



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** April 20, 2017

**Staff Contact:** Iris Yowell, Deputy District Attorney; iyowell@carson.org

**Agenda Title:** For Possible Action: To adopt Bill No. 106, on second reading, an ordinance amending Title 7, Animals, Chapter 7.13, Licensing and regulations, to better clarify the dangerous and vicious dog procedures, and making other conforming changes.

**Staff Summary:** The ordinance proposes to amend sections of the Code as follows:

## SUBSTANTIVE CHANGES:

Section 7.13.010, to define when a dog has been subject to "provocation," and to clarify that "substantial bodily harm" has the same meaning as set forth in Nevada Revised Statutes Section 0.060, which defines "substantial bodily harm" to mean: [a] Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or [b] Prolonged physical pain;

7.13.010(9), to add electronic or invisible fence into this section.

Section 7.13.020, to provide that for Carson City Animal Services (or an organization contracted by the city to perform Animal Services (hereinafter, "Animal Services")) after a court of competent jurisdiction orders this to occur.

Section 7.13.060 (along with Sections 7.13.020, 7.13.100 and 7.13.105), to require that, in the event that a dog bites a person, the protocol for quarantining the dog that is set forth in section 441A.425 of the Nevada Administrative Code must be observed.

Section 7.13.070, to allow Animal Services to waive certain fees for good cause shown; to require microchipping of a dog or cat impounded on first offense prior to release.

Section 7.13.080, to emphasize that a person who owns a dog, or has the care, custody or control of a dog, has several duties, including the duty to restrain the dog.

Section 7.13.090, to clarify that a dead animal is not "abandoned" on public or private property if the animal is buried on the private property of the owner of the animal or on other property designated for the burial of animals.

Section 7.13.100, to make the following changes with respect to dangerous and vicious dogs: [a] Include the concept of menacing or harm (death or substantial bodily harm) to other domestic animals, not just human beings, as regards a dog being found to be dangerous or vicious; [b] Allow a law enforcement agency to declare a dog to be dangerous if it is used in the commission of a crime; [c] Require an Animal Services officer, upon receiving information from a health care professional or a law enforcement officer that a dog, without provocation, has bitten a person or caused substantial bodily harm to a person while the person is in the dog's own home, to petition a justice of the peace or a court of competent jurisdiction for a hearing to make a finding as to whether the dog is dangerous or vicious; [d] Require that the declaration or finding that a dog is dangerous or vicious be communicated to Animal Services and retained by Animal Services for not less than five (5) years;

[e] State the bases on which a dog may not be found dangerous or vicious; [f] Prohibit a person from failing to surrender a vicious dog to Animal Services within three (3) days of receiving actual notice that the dog is vicious; [g] Provide that the owner or keeper of a vicious dog which attacks in a manner resulting in substantial bodily harm is guilty of a category D felony, or a judge may order that the dog be humanely destroyed, or both; and [h] Exclude dogs used by law enforcement agencies from being found to be dangerous or vicious.

Section 7.13.105, to provide an owner of a dog found to be dangerous or vicious with the opportunity to appeal that finding to district court, and to provide that a dog found to be vicious must be relinquished to Animal Services until conclusion of the appeal.

Section 7.13.120, to clarify that a dog may be ordered humanely destroyed by a judge if the judge finds that the dog poses a threat to public safety because the dog is vicious.

NON-SUBSTANTIVE CHANGES: Section 7.13.030, to make technical changes. Section 7.13.050, to make technical changes. Section 7.13.110, to make technical changes.

**Agenda Action:** Ordinance - Second Reading

**Time Requested:** 15 minutes

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### **Proposed Motion**

I move to adopt Bill No. 106, on second reading, an ordinance amending Title 7, Animals, Chapter 7.13, Licensing and Regulations, as published on the agenda.

### **Board's Strategic Goal**

Safety

### **Previous Action**

The ordinance was introduced at first reading at the Board of Supervisor's Meeting on March 2, 2017. It was moved to be introduced adding electronic or invisible fence into item #9 of 7.13.010 definitions, and changing the microchipping requirement from second impound to first, which is in #5 of section 7.13.070. The motion carried 5-0.

### **Background/Issues & Analysis**

The principal change made by the ordinance is to allow Carson City Animal Services to address the situation in which an aggressive dog harms another domestic animal. The ordinance also adds procedural safeguards to ensure that a dog is not humanely destroyed in a summary manner.

### **Applicable Statute, Code, Policy, Rule or Regulation**

Chapter 7.13, Licensing and Regulations

### **Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number: N/A

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: A business impact statement is not required in this case pursuant to subsection 2 of NRS 237.080, as the proposed ordinance will not impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.

### **Alternatives**

The board may modify or decline to adopt the ordinance.

**Attachments:**

1) Ordinance

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

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(Vote Recorded By)

BILL NO. 106

ORDINANCE No. 2017-\_\_\_

AN ORDINANCE AMENDING TITLE 7, ANIMALS, BY AMENDING A PORTION OF CHAPTER 7.13, LICENSING AND REGULATIONS, TO EXPAND PROVISIONS RELATING TO THE DECLARATION AND DISPOSITION OF DANGEROUS DOGS AND VICIOUS DOGS.

The Board of Supervisors of Carson City does ordain:

SECTION I:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.010 (Definitions) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**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~~ **a particular** species ~~of~~ **of animal and its** physical condition and age, **provided at suitable intervals** sufficient to maintain an adequate level of nutrition of ~~an~~ **the** animal, ~~such foodstuff to be~~ **and** 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~~ **protecting the animal** from ~~the~~ weather.

3. "Adequate water" means ~~an adequate~~ **a** supply of clean, fresh, potable water **that is** provided ~~at suitable intervals~~ for ~~the species, physical condition, health and age of the~~ **an** animal ~~provided at least once every twelve (12) hours.~~ **on a basis such that it is available to the animal at all times.**

4. "Animal" means every living creature except humans.

5. "Animal ~~services~~" **Services**" means the ~~facility~~ **department(s) or organization(s)** authorized by direction **of** or contract ~~by~~ **with** the Carson City Board of Supervisors for ~~the~~ licensing, regulating, policing, enforcing, receiving, impounding, care and disposal of animals that come into the custody of Carson City. ~~Animal Services.~~

6. "Animal ~~services~~ **Services** manager" means the person appointed by the city manager **to be** in charge of ~~animal services,~~ **Animal Services,** officers and personnel employed by Carson City ~~or~~ **alternatively** ~~a~~ **society** **or organization** that is under contract with Carson City and in charge of Animal Services and any ~~NRS 574.040 sworn~~ enforcement personnel ~~sworn~~ **pursuant to NRS 574.040.**

7. "Animal ~~{service}~~ **Services** officer" means any person, including the ~~{animal services}~~ **Animal Services** manager or ~~{NRS 574.040 sworn}~~ enforcement personnel ~~{,}~~ **sworn pursuant to NRS 574.040, who is** in Carson City **and** responsible for the enforcement of this chapter and regulations promulgated hereunder and **who is** authorized to possess and administer a controlled substance in accordance with **federal law and the** applicable regulations of the state board of pharmacy as specified in NRS 453.375 and ~~{working}~~ **who works** 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}~~ **a tooth or fang** 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, **electronic or invisible fence**, ~~{except as provided for}~~ **not including the conditions prohibited in subsection 1 of 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, **electronic or invisible fence**, shall be of such size and length to ~~{permit}~~ **allow** the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the ~~{animal services}~~ **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}~~ **that an animal is euthanized using a** method that quickly induces loss of consciousness followed by death, while ensuring the death is as free from pain, distress, anxiety, ~~{or}~~ **and** apprehension as possible.

15. "Impound" means ~~{the act of taking or receiving}~~ **to take or receive** into custody and by the ~~{animal services}~~ **Animal Services** officer, any animal for the purpose of confinement at **an** ~~{animal services}~~ **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}~~ **donkeys** 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~~ **allowing** 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. **"Provocation" is when a dog is tormented or subjected to pain.**

**21.** "Rabies control authority" means the person designated by the Carson City Board of Supervisors to administer **a** rabies control program.

~~{21.}~~ **22.** "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.}~~ **prepared by the National Association of State Public Health Veterinarians.** Such vaccination must be performed by a licensed veterinarian.

~~{22.}~~ **23.** "Sheriff" means the Sheriff of Carson City, his or her deputies or any person designated by the sheriff to act herein.

~~{23.}~~ **24.** "Society" means a society for prevention of cruelty to animals incorporated in compliance with Nevada Revised Statutes Chapter 574.

~~{24.}~~ **25.** "Stray animal" means any domestic animal at large, excluding livestock, whose owner is unknown, who has no owner, or no apparent home.

~~{25.}~~ **26.** **"Substantial bodily harm" has the meaning ascribed to it in NRS 0.060.**

**27.** "Vaccine" means any preparation intended for active immunologic prophylaxis.

~~{26.}~~ **28.** "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.

~~{27.}~~ **29.** "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:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.020 (Carson City Animal Services/Powers) is hereby amended, in part, as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted):

**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. **Carson City Animal Services has the powers set forth in subsections 2 to 12, inclusive.**

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. [~~Animal services may~~] **To** collect from the public any costs, charges, or fees 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~~] **In accordance with the provisions of this Chapter of the Code, 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 **by a municipal court judge or a court of competent jurisdiction** to be dangerous, **vicious** or [~~inimical~~] **a clear threat** to human life or public safety. **In the event that an animal has bitten a person and the animal is a dog, cat or ferret, Animal Services must observe the protocol for quarantining the animal that is set forth in NAC 441A.425.**

8. To destroy in a humane manner, at the owner's expense [~~any~~], **an animal whose owner** [~~requests said destruction,~~] **relinquishes the animal to Animal Services** if [~~the animal services manager or his/her designee agrees~~], **after conducting an evaluation, Animal Services determines** that the

destruction is the most humane action for the animal ~~[-]~~ **because the animal is unhealthy or untreatable.**

9. To determine the adoptability of any animal that is seized, impounded or that comes into the custody of ~~[animal services]~~ **Animal Services** after a five-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:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.030 (Animal Services officer/sheriff/authority) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~[stricken]~~ text is deleted):

#### **7.13.030 - Animal ~~[service]~~ Services officer/sheriff/authority [-] ; Good Samaritans.**

1. 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. It is unlawful for any person to resist, obstruct or interfere with an ~~[animal service]~~ **Animal Services** officer, ~~[animal services]~~ **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 ~~[animal service]~~ **Animal Services** officer, ~~[animal services]~~ **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]~~ **Animal Services** 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]~~ **Animal Services** officers or the Carson City Sheriff/Deputies **or the employees of the Carson City fire department** 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. **In addition, a private person may exercise the authority described in this subsection if the private person has a good faith belief that, without taking such action, an animal trapped in a motor vehicle is at imminent risk of death. An officer, employee or private person is immune from civil liability for any damage caused in taking an action authorized by this subsection.**

SECTION IV:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.050 (Animal permits/license/adoptions) is hereby amended, in part, as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted):

**7.13.050 - Animal permits/license/adoptions.**

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.~~] **Animal Services.**
2. [~~Animals.~~] **With respect to animals** used for formal educational purposes, **organizations** such as 4H or Future Farmers of America, may apply for permits to have livestock on residential lots.
3. Animals used in law enforcement are exempt from [~~such~~] **the** permits [~~]~~ **described in subsection 1.**
4. 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. 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:

ANIMAL TYPE	ANIMAL UNIT EQUIVALENT (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 or Fowl	0.20

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.

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 ( $3 \times 1.00 = 3.00$  A.U.E + 4 sheep ( $4 \times 0.50 = 2.00$  A.U.E + 5 chickens ( $5 \times 0.20 = 1.00$  A.U.E, for a total of 6.00 animal unit density.

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.]~~ **Animal Services.**

5. 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.}~~ **Animal Services.**
6. Every owner shall securely fasten about the neck of ~~{the}~~ **a** dog ~~{,}~~ **he or she owns:** 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.
7. 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.
8. Every person applying for or renewing a license must exhibit a current certificate of rabies vaccination, as required by ~~{the NRS,}~~ **state law,** if applicable, and issued by a licensed veterinarian.
9. Animal ~~{services}~~ **Services** may, upon acquiring ownership of any animal, humanely destroy said animal or adopt such animal.
10. Every person seeking to adopt an animal from ~~{animal services}~~ **Animal Services** shall sign an adoption contract containing the provisions set forth in NRS 574.645.

SECTION V:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.060 (Vaccinations/rabies/animal bites and quarantine) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

**7.13.060 - Vaccinations/rabies/animal bites and quarantine.**

1. The rabies control authority is designated as the county health officer or his/her designee in accordance with NAC 441A.410(1). The rabies control authority is responsible to administer the rabies control program. ~~{Any person authorized by him/her to act on his/her behalf in accordance with NAC441A.410(1). The rabies control authority is responsible to administer the rabies control program.}~~
2. 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.
3. 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.

4. Any owner of a dog, cat or ferret **that has been impounded** shall provide ~~animal services~~ **Animal Services** with a current certificate of rabies vaccination and pay any fees due, prior to reclaiming custody of said animal.
5. Animal ~~services~~ **Services** may administer ~~other~~ vaccinations for any animal impounded at ~~animal services~~ **Animal Services**. All fees for ~~other~~ vaccinations shall be paid by the owner or owner's representative prior to reclaiming **custody of** the animal.
6. Animal ~~services~~ **Services**, on advice from a licensed veterinarian, may exempt any animal from alteration or vaccination requirements.
7. 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.
8. Animal ~~services~~ **Services** shall investigate all reports of an animal bite in accordance with all applicable sections of the NAC 441A.410 ~~through NAC~~ **to 441A.430, inclusive**, and the current Compendium of Animal Rabies Prevention Control. **The duties set forth in this subsection include observing the protocol for quarantining certain animals that is set forth in NAC 441A.425.**

SECTION VI:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.070 (Impounding of animals) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**7.13.070 - Impounding of animals.**

1. Every stray animal impounded shall be held by Animal Services for a minimum of five (5) days. If within the five (5) days an owner comes forth, provides proof of current rabies vaccine~~,~~ **(if applicable)** 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. The fees in this section may be ~~imposed or~~ waived ~~in accordance with the provisions of Section 7.13.040.~~ **by Carson City Animal Services for good cause shown.**
- 2.** After five (5) days, **for** any stray animal ~~,~~ that has not had an identified owner ~~,~~ come forth to claim an ownership right in such animal, it will become the property of Carson City Animal Services. If an owner has asserted ownership rights to a stray animal, but has failed to claim their animal after five (5) days ~~,~~ **have elapsed**, the animal will be kept for up to five (5) additional days as a possibly abandoned animal as provided in subsection ~~6.~~ **7.** After five (5) days, the stray animal will become the property of ~~animal services.~~ **Animal Services.**

**3.** Any stray shall be impounded at ~~animal services as pursuant to~~ **Animal Services in a manner substantially similar to the manner set forth for estray and feral livestock, as set forth in** NRS 569.005 ~~through~~ **to** 569.130 ~~;~~ **inclusive.**

~~3.~~ **4.** 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.~~ **5.** At the owner's expense, any dog or cat impounded for the ~~second~~ **first** time shall be required to be implanted with a microchip prior to release.

~~5.~~ **6.** Any animal impounded at ~~animal services~~ **Animal Services that is** 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.~~ **7.** 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~~ **Services** will board such animal for up to 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~~ **Animal Services** shall have legal ownership of such animal.

#### SECTION VII:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.080 (Responsibility of owner) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

**7.13.080 – ~~Responsibility~~ Responsibilities of owner ~~;~~ : Duty to restrain; duty to provide food and water; duty to dispose of animal's solid waste; prohibition against causing offensive conditions; duty to arrange for medical care and report results that are positive for the rabies virus.**

1. **Duty to restrain:** 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~~ **The prohibition set forth in this subsection** does not apply on public property that is designated and legally posted to allow dogs unrestrained.

2. **Duty to provide food and water:** 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. **Duty to dispose of animal's solid waste:** It shall be unlawful for any owner or person having custody or control of any animal to ~~permit~~ **allow** 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. **Prohibition against causing offensive conditions:** No person shall keep, maintain, possess or ~~permit~~ **allow** on any property, animals in such a manner as to cause damage, hazards, offensive noise, dust, odor, waste, or any other offensive condition.

5. **Duty to arrange for medical care and report results that are positive for the rabies virus:** 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~~ **Animal Services** if such examination result is positive for rabies virus.

#### SECTION VIII:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.090 (Endangering animals) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~stricken~~ text is deleted):

#### **7.13.090 - Endangering animals.**

1. 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 twelve (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 **to** use ~~of~~ **a** prong, pinch, or choke collar with such constraint ~~, or~~ for more than fourteen (14) hours in a twenty-four (24) hour period.

2. ~~It~~ **With respect to any animal, it** shall be unlawful for any person to torture, inflict **physical** pain or harm **upon** in the course of any ritual, kill in an inhumane method, or engage in any sexual conduct or contact with ~~any~~ **that** animal.

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 **regardless of** whether **the act occurs** 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, **harm**, disability or death to such animal.

5. It shall be unlawful **for any owner or person having custody or control of an animal** to refuse to obtain veterinary medical care for **the animal if the animal suffers from** 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. It shall be unlawful for any person to overcrowd any animal in any crate, box, enclosure, or other receptacle.

7. 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. **For the purposes of this subsection, "abandonment" does not include the private burial of a dead animal on its owner's property or a property designated for the burial of animals.**

8. 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, **if such an act is** calculated to wound, disable or injure any animal.

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, **harm**, disability or death to such animal.

11. 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 **an** 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 ~~[,]~~ **or otherwise use any type of weapon against 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}~~ **title 45** ~~{}~~ **of NRS.**

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

#### SECTION IX:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.100 (Dangerous/vicious) is hereby amended as follows (**bold, underlined** text is added, ~~{stricken}~~ text is deleted):

#### **7.13.100 - Dangerous/vicious.**

~~{1. — 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. — 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.}~~

**1. For the purposes of this section, a municipal court judge or a court of competent jurisdiction may make a finding that a dog is:**  
**(a) “Dangerous” if, without provocation, on two separate occasions within eighteen (18) months, it behaved menacingly, to a degree that would lead a reasonable person or another domestic animal to defend himself, herself or itself, as applicable, against substantial bodily harm, when the dog was:**

**(1) Off the premises of its owner or keeper; or**

**(2) Not confined in a cage, pen or vehicle.**

**(b) “Vicious” if:**

**(1) Without provocation, it killed or inflicted substantial bodily harm upon a human being;**

**(2) Without provocation, it killed or inflicted substantial bodily harm upon another domestic animal; or**

**(3) After its owner or keeper has notice that the dog has been declared dangerous, the dog continued the behavior described in paragraph (a) in such a manner as to threaten substantial bodily harm to a human being or another domestic animal.**

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



**3. If an Animal Services officer receives a report from a health care professional, the Carson City Sheriff's Office or the Nevada Highway Patrol that a dog, without provocation, has bitten a person or caused substantial bodily harm to a person while the dog is in its own home, the Animal Services officer has a duty to petition a municipal court judge or a court of competent jurisdiction for a hearing to make a finding as to whether the dog is dangerous or vicious.**

**4. If a law enforcement agency declares a dog to be dangerous pursuant to subsection 2 or a municipal court judge or a court of competent jurisdiction makes a finding that a dog is dangerous or vicious pursuant to subsection 1 or 3, the agency or court shall, within ten (10) calendar days, communicate that declaration or finding, in writing, to Carson City Animal Services or the applicable organization on contract to perform Animal Services for Carson City. Animal Services shall maintain a record of the declaration or finding, as applicable, for not less than five (5) years.**

**5. A dog may not be found dangerous or vicious:**

**(a) Based solely on the breed of the dog; or**

**(b) Because of a defensive act against a person who was committing or attempting to commit a crime or who subjected the dog to provocation.**

**6. A person is guilty of a misdemeanor if the person knowingly commits any of the following acts:**

**(a) Owns or keeps a vicious dog for more than three (3) days after the person has actual notice that the dog is vicious.**

**(b) Transfers ownership of a vicious dog to another person after the person has actual notice that the dog is vicious.**

**(c) Fails to transfer possession of a vicious dog to Animal Services within three (3) days after the person has actual notice that the dog is vicious.**

**7. 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 as described in Section 7.13.106 of this Chapter of the Code. However, if the dog has bitten a person, the dog must not be destroyed without observing the protocol for quarantining the dog that is set forth in NAC 441A.425.**

**8. This section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.**

**9. As used in this section, "health care professional" has the meaning ascribed to it in NRS 629.076.**

## SECTION X:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), is hereby amended by adding thereto a new Section, 7.13.105 (Dangerous and vicious animal judicial review), as follows (**bold, underlined** text is added):

### **7.13.105 - Dangerous or vicious dog judicial review.**

- 1. The owner or keeper of a dog who disagrees with the decision of a finding that the dog is dangerous may appeal from the finding that the dog is dangerous to the district court at any time within ten (10) days after the date on which the decision was made. The owner or keeper of a dog declared to be vicious may seek judicial review with the district court by filing a notice of appeal within three (3) days after the date on which the decision was made.**
- 2. If an appeal is sought pursuant to a finding that a dog is vicious, the owner must still relinquish custody of the dog to Animal Services within three (3) days, and provide notice to Animal Services that the decision is being appealed. Animal Services shall not destroy the dog during this time, but will retain custody of the dog until a final decision is made. Furthermore, if the dog has bitten a person, Animal Services must observe the protocol for quarantining the dog that is set forth in NAC 441A.425.**
- 3. The standard of review for an appeal conducted pursuant to this section is an abuse of discretion standard.**

## SECTION XI:

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.110 (Prohibited activities) is hereby amended, in part, as follows (**bold, underlined** text is added, [~~stricken~~] text is deleted):

### **7.13.110 - Prohibited activities.**

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 **or within** any street, sidewalk, public building, public park, or any public place or commercial establishment. This **subsection** does not apply to individuals or businesses licensed to sell animals ~~[-]~~, **provided that the individuals or businesses are selling the animals at the storefront location ordinarily used for such business activity or at a location in which they are otherwise licensed to conduct such business activity.**

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}~~ **Animal Services** and to relinquish such animal to ~~{animal services}~~ **Animal Services** if requested ~~{.}~~ **to do so by Animal Services.**

**SECTION XII:**

That Title 7 (Animals), Chapter 7.13 (Licensing and Regulations), Section 7.13.120 (Dangerous/vicious) is hereby amended, in part, as follows (**bold, underlined** text is added, ~~[stricken]~~ text is deleted):

**7.13.120 - Violations and penalty.**

1. Any person found guilty of a misdemeanor for **a violation of** 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]~~ **that is at least two hundred fifty dollars (\$250.00) but not more than** one thousand **dollars** (\$1,000.00) ~~,~~ 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. In addition to any other penalty ~~{.}~~ **for violations of the provisions of this chapter,** if in a judge's discretion ~~{.}~~ **the judge makes a finding that** a dog poses a threat to public safety ~~{.}~~ **because the dog is vicious,** the judge may order the animal to be humanely destroyed.

**SECTION XIII:**

That no other provisions of Title 7 of the Carson City Municipal Code are affected by this ordinance.

PROPOSED on \_\_\_\_\_, 2017.

PROPOSED by \_\_\_\_\_.

PASSED \_\_\_\_\_, 2017.

VOTE: AYES: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NAYS: SUPERVISORS: \_\_\_\_\_

\_\_\_\_\_

ABSENT: SUPERVISORS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Robert Crowell, Mayor

ATTEST:

\_\_\_\_\_  
SUE MERRIWETHER  
CLERK/RECORDER

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_,  
2017.