[7. The following fees shall be paid annually for each animal service tag at the time of issuance of said tag of each dog:~~

~~a. For each natural male or female dog \$20.00~~

~~b. For each neutered or spayed dog \$7.00]~~

~~[8. The owner of any dog tagged as aforesaid shall securely fasten about the neck of the dog, a collar with the animal service identification attached thereto. It is unlawful for any person to remove any tag issued under the provisions of this chapter from any dog not owned by him or her, or not lawfully in his or her possession or under his or her control or care, or for any person to place on any dog, or to permit any dog in his or her control or possession, to wear any animal service tag not issued or provided in this chapter for that particular dog or to place on a dog or to own, keep or possess any dog wearing any counterfeit, imitation or altered animal service tag provided for in this chapter.]~~

~~9. [There shall be given to each person paying such animal service tag fee aforesaid, or any moneys paid to the animal control center, a receipt stating the amount and date of payment and the date of expiration of such tag, and containing a~~

brief description of the dog, and the owner shall be furnished a numbered tag of a durable material. If such tag shall be lost, it shall be the duty of the owner, within ten (10) days from the date of the discovery of loss, to procure a new numbered tag and pay the fee of one dollar (\$1.00) therefor. Failure to secure the required animal tag within thirty (30) days following the expiration date will result in a penalty in the amount of ten dollars (\$10.00) before securing the proper animal service tag.]

[10. The animal control center shall keep a register of all animal service tags issued, showing the name, current address, and telephone number, if any, of the holder of the dog, date of issuance, date of expiration, description of the dog, the number of the tag, and the type and date of vaccination, and whether it is spayed or neutered.]

[11. Any person required to obtain any permit or animal service tag under any of the provisions of this section shall permit their premises to be inspected by the animal services director, his or her officers or health officer at reasonable times. This section shall not apply to quarters maintained by political entities for the purpose of using animals in law enforcement or animal control or to quarters maintained by veterinarians for the purpose of surveillance or treatment of animals on a temporary basis. In addition, the provisions of this section shall not apply to a dog which has been trained and is actually being used to act as a service animal.]

[12. An owner whose animal is wearing an animal service tag which has been in effect for thirty (30) days or more is entitled to the following services:

a. Running at large, first offense. The animal will be returned to the owner's residence, whenever possible, without charge, except that the incident will be regarded as a first offense.

b. Free transport, upon request, to a licensed Carson City veterinary service for emergency care.

c. For emergency responses by an officer of the animal control center to the scene of an auto accident involving an animal, said animal shall be transported to a Carson City veterinarian without charge.

d. The animal control center may remove and care for the animals of any person that must be removed from a residence due to injury, illness or death until relative or a suitable location can be arranged.]

[13. No animals defined as livestock shall be kept on any residential lot unless a special exemption permit is obtained from the animal services director or his designee

Section XII: Title 7, Chapter 7.13.110 of the Carson City Municipal Code is hereby amended as follows:

7.13.110 – [~~Restraining animals—Sanitation.~~] Prohibited Activities

~~[Every person who is the owner of any animal, except cats, shall keep the same upon his premises under his control, shall keep said animal adequately covered from weather, and properly restrained by a fence, cage, coop or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept; provided that no person shall keep any such animal unless its living area is kept clean and free from offensive odors, animal wastes and rodents, flies, or any other offensive or unwholesome condition.]~~

1. It shall be unlawful for any person to display for sale, offer to sell, barter, give away or otherwise dispose of any animal on any street, sidewalk, public building, public park, or any public place or commercial establishment. This does not apply to individuals or businesses licensed to sell animals.

2. It shall be unlawful for any person to steal, relocate or dispose of any animal belonging to another person.

3. It shall be unlawful for any person finding any dog or cat to refuse to contact Animal Services and to relinquish such animal to Animal Services if requested.

Section XIII: Title 7, Chapter 7.13.120 of the Carson City Municipal Code is hereby amended as follows:

7.13.120 – [~~Dogs running at large—Impounds.~~] Violations and Penalty

~~[1. Every dog found running at large, or in violation of any section of this chapter, shall be impounded by an animal services officer at the animal control center and there kept for a period of seventy-two (72) hours. If the ownership of the dog is proved within said period of time, the owner shall be able to remove it upon payment of thirty-five dollars (\$35.00) for the first impoundment, fifty dollars (\$50.00) for the second such impoundment within one (1) year, and one hundred dollars (\$100.00) for the third such impoundment within one (1) year and one hundred fifty dollars (\$150.00) for the fourth and subsequent impoundments within one (1) year, plus ten dollars (\$10.00) per day for any time over twenty-four (24) hours.~~

1. Any person found guilty of a misdemeanor for violation any provision of this chapter shall be punished by confinement in the Carson City jail for a period not to exceed six months, or by a fine not to exceed one thousand (\$1000.00) or by both fine and imprisonment. In accordance with NRS 244.359, an ordinance enacted pursuant to this title that creates an offense relating to bites of animals, vicious or dangerous animals or cruelty to animals must impose a criminal penalty for the offense.

~~[2]. [The department shall charge a single impound fee if two (2) (or more) dogs are picked up together and belong to one (1) person. Boarding fees for two (2) or more dogs (under one (1) ownership) will be based on the number of dogs]~~

2. In addition to any other penalty, if in a Judge's discretion, a dog poses a threat to public safety, the judge may order the animal to be humanely destroyed.

Section XIV: Title 7, Chapter 7.13.130 of the Carson City Municipal Code is hereby amended as follows:

7.13.130 – ~~[Reserved.]~~ Severability

1. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The Board of Supervisors of Carson City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

2. All ordinances or parts of ordinances, sections in the Carson City Municipal Code in conflict herewith are hereby repealed

Section XV: Title 7, Chapter 7.13.140 of the Carson City Municipal Code is hereby deleted.

7.13.140 – ~~[Conditions for release of impounded dog.]~~

~~[No dog which has been impounded shall be released to any person except upon performance of the following applicable conditions and any other conditions imposed by this chapter:~~

~~1. There has been presented to the animal services director or his/her designee a current license for such dog issued by Carson City or a current license from any other state of the nation, or a political subdivision of the same, by the person owning or possessing such dog;~~

~~2. If there is a Carson City license but the license has been lost, the same shall be replaced at a cost of one dollar (\$1.00);~~

~~3. Where the person owning, keeping, harboring, or possessing a dog that is impounded is a resident of Carson City and the dog is unlicensed, the applicable fees must be paid;~~

~~4. There has been paid to the animal control center the impounding, collection, and other fees as provided by law; a bill of sale, or transfer or adoption fee to be established by the board of supervisors from time to time, shall be charged to the person applying for the lease of said animal;~~

~~5. Except as otherwise specifically provided in this chapter, no spaying or neutering deposit shall be required by the animal control center for the release of any dog to its owner, if such ownership prior to the capture and impounding can be proved.]~~

Section XVI: Title 7, Chapter 7.13.145 of the Carson City Municipal Code is hereby deleted:

~~[7.13.145 – Conditions for release of impounded cats and additional conditions for release of impounded dogs.~~

~~No dog or cat which has been impounded shall be released to any person except upon the performance of the following conditions:~~

~~1. Proof has been supplied to the satisfaction of the animal control center that such dog or cat has been vaccinated with rabies vaccine within the time periods according to requirements as prescribed in this chapter;~~

~~2. The animal control center or health department has determined that such dog or cat does not have or is not reasonably suspected of having rabies;~~

~~3. Before any dog or cat which has not been spayed or neutered may be released for sale or adoption, a deposit, the amount of which is established by the animal service director from time to time, shall be paid for the spaying or neutering of the animal. Said deposit shall be forwarded by the animal services director to the depositor, upon a veterinarian proof of the spay or neuter of said dog or cat. No additional fee for the spay or neuter of said animal shall be charged to the depositor by the veterinarian except any fee agreed to by the depositor and the veterinarian. If the spaying or neutering is not done, the deposit is forfeited to Carson City;~~

~~4. After the animal has been vaccinated, or the fee for vaccination has been paid, and if all the conditions of this chapter have been satisfied, the animal control center shall release such dog or cat to the owner, or to the person making application for the release of such animal as herein provided;~~

~~5. If the animal control center suspects that any dog or cat so impounded has rabies, such animal shall be held for inspection by a veterinarian. In the event that such animal is afflicted with rabies, it shall be disposed of or confined for such time as the animal services director determines. Whenever the veterinarian shall determine that such dog or cat does not have rabies, it shall be released as provided herein.]~~

Section XVII: Title 7, Chapter 7.13.150 of the Carson City Municipal Code is hereby deleted:

~~[7.13.150 – Disposal of unclaimed animals.~~

~~If the ownership of an animal other than an estray is not proven within seventy-two (72) hours, or within the ten (10) day period of observation for rabies then such animal may be destroyed in a humane manner under the direction of the animal services director; provided, however, that any such unredeemed animal hereby authorized for destruction may be sold or adopted by any person who shall pay the appropriate fee including the cost of boarding of the animal as provided for in this chapter.]~~

Section XVIII: Title 7, Chapter 7.13.160 of the Carson City Municipal Code is hereby deleted:

~~[7.13.160 – Impounding of stray animals.~~

~~Any animal running at large, except as otherwise provided in this chapter, shall be impounded at the animal control center for seventy two (72) hours; within which time if the ownership of the animal is proved and the owner calls for it, he or she shall be able to remove such animal upon the payment of thirty-five dollars (\$35.00) for each impoundment and ten dollars (\$10.00) per day for the keep of the animal.]~~

Section XIX: Title 7, Chapter 7.13.170 of the Carson City Municipal Code is hereby deleted:

~~[7.13.170 – Impounding of estrays.~~

~~Any estray as defined by NRS 569.005 running at large shall be impounded at the animal control center, and thereafter the animal control center shall handle said estray as provided for in NRS 569.005 to 569.130.]~~

Section XX: Title 7, Chapter 7.13.190 of the Carson City Municipal Code is hereby deleted:

~~[7.13.190 – Keeping of animals in zoned areas.~~

~~1. It shall be unlawful for any person to keep or cause to be kept any animal in violation of Carson City Zoning Regulations.~~

~~2. Animals and fowl:~~

~~a. Except as provided in subsection b. and c.; horses, swine, fowl, sheep or other animals of a similar nature shall not be maintained on any lot or parcel other than a lot or parcel zoned agriculture (A), conservation reserve (CR), single-family one-acre (SF1A), single-family two-acre (SF2A) or single-family five-acre (SF5A). All parcels containing animals, not meeting these requirements at time of code adoption, shall be considered an approved nonconforming use and are restricted by the nonconforming use portion of Section 18.03.010~~

~~b. On residentially zoned properties requiring less than one (1) acre in land area, a maximum of two (2) rabbits, two (2) potbelly pigs, that weigh less than one hundred fifty (150) pounds each and four (4) female chickens or female ducks may be kept on any single-family residential parcel if used as a pet or an educational project.~~

~~c. Formal youth education groups such as 4H or Future Farmers of America can apply for special use permits to have livestock on residential lots.~~

~~3. Animal Units. The keeping or raising of livestock and other farm animals as allowable under this section shall be permitted in accordance with the table of animals units and density standards described as follows:~~

~~Animal Types – Animal Unit~~

~~Equivalents
(A.U.E.)~~

~~(1) Horse, Mule or Donkey 1.00~~

~~(1) Cow, Steer, or Bull 1.00~~

~~(1) Pig, Llama, or Alpaca 1.00~~

~~(1) Pony or Burro 1.00~~

~~(1) Sheep, Goat or Mini Horse 0.50~~

~~(1) Rabbit, Chinchilla, or Fowl 0.20~~

~~4. Animal density. Livestock and farm animal numbers may be established at the density of one (1) animal unit for each seven thousand (7,000) square feet of lot area. All fractional densities are to be rounded down to the nearest whole number.~~

~~Example: On a one (1) acre parcel (forty three thousand five hundred sixty (43,560) square feet), six (6) animal units would be allowable. For every residential parcel larger than one (1) acre in size and zoned single family two-acre (SF2A) or single family five-acre (SF5A), only two (2) A.U.E. may be added per additional acre up to five (5) acres unless disallowed by CC&R's.~~

~~5. Calculations. For allowable animals, animal categories may be combined to total an allowable animal unit density:~~

~~Example: On a one (1) acre parcel where six (6) A.U. are allowed:~~

~~3 horses (3×1.00) 3.00 AUE~~

~~*4 sheep (4×0.50) 2.00~~

~~*5 chickens (5×0.20) 1.00~~

~~Total Animal Unit Density 6.00~~

~~6. The offspring of animals are allowable and not to be counted until they are weaned or self-sufficient.~~

~~7. Any person permitted under this section to have livestock as defined in Title 7 shall maintain them in such a way to assure they do not encroach upon or damage the property of others. The living area with respect to sanitation shall conform with restrictions set forth in Title 7 of the CCMC animal control ordinance and Section 9 of the CCMC health department regulations.~~

~~8. Slaughter of animals shall not be permitted within any residential district in Carson City, but may be an accessory use to an agricultural use in the conservation reserve (CR) and agricultural (A) districts.~~

~~9. Keeping of hazardous or offensive animals prohibited. No person shall keep, maintain or have in his possession or permit on any property owned or controlled by him any household pet or pets or any other animal or animals in such manner, number or kind as to cause damage or hazard to persons or property in the vicinity or to generate offensive noise, dust or odor. Wild animals will be administered in accord with Title 7 by the animal regulation department and Title 9 of the health department regulations.~~

~~10. Bees may be kept on large parcels provided:~~

~~a. The parcel on which the bees are kept shall be at least one (1) acre in size and a special use permit is obtained for parcels under five (5) acres in size;~~

- ~~b. The number of colonies or nuclei shall not exceed one (1) per acre;~~
- ~~c. Adequate freshwater supply shall be available for bees on the subject property at all times;~~
- ~~d. The location shall be not less than two hundred (200) feet from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property;~~
- ~~e. Approval by appropriate state agencies shall be obtained.]~~

Section XXI: Title 7, Chapter 7.13.200 of the Carson City Municipal Code is hereby deleted:

~~[7.13.200 Vicious or dangerous dogs; unlawful acts; penalties.~~

~~1. As used in this section, a dog is:~~

~~(a) "dangerous" if:~~

~~(1) It is so declared pursuant to subsection 2.; or~~

~~(2) Without provocation, on two (2) separate occasions within eighteen (18) months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:~~

~~(i) Off the premises of its owner or keeper, or~~

~~(ii) Not confined in a cage, pen or vehicle.~~

~~(b) "Provoked" when it is tormented or subjected to pain.~~

~~(c) "Vicious" if:~~

~~(1) Without being provoked, it kills or inflicts substantial bodily harm upon a human being or other animals; or~~

~~(2) After its owner or keeper has been notified by a law enforcement agency that it is dangerous, or continues the behavior described in paragraph (a).~~

~~2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.~~

~~3. A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.~~

~~4. A person who knowingly:~~

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

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

~~5. If substantial bodily harm results from an attack by a dog known to be vicious its owner or keeper is guilty of a category D felony and shall be punished as provided in NRS 193.130. In lieu of, or in addition to, a penalty provided in this subsection, the judge may order the vicious dog to be humanely destroyed.~~

~~6. This section does not apply to a dog used by a law enforcement officer in the performance of his duties.]~~

Section XXII: Title 7, Chapter 7.13.210 of the Carson City Municipal Code is hereby deleted:

~~[7.13.210—Investigation of bitings or injuries.~~

~~1. The animal services director and officers shall investigate any report of any animal biting, attempting to bite, injuring or attempting to injure any person or animal in Carson City.~~

~~2. If after investigation, the animal services director or officers determine that any animal has bitten, attempted to bite, injured or attempted to injure any person or animal in Carson City, the person having care or custody of said animal shall be notified by the animal control center that said animal may possess vicious or dangerous tendencies.~~

~~3. An animal services officer shall further take whatever actions are required by other provisions of this chapter concerning rabies prevention and control.]~~

Section XXIII: Title 7, Chapter 7.13.220 of the Carson City Municipal Code is hereby deleted:

~~[7.13.220—Keeping of an animal possessing dangerous tendencies.~~

~~It is unlawful for any person to have care or custody of any animal in Carson City which is known to possess vicious or dangerous tendencies unless the following conditions are met:~~

~~1. At no time shall such animal leave the private property confines of the person having care or custody of the animal unless it is muzzled, leashed, and under the physical control of an adult.~~

~~2. The private property shall be adequately and properly posted with conspicuous warning signs, with a list of name and telephone number of handlers of said animal, if applicable.~~

~~3. The animal shall be kept, confined or housed within an enclosure:~~

~~a. That is adequate to insure the animal's retention and comfort and of a size to permit the animal to stand upright;~~

~~b. That is high enough so that the animal cannot bite, harm, or injure anyone by overreaching the top of the fence or other enclosure.~~

~~4. The animal shall be kept upon the private property in a manner that will present it from biting or injuring any person lawfully upon the property who is not provoking or teasing the animal.~~

~~5. At the owner or keepers expense, the animal shall be spayed or neutered and a pet identification microchip inserted into the animal with the owners name, address and phone number.~~

~~6. The animal owner or keeper shall purchase a seventy five thousand dollar (\$75,000.00) "Dangerous Dog" insurance policy and keep said insurance policy current for the duration of the ownership of the animal.]~~

Section XXIV: Title 7, Chapter 7.13.230 of the Carson City Municipal Code is hereby deleted.

~~[7.13.230—Miskeeping of a dangerous animal.~~

~~Every person having the care or custody of any animal in Carson City known to said person to possess vicious or dangerous tendencies who fails to keep said animal as required by section 7.13.110 and thereby allows the same to either injure any person or to escape and run at large in any place or manner liable to endanger the safety of any person, shall be guilty of a misdemeanor.]~~

Section XXV: Title 7, Chapter 7.13.240 of the Carson City Municipal Code

is hereby deleted:

~~[7.13.240—Vicious or dangerous animal may be killed.~~

~~Any person may lawfully kill any animal known to possess vicious or dangerous tendencies found running at large when reasonably necessary to protect his or her own safety or the safety of other persons or animals.]~~

Section XXVI: Title 7, Chapter 7.13.250 of the Carson City Municipal Code is hereby deleted:

~~[7.13.250—Reporting of animal biting a human being.~~

~~It shall be the duty of anyone with knowledge of a human being having been bitten by any animal to promptly report the same to the health officer or to the animal services director, and to provide all pertinent information requested by them.]~~

Section XVII: Title 7, Chapter 7.13.150 of the Carson City Municipal Code is hereby deleted:

~~[7.13.250 [Reserved]]~~

Section XXVIII: Title 7, Chapter 7.13.260 of the Carson City Municipal Code is hereby deleted:

~~[7.13.260—Quarantine or impounding of biting animals.~~

~~1.If the biting animal has been properly vaccinated against rabies, and proof of that fact is made, it shall be the duty of any person owning, possessing or having the care, custody and control of said animal to confine such animal separately and securely for a period of ten (10) days in keeping with directions from the animal control center and to post such quarantine notice as may be required by said animal control center. In the event such animal develops any illness during such period of time, the owner or person having the care, custody, and control must promptly notify a veterinarian who shall make such examination as he deems necessary and report to the animal services director in the event said animal is deemed to have rabies, and said animal shall be handled in accordance with the provisions hereof.~~

~~2.If the bite is severe, or upon recommendation of a medical doctor, veterinarian or the animal control supervisor, the animal must be quarantined under the conditions provided in subsection 3, even if the animal has been vaccinated against rabies.~~

~~3. In the event the biting animal has not been vaccinated against rabies, or that fact cannot be proved, said animal shall be confined, at the owner's expense, separately in either the animal quarters at the business premises of a veterinarian, at a commercial kennel, or in the animal control center for a period of ten (10) days observation, and if not released as provided by law, may be destroyed thereafter. Such animal shall not be released before suitable provisions for vaccination and licensing have been made as set forth in this chapter.~~

~~4. The maximum period of confinement for observation of the unvaccinated animal confined at the animal control center shall be ten (10) days, even if said animal is obtained from any other governmental entity, including, but not limited to, the state of Nevada, or Carson City. If the animal is not released after the maximum ten (10) day period, as provided by law, it may be destroyed thereafter.]~~

Section XXIX: Title 7, Chapter 7.13.265 of the Carson City Municipal Code is hereby deleted:

~~[7.13.265 — Rabies control authority.~~

~~The rabies control authority is designated as the animal services director health director or his/hor designee. The rabies control authority is responsible to administer the rabies control program.]~~

Section XXX: Title 7, Chapter 7.13.270 of the Carson City Municipal Code is hereby deleted:

~~[7.13.270 — Suspicion of rabies.~~

~~Upon the receipt by the animal control center of any animal believed to be afflicted with rabies, which has been bitten by any animal afflicted or suspected of being afflicted with rabies, or which has been exposed to the infection of rabies, the said animal control center shall separately confine such animal and shall immediately notify a veterinarian and the health officer. The veterinarian or health officer shall thereupon make such examinations of the animal as may be deemed necessary. If, upon such examination, it is determined that such animal is afflicted with rabies, the animal control center shall be so advised. It shall be the duty of the animal control center to keep such animal suspected of having rabies confined for such time as the veterinarian or health officer may direct, and such animal shall not be redeemed or released except upon written order signed by the health officer. Such animal shall not be released before suitable provisions for vaccination and licensing have been made as set forth in this chapter. The cost of all examinations shall be borne by the owner of said animal.]~~

Section XXXI: Title 7, Chapter 7.13.280 of the Carson City Municipal Code is hereby deleted:

~~[7.13.280—Impounding or destroying of rabid animals.~~

~~1.It shall be the duty of the animal control center to impound any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, whether public or private, if such animal is known to have or suspected of having rabies, or known to have been bitten by any animal having or suspected of having rabies. It shall be examined immediately by the animal services director or his/her designee and a veterinarian for determination of whether the animal shall be destroyed or impounded. If destruction of the animal is required, destruction shall be accomplished in such manner as to preserve intact the head. Such head shall promptly and without delay be properly removed and packaged for shipment for laboratory analysis as prescribed by the health officer.~~

~~2.The maximum period of confinement for observation at the animal control center of an animal known to have or suspected of having rabies, shall be ten (10) days, even if said animal is obtained from any other governmental entity, including, but not limited to the State of Nevada or Carson City. If the animal is not released after the maximum ten-day period, as provided by law, it may be destroyed thereafter. Any other animal known to have or suspected of having rabies shall be confined for observation at the animal control center for such necessary period of time as shall be determined by the health officer but, in no event, less than ten (10) days.]~~

Section XXXII: Title 7, Chapter 7.13.290 of the Carson City Municipal Code is hereby deleted:

~~[7.13.290—Responsibility of owner.~~

~~1.It is the responsibility of all persons with animals to provide and maintain adequate feed, adequate water, adequate shelter, reasonable exercise, safety and medical care for the animal.~~

~~2.Whenever any person owning, possessing or having the custody or control of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he or she shall immediately notify a veterinarian or the health officer to make an inspection or examination of such animal until it shall be established to the satisfaction of said veterinarian or health officer that such animal has or does not have rabies. There shall be immediate notification to the health officer of any~~

~~animal which dies during quarantine and any such animal shall be preserved for laboratory analysis.]~~

Section XXXIII Title 7, Chapter 7.13.300 of the Carson City Municipal Code is hereby deleted:

~~[7.13.300 – Bitten animals.~~

~~Whenever any animal is bitten by another animal suspected of having rabies, the owner of the animal so bitten or the owner of the biting animal shall immediately notify the health officer, and thereupon, in the discretion of said health officer, such animals may be quarantined for a period to be determined and in such manner as prescribed by the health officer.]~~

Section XXXIV Title 7, Chapter 7.13.310 of the Carson City Municipal Code is hereby deleted:

~~[7.13.310 – Impounding for observation.~~

~~If it shall appear to the health officer or animal control center that an animal has rabies, he shall forthwith impound for observation such animal until released by the health officer.]~~

Section XXXV: Title 7, Chapter 7.13.320 of the Carson City Municipal Code is hereby deleted:

~~[7.13.320 – Animal control center to record animal bites.~~

~~It shall be the duty of the animal control center to keep an accurate record of all reports of animal bites, including the place of occurrence, time of report, person making the report, disposition of the case, and such other information as may be required by the animal control center or the health department. Each such case shall be investigated and the animal properly dealt with in accordance with the provisions of this chapter.]~~

Section XXXVI: Title 7, Chapter 7.13.330 of the Carson City Municipal Code is hereby deleted:

~~[7.13.330 – Animals – Noises – Nuisances.~~

~~It is unlawful for any person to own, keep, harbor or possess any animal which, by loud or frequent habitual barking, yelping, braying or other noise, causes annoyance to the neighborhood or to any person in the vicinity. It is the duty of the animal services director or officers, upon complaint, to determine the cause of the disturbance and then, take appropriate action.]~~

Section XXXVII: Title 7, Chapter 7.13.340 of the Carson City Municipal Code is hereby deleted:

~~[7.13.340—Nuisances.~~

~~If shall be unlawful for the owner or person having custody of any dog or cat to permit, either wilfully or through failure to exercise due care or control of such dog or cat to excrete any solid waste upon any sidewalk, public street or public park; or to excrete any solid waste upon any real property under the control of or in the possession of any other person; or upon the floor of any common hall or in any common area in any apartment house, tenement house, hotel or other multiple dwelling; or upon any entranceway, stairway or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building or other building used in common by the public; or upon the floor or stairway of any depot or station or public waiting room; or upon any floor, stairway, entranceway, office, lobby, foyer or patio used in common by the public; provided further that no violation of this section shall occur if the owner of the offending animal promptly and voluntarily removes the dog or cat waste.]~~

Section XXXVIII: Title 7, Chapter 7.13.350 of the Carson City Municipal Code is hereby deleted:

~~[7.13.350—Animal fighting—Firing on animals—Pigeon shoots.~~

~~It shall be unlawful for any person to own, keep, or use, or be in any manner connected with, or financially interested in, the management of, or to receive money or other things of value for the admission of any person to, a house, apartment, pit or place, procured or permitted to be used or occupied for baiting or fighting of animals; or to instigate, promote, arrange, or carry on, or do any act as assistant, umpire, principal, spectator or otherwise, a fight between animals, or in aid of or calculated to encourage or further any fight between animals. It shall be unlawful for any person not engaged in training a dog for field trial or hunting, or for clubs staging a field trial or training class, to fire upon any animal, unless hunting pursuant to authority granted from the U.S. Government, the state of Nevada, or one of their respective political subdivisions. Pigeon shoots are henceforth illegal.]~~

Section XXXIX: Title 7, Chapter 7.13.360 of the Carson City Municipal Code is hereby deleted:

~~[7.13.360—Torture—Maiming.~~

~~It shall be 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, and whether on or off the premises of the owner of said animal.]~~

Section XL: Title 7, Chapter 7.13.370 of the Carson City Municipal Code is hereby deleted:

~~[7.13.370—Deprivation of sustenance or shelter.~~

~~It shall be unlawful to deprive any animal of necessary sustenance, food, drink, or shelter, or expose to the elements of the weather and to the extremes of heat or cold, or refuse to obtain veterinarian medical care for illness, injury, disease or infirmity, or wilfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.]~~

Section XLI: Title 7, Chapter 7.13.380 of the Carson City Municipal Code is hereby deleted:

~~[7.13.380—Riding or driving an equine while under the influence of intoxicating liquor or drug.~~

~~It shall be unlawful for any person to ride or drive an equine while such person is under the influence of intoxicating liquor or drug.]~~

Section XLII: Title 7, Chapter 7.13.390 of the Carson City Municipal Code is hereby deleted:

~~[7.13.390—Safety reflectors required on animals.~~

~~It shall be unlawful to drive, ride or lead any animal except dogs, upon or beside any public highway, road or way, between the hours of sunset and sunrise without having safety reflectors or reflective tape visible from any direction on their tack or body.]~~

Section XLIII: Title 7, Chapter 7.13.400 of the Carson City Municipal Code is hereby deleted:

~~[7.13.400—Trapping animals.~~

~~It shall be unlawful for any person to trap any animal with other than a humane "live" trap which will inflict no physical injury upon the animal; and it shall be unlawful for any person to lure or entice, by means of food or otherwise, any animal into other than a humane "live" trap; it shall be unlawful for any person having trapped an animal to leave it without food, water or shelter, for an unreasonable period of time.]~~

Section XLIV: Title 7, Chapter 7.13.410 of the Carson City Municipal Code is hereby deleted:

~~[7.13.410—Disposition of trapped animals.~~

~~It shall be unlawful for any person who has trapped an animal, or discovers any animal so trapped, to dispose of it in any fashion not otherwise provided by law, but said person shall call the animal control center to have said animal picked up, deliver it to the animal control center, or otherwise dispose of it as directed by the animal services officers.]~~

Section XLV: Title 7, Chapter 7.13.420 of the Carson City Municipal Code is hereby deleted:

~~[7.13.420—Overcrowding.~~

~~It shall be unlawful for any person to overcrowd any animal in any crate, box, or other receptacle or fail to provide food, water, shelter, or sanitation for same.]~~

Section XLVI: Title 7, Chapter 7.13.430 of the Carson City Municipal Code is hereby deleted:

~~[7.13.430—Abandoning animals.~~

~~It is unlawful for any person owning, possessing or having the care, custody, and control of any animal, living or dead, to abandon the same in a public street, road, alley, or any other public place, or upon his or her property or the property of another. An animal is considered abandoned when not claimed on or by a specified date after having been boarded, groomed, trained, handled or cared for by any person or veterinarian. Any animal impounded pursuant to this section must be held by animal services for a period of seventy-two (72) hours unless otherwise provided by this chapter.]~~

Section XLVII: Title 7, Chapter 7.13.440 of the Carson City Municipal Code is hereby deleted:

~~[7.13.440—Uncared for animals.~~

~~Whenever the animal services officers find that any animal is, or will be, without proper care, the animal services officers may take up such animal for protective care; and in the event of sickness or injury of the animal, where the owner or keeper is unknown, the animal services officers may after a reasonable time take any action to prevent further undue pain and suffering, including immediate destruction of the animal in a humane manner.]~~

Section XLVIII: Title 7, Chapter 7.13.450 of the Carson City Municipal Code is hereby deleted:

~~[7.13.450 – Poisoning animals.~~

~~It shall be unlawful for any person unjustifiably to administer any poisonous drug or substance with intent that the same shall be taken by an animal, except for animals classified as "non-protected wildlife" defined by State of Nevada Department of Agriculture, whether such animal be the property of himself or another, or whether said drug or substance be exposed upon such person's property, the private property of another, or any public place; provided, that nothing herein shall be construed to prevent or restrict the animal services officers, or health officer in the exercise and performance of the powers and duties as set forth.]~~

Section XLIX: Title 7, Chapter 7.13.460 of the Carson City Municipal Code is hereby deleted:

~~[7.13.460 – Endangering animals.~~

~~It shall be unlawful for any person to wilfully throw, drop or place, or cause to be thrown, dropped or placed upon any road, highway, street, alley, or public place, or upon the private property of himself or another, any glass, nails, pieces of metal or other substance or device calculated to wound, disable or injure any animal.]~~

Section L: Title 7, Chapter 7.13.470 of the Carson City Municipal Code is hereby deleted:

~~[7.13.470 – Transporting or enclosing animals in vehicles.~~

~~It shall be unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle or conveyance, any animal in a cruel or inhumane manner.]~~

Section LI: Title 7, Chapter 7.13.480 of the Carson City Municipal Code is hereby deleted:

~~[7.13.480—Confining animals in motor vehicles.~~

~~No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well being of such animal due to heat, cold, lack of food or such other circumstances as may reasonably be expected to cause suffering, disability or death.]~~

Section LII: Title 7, Chapter 7.13.490 of the Carson City Municipal Code is hereby deleted:

~~[7.13.490—Responsibility of motor vehicle owner.~~

~~No person having dominion or control over a motor vehicle, as owner or otherwise, shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as to endanger the health or well being of such animal due to heat, cold, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.]~~

Section LIII: Title 7, Chapter 7.13.500 of the Carson City Municipal Code is hereby deleted:

~~[7.13.500—Authority of officer.~~

~~An officer of the Carson City sheriff's department, or the animal services center, or any animal services officer who finds an animal in a motor vehicle in violation of this chapter may break and enter the motor vehicle, if necessary, to remove the animal. The officer removing the animal shall take the animal to the animal control center or to a veterinarian clinic for safekeeping and shall in the event the person having custody cannot be contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof. The animal will be surrendered to the owner if the owner claims the animal within seven (7) days from the time the animal was removed from the vehicle and pays all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within three (3) days after its removal from the motor vehicle, the animal control center will make reasonable efforts to contact the owner and give notice where the animal is in custody and that it may be reclaimed by the owner upon payment of the reasonable maintenance charges. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within four (4)~~

~~days after contact or efforts to contact, the animal control center may dispose of the animal in any reasonably humane manner.}~~

Section LIV: Title 7, Chapter 7.13.510 of the Carson City Municipal Code is hereby deleted:

~~[7.13.510—Injury to animal by motorist.~~

~~Every operator of any vehicle upon the streets and ways of Carson City shall immediately upon injuring, striking, maiming or running down any animal give such aid as he is reasonably able to render. In the absence of the owner, he or she shall immediately notify the animal control center furnishing sufficient facts relative to such injury. It is the duty of such operator to remain at or near the scene until appropriate authorities arrive, and such operator shall immediately identify himself or herself to the appropriate authority. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal control center, and thereafter notifying the animal control center. Such animal shall be deemed an uncared for animal within the meaning of Section 7.13.440. Emergency vehicles are not required to stop but shall notify the animal control center furnishing sufficient facts relative to such injury.}~~

Section LV: Title 7, Chapter 7.13.520 of the Carson City Municipal Code is hereby deleted:

~~[7.13.520—Selling or giving away certain animals.~~

~~It shall be unlawful for any person to sell, or offer for sale, barter, or give away, baby chicks, ducklings, other fowl under four (4) weeks of age or rabbits under two (2) weeks of age, as pets or novelties. This chapter shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl, in proper breeder facilities by hatcheries, or stores engaged in the business of selling the same to be raised for commercial purposes.}~~

Section LVI: Title 7, Chapter 7.13.530 of the Carson City Municipal Code is hereby deleted:

~~[7.13.530—Disposition of animals on commercial or public property.~~

~~It is unlawful for any person to have any animal present at any street, sidewalk, public building, public park, or other public place or any commercial establishment and to:~~

~~a. Display or allow to be displayed for the purposes of sale;~~

~~b. Sell or offer for sale; or~~

~~c. Barter, give away, or otherwise dispose of that animal. This section does not apply to the animal control center or a properly licensed location or person.]~~

Section LVII: Title 7, Chapter 7.13.540 of the Carson City Municipal Code is hereby deleted:

~~[7.13.540—Sale, use or gift of animals in contests or advertising.~~

~~It is unlawful for any person to use, give, sell, barter, offer as a prize or transfer ownership or possession of an animal in connection with any contest, game of chance or advertising campaign for or promotion of a product. This section does not apply to the regular sale of animals by individuals or businesses licensed to sell them.]~~

Section LVIII: Title 7, Chapter 7.13.550 of the Carson City Municipal Code is hereby deleted:

~~[7.13.550—Cruel or unusual uses prohibited by carnivals, fairs.~~

~~It shall be unlawful for any owner, operator, or agent of any carnival, fair, or amusement park to use any live animal as or for a target.]~~

Section LIX: Title 7, Chapter 7.13.560 of the Carson City Municipal Code is hereby deleted:

~~[7.13.560—Artificially colored or dyed animals.~~

~~It shall be unlawful for any person to dye or color by any means any baby chick, rabbit, duckling or fowl, or to dye or color any animal.]~~

Section LX: Title 7, Chapter 7.13.570 of the Carson City Municipal Code is hereby deleted:

~~[7.13.570—Research facility.~~

~~It shall be unlawful for any person including the animal control center, to sell or offer for sale, buy or offer to buy, barter or offer to barter, give or offer to give, or furnish, any animal for experimental, laboratory, or vivisection purposes.]~~

Section LXI: Title 7, Chapter 7.13.590 of the Carson City Municipal Code is hereby deleted:

~~[7.13.590 – Protective custody – Impoundment of animals treated cruelly.~~

~~1. Any animal services officer, law enforcement officer or officer of any society for the prevention of cruelty to animals authorized to make arrests pursuant to NRS 574.040 shall take possession of any animal being treated cruelly, wherever found, and provide shelter and care for it or, upon written permission from the owner, may destroy it in a humane manner.~~

~~2. The officer taking possession shall, at the time of taking, give written notice of taking to the owner, if known, and state thereon the reasons for the taking and the location where the animal shall be sheltered. If the owner is not known, or is not present at the taking and cannot, after due search, be found, such notice shall be posted on the property from which the animal was taken and, if the owner is known, mailed to the owner at his last known address within seventy-two (72) hours of the taking.~~

~~3. The officers caring for animals pursuant to this section have a lien for the reasonable value of care or humane destruction provided to the animal, provided, however, that charges for care in excess of two (2) weeks, shall not be chargeable by lien. Upon proof that the owner, if known, has been notified of the taking and of the lien within a reasonable time from the taking, or, if the owner is not known, that the notice had been posted on the property as herein required and due search made for such owner, any court of competent jurisdiction may order the animal sold at auction, humanely destroyed, or continued in the care of the taking officer for disposition as he sees fit.~~

~~4. No law enforcement officer or employer thereof, shall be liable in any action arising out of a taking of any animal as authorized under this section.]~~

Section LXII: Title 7, Chapter 7.13.600 of the Carson City Municipal Code is hereby deleted:

~~[7.13.600 – Causing another person's animal to be disposed of – Penalties.~~

~~1. Every person taking an animal to the animal control center for impoundment or disposal shall, if the animal is not owned by him or her, inform the animal control center who is the owner, if known, and where and when the animal was found. If the owner cannot be determined, the animal control center shall keep the animal for the same time period as referenced herein and shall make all turn-in records available to the public on request.~~

~~2. Any person who takes an animal to the animal control center for impoundment or disposal and fails to inform the animal control center who is the owner of said animal, if known, and thereby causes said animal to be disposed of by the animal control center is guilty of a misdemeanor.]~~

Section LXIII: Title 7, Chapter 7.13.605 of the Carson City Municipal Code is hereby deleted:

~~[7.13.605—Unlawful acts—Stealing, butchering, harming, inhumane killing.~~

~~It is unlawful for any person to:~~

~~a. Steal or relocate an animal belonging to another person;~~

~~b. Butcher any animal except where allowed by law;~~

~~c. Inflict pain or harm upon an animal in the course of a ritual in public or in private; or~~

~~d. Kill an animal by using an inhumane method of killing.~~

~~e. Knowingly engage in any sexual conduct or sexual contact with an animal.]~~

Section LXIV: Title 7, Chapter 7.13. of the Carson City Municipal Code is hereby deleted:

~~[7.13.610—Violations and penalties.~~

~~Any person found guilty of a misdemeanor for violating any provision of this chapter shall be punished by confinement in the city jail for a period not to exceed six months, or by a fine not to exceed five hundred dollars (\$500.00) or by both fine and imprisonment.]~~

Section LXV: Title 7, Chapter 7.13.620 of the Carson City Municipal Code is hereby deleted:

~~[7.13.620—Severability—Conflicts—Invalidity.~~

~~1. If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this chapter or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this chapter or any part thereof. The board of supervisors of Carson City hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence,~~

~~clause or phrase thereof irrespective of the fact that any one or more section, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.~~

~~2. All ordinances or parts of ordinances, sections in the Carson City Municipal Code in conflict herewith are hereby repealed.~~

~~3. If any section, paragraph, sentence, phrase, term, word or connotation of this ordinance, or portion thereof, is for any reason held invalid, inapplicable or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.]~~

Section LXVI: If any clause, sentence, section, provision or part of this chapter shall be adjudged to be unconstitutional or invalid for any reason by any court of competent jurisdiction, such judgment shall not invalidate, impair or affect the remainder of this chapter.

Section LXVII: That no other provisions of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on May 2, 2013, by Supervisor Karen Abowd.

PASSED May 16, 2013, by the following vote:

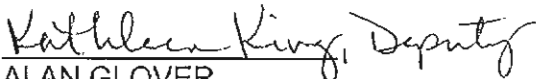
AYES: Supervisor Karen Abowd
Supervisor Brad Bonkowski
Supervisor John McKenna
Supervisor Jim Shirk
Mayor Robert Crowell

NAYS: None.

ABSENT: None.


Robert L. Crowell, Mayor

ATTEST:

for: 
ALAN GLOVER,
Clerk - Recorder

This ordinance shall be in force and effect from and after the 19th day of May, 2013.