

**City of Carson City
Agenda Report**

Date Submitted: September 9, 2014

Agenda Date Requested: September 18, 2014

Time Requested: 10 minutes

To: Carson City Board of Supervisors

From: Health & Human Services (Nicki Aaker)

Subject Title: For Possible Action: TO ADOPT, ON SECOND READING, BILL NO. 111, ORDINANCE No. _____, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 7 - ANIMALS, CHAPTER 7.13 – LICENSING AND REGULATIONS, TO AMEND SECTION 7.13.010 – DEFINITIONS, TO AMEND SECTION 7.13.020 – CARSON CITY ANIMAL SERVICES/POWERS, AND TO REPEAL AND RESERVE SECTION 7.13.040 – COLLECTIONS/DISBURSEMENTS/FEE SCHEDULE, TO FURTHER PROVIDE FOR THE CONTRACT AUTHORITY OF THE BOARD OF SUPERVISORS TO CONTRACT OUT ANIMAL SERVICES WITH A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS INCORPORATED UNDER NEVADA REVISED STATUTES CHAPTER 574 FOR THEIR OPERATION, DIRECTION, SUPERVISION, REGULATION, POLICING, ENFORCEMENT, AND ANY OTHER POWERS THE CITY DEEMS NECESSARY OF THIS CHAPTER AS A PRIVATE NON-PROFIT ENTITY PURSUANT TO A CONTRACT AND/OR FEE SCHEDULE APPROVED BY THE CARSON CITY BOARD OF SUPERVISORS, AND OTHER MATTERS PROPERLY RELATED THERETO. *(Nicki Aaker)*

Staff Summary: Pending approval by the Carson City Board of Supervisors, Carson City will be contracting with a society for the prevention of cruelty to animals incorporated under NRS 574 for Animal Services' operation, direction, supervision, regulation, policing, and enforcement.

Type of Action Requested:

(check one)

Resolution

Ordinance – Second Reading

Formal Action/Motion

Other (Specify) Information Only

Does This Action Require A Business Impact Statement:

Yes No

Recommended Board Action: I MOVE TO ADOPT, ON SECOND READING, BILL NO. 111, ORDINANCE No. _____, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 7 - ANIMALS, CHAPTER 7.13 – LICENSING AND REGULATIONS, TO AMEND SECTION 7.13.010 – DEFINITIONS, TO AMEND SECTION 7.13.020 – CARSON CITY ANIMAL SERVICES/POWERS, AND TO REPEAL AND RESERVE SECTION 7.13.040 – COLLECTIONS/DISBURSEMENTS/FEE SCHEDULE, TO FURTHER PROVIDE FOR THE CONTRACT AUTHORITY OF THE BOARD OF SUPERVISORS TO CONTRACT OUT ANIMAL SERVICES WITH A SOCIETY FOR THE

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Explanation for Recommended Board Action: The Carson City Municipality Code Title 7.13 needs to be amended in order for Carson City to enter into a contract with a society for the prevention of cruelty to animals for Animal Services' operation, direction, supervision, regulation, policing, and enforcement.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC Title 7.13; NRS 574

Fiscal Impact: No Fiscal Impact

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: Not accept the proposed amendment

Supporting Material: CCMC Title 7.13, Chapters 7.13.010, 7.13.020, and 7.13.040.

Prepared By: Nicki Aaker, MSN, MPH, RN

Reviewed By: <u>N. Aaker</u>	Date: <u>9/9/14</u>
(Department Head)	
<u>Nichols Miranda</u>	Date: <u>9/9/14</u>
(City Manager)	
<u>Stanley</u>	Date: <u>9/9/14</u>
(District Attorney)	
<u>Nancy Paulson</u>	Date: <u>9/9/14</u>
(Finance Director)	

Board Action Taken:

Motion: _____

- 1) _____
- 2) _____

Aye/Nay

(Vote Recorded By)

ORDINANCE NO. 2014-__

BILL NO. 111

AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE TITLE 7 - ANIMALS, CHAPTER 7.13 - LICENSING AND REGULATIONS, TO AMEND SECTION 7.13.010 - DEFINITIONS, TO AMEND SECTION 7.13.020 - CARSON CITY ANIMAL SERVICES/POWERS, AND TO REPEAL AND RESERVE SECTION 7.13.040 - COLLECTIONS/DISBURSEMENTS/FEE SCHEDULE, TO FURTHER PROVIDE FOR THE CONTRACT AUTHORITY OF THE BOARD OF SUPERVISORS TO CONTRACT OUT ANIMAL SERVICES WITH A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS INCORPORATED UNDER NEVADA REVISED STATUTES CHAPTER 574 FOR THEIR OPERATION, DIRECTION, SUPERVISION, REGULATION, POLICING, ENFORCEMENT, AND ANY OTHER POWERS THE CITY DEEMS NECESSARY OF THIS CHAPTER AS A PRIVATE NON-PROFIT ENTITY PURSUANT TO A CONTRACT AND/OR FEE SCHEDULE APPROVED BY THE CARSON CITY BOARD OF SUPERVISORS, AND OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

Section I: Title 7- ANIMALS, Chapter 7.13 – LICENSING AND REGULATIONS, Section 7.13.010 – Definitions, of the Carson City Municipal Code (“CCMC”) is hereby amended as follows:

7.13.010 Definitions.

1. "Adequate feed" means the provision at suitable intervals for the species, of a quantity of wholesome 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 shelter" means a physical structure or place suitable for maintaining the health and life of an animal and protection from weather.
3. "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 except humans.
5. "Animal Services" means the facility authorized by direction or contract by the Carson

City Board of Supervisors for licensing, regulating, policing, enforcing, receiving, impounding, care and disposal of animals that come into the custody of Carson City Animal Services.

6. "Animal Services Manager" means the person appointed by the City Manager in charge of animal services, officers and personnel employed by Carson City, or alternatively a Society that is under contract with Carson City and in charge of Animal Services and any NRS 574.040 sworn enforcement personnel.

7. "Animal Service Officer" means any person, including the Animal Services Manager or NRS 574.040 sworn enforcement personnel, 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 of Carson City or a Society under contract with Carson City.

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

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 Officer.

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

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.

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.

13. "Health Director" means the Carson City Health and Human Services Director.

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 at Animal Services facility consistent with the provisions of this chapter.

16. "Livestock" means all cattle or animals of the bovine species; all horses, mules, burros and ass 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.

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.

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.

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

20. "Rabies Control Authority" means the person designated by the Carson City Board of Supervisors to administer rabies control program.

21. "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.

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

23. "Society" means a society for prevention of cruelty to animals incorporated in compliance with Nevada Revised Statutes Chapter 574.

~~[23.]~~24. "Stray animal" means any domestic animal at large, excluding livestock, whose owner is unknown, who has no owner, or no apparent home.

~~[24.]~~25. "Vaccine" means any preparation intended for active immunologic prophylaxis.

~~[25.]~~26. "Veterinarian" means a member of the profession of veterinary medicine as described in Chapter 638 of NRS, or the term as defined by the applicable veterinary practice act in any state of the United States.

~~[26.]~~27. "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.

Section II: Title 7, Chapter 7.13, Section 7.13.020 – Carson City Animal

Services/Powers, of CCMC is hereby amended as follows:

7.13.020 Carson City Animal Services/Powers.

1. There is established Carson City Animal Services which is and shall be maintained in such place or places as provided for by the board of supervisors. The operation, direction, supervision and necessary control of Carson City Animal Services shall be duties delegated by or contracted for by the board of supervisors.
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]~~ Animal Services may collect from the public any costs, charges, or fees [provided in this chapter] necessary to perform the requirements of this chapter pursuant to a fee schedule, or contract with a Society, approved by the Board of Supervisors.
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 5 day 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 III: Title 7, Chapter 7.13, Section 7.13.040 – Collections/disbursements/fee schedule, of CCMC is hereby amended to repeal and reserve the section number as follows:

7.13.040 [~~Collections/disbursements/fee schedule~~] Reserved.

~~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.~~

Altered cat/dog adoption	\$90.00(dog) \$70.00(cat)
Unaltered cat/dog adoption	\$20.00
Kitten/puppy adoption	\$90.00
Altered license	\$8.00 per year
Unaltered license	\$25.00 per year
Expired license	\$10.00
Replacement license	\$5.00
1st impound reclaim	\$40.00
2nd impound reclaim	\$80.00
3rd impound reclaim	\$120.00
4th impound reclaim	\$160.00
Livestock impound reclaim	\$100.00
Boarding/quarantine	\$10.00 per day

Permit application/inspection	\$50.00 one time/non-refundable
Permit	\$50.00 per year
Cat/dog disposal	\$30.00
Owner release cat/dog	\$30.00
Owner release kitten/puppy litter	\$30.00
Owner requested euthanasia	\$50.00
Microchip implantation	\$15.00
Vaccination	\$10.00
Rabies vaccination	\$15.00

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

PROPOSED on _____ (month) _____ (day), 2014.

PROPOSED by _____.

PASSED _____ (month) _____ (day), 2014.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

ALAN GLOVER
CLERK/RECORDER.

This ordinance shall be in force and effect from and after the ___ day of the month of _____ of the year, 2014.