

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **35**

SUBJECT: Ordinance 2417, an ordinance repealing Title 6 of the Municipal Code regulating animals and replacing it with a new Title 6, also regulating animals, including new and revised provisions governing the licensing, vaccination, running at large, and impoundment of animals; as well as regulations concerning exotic, dangerous and vicious animals, and animal care facilities.

REQUESTED BY: Police Department: Joseph Chronister, Acting Chief of Police.

RECOMMENDATION OR RECOMMENDED MOTION: It is recommended that Ordinance 2417 be introduced on December 19, 2007 and that the same is adopted on January 2, 2008.

FISCAL IMPACT: N/A
Amount: \$
Explanation:

ACCOUNT NUMBER:

STAFF COMMENTS AND BACKGROUND INFORMATION:

On October 18, 2006, Ordinance 2255 was adopted which enacted new regulations governing dangerous and vicious animals. Since the adoption of that ordinance, the Animal Control Division, in consultation with the City Attorney's Office, has completed a comprehensive review of all of the City's animal control regulations codified in Title 6 of the Municipal Code. Many of the regulations were found to be deficient, ineffective, or in need of modernization. In addition, the organizational structure of Title 6 was determined to be confusing and many of the provisions have not been amended or revised for more than ten years.

Ordinance 2417, repeals Title 6 in its entirety and replaces it with a new set of regulations governing animals. Many of the regulations have been rewritten entirely, such as the regulations governing licensing, vaccinations, running at large and impoundment. Some of the existing regulations are being preserved but are being reorganized to provide for a more logical structure in order to aid reader understanding and usability. For example, the regulations governing dangerous and vicious animals are being moved to a new chapter but are not being substantially amended. Likewise, the provisions governing professional animal care facilities are being moved to a different chapter within the title and are not being substantially revised.

In short, Ordinance 2417 effectively amends and modernizes the City's existing animal control regulations in order to provide the Animal Control Division the tools it needs to effectively control and manage the City's growing animal population.

LIST CITY COUNCIL GOAL(S):

- Quality Municipal Services
- Community Services and Amenities
- Community Spirit, Relationships and Pride

PREPARED BY:



Joseph Chronister,
Acting Chief of Police

**RESPECTFULLY
SUBMITTED:**



Gregory E. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

December 19, 2007
January 2, 2008

ORDINANCE NO. 2417

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REPEALING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE REGULATING ANIMALS AND REPLACING THE SAME WITH A NEW TITLE 6, ALSO REGULATING ANIMALS, INCLUDING NEW AND REVISED PROVISIONS GOVERNING THE LICENSING, VACCINATION, RUNNING AT LARGE, AND IMPOUNDMENT OF ANIMALS; AS WELL AS REGULATIONS CONCERNING EXOTIC AND VICIOUS ANIMALS, ANIMAL CRUELTY AND ANIMAL CARE FACILITIES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, pursuant section 2.250 of the North Las Vegas City Charter, the city council is authorized to regulate animals, prohibit the running at large and disposal of animals, establish an animal shelter, prohibit cruelty to animals and impose and collect license fee for animals; and

WHEREAS, the City of North Las Vegas has engaged in a comprehensive review of its current ordinances regulating animals and has determined that such ordinances and regulations are in need of significant revision, restructuring and modernization;

ACCORDINGLY, THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS, NEVADA DOES ORDAIN:

SECTION 1: The Municipal Code of the City of North Las Vegas, Nevada is hereby amended by eliminating Title 6 in its entirety and replacing it with the following:

**TITLE 6
ANIMALS**

Chapters:

- 6.04 Definitions
- 6.06 Administration and Enforcement
- 6.08 General Provisions - Licensing, Vaccinations, Limit on Number of Animals, Running at Large, Impoundment, Rabies Prevention
- 6.10 Exotic Animals, Dangerous and Vicious Animals, Service Animals
- 6.12 Cruelty to Animals
- 6.14 Animal Facility Regulations

Chapter 6.04 DEFINITIONS

6.04.010

Definition of terms.

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

6.04.020

Definitions.

“Animal”, means does not include the human race, but includes every other living creature.

“Animal Shelter” means any place designated by the Animal Control Manager for the confinement of animals in the custody of the City pursuant to the provisions of this title.

“Bite” means a puncture or tear of the skin inflicted by the teeth of an animal.

“Chief of Police” means the chief law enforcement officer of the City of North Las Vegas or his or her designee.

“Health officer” means the Chief Health Officer of the Southern Nevada Health District or his or her designee.

“Animal Control Officer” means any person employed by the City of North Las Vegas and responsible for the enforcement of this title and state statutes pertaining to animals.

“Animal Control Manager” means the person employed as the Animal Control Manager of the North Las Vegas Police Department or his or her designee.

“Dog” means any male or female dog (*canis familiaris*).

“Ferret” means any domestic ferret (*mustela furo*).

“Owner” means any person owning, keeping, harboring, or having care, custody and control over any animal.

“Restraint” or “restrained” mean an animal secured by a leash, cable, cord, chain or similar device or restrained within the property limits of its owner or keeper by way of a fence, cage or other device.

“Stray animal” means any animal not restrained by a leash, cable, cord, chain or similar device or restrained within the property limits of its owner or keeper by way of a fence, cage, or other device.

“Torture” and “cruelty” mean every act or omission whereby unjustifiable physical pain, suffering or death is caused to an animal.

Chapter 6.06
ADMINISTRATION AND ENFORCEMENT

6.06.010 Short Title

This title shall be known as the animal control code.

6.06.020 Enforcement.

The City's Animal Control Officers and police officers have the authority to enforce the provisions of this title and of state law related to animals and pursuant to such authority may:

- A. Issue citations, tickets, summons and any other legal notices;
- B. Investigate suspected or alleged violations thereof;
- C. Perform such other duties reasonably necessary to the above or as the City Council may provide.

6.06.030 Resisting authorized personnel unlawful.

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

6.06.040

Appeal of Administrative Decisions.

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

6.06.050

Violation of this title - penalty.

Unless otherwise provided herein, any person who violates any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than six (6) months, or both fine and imprisonment.

Chapter 6.08

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

6.08.010

Dogs and Cats - license required.

- A. Any person owning or possessing a dog or cat over the age of three (3) months must obtain, and thereafter continuously maintain for the life of the animal, a license issued by the City.
- B. The annual fee for such license shall be:
 - i. Ten dollars (\$10.00) for a sterilized dog or cat;
 - ii. Twenty-five dollars (\$25.00) of an unsterilized dog or cat;
 - iii. Five dollars (\$5.00) for a sterilized dog or cat owned by a senior citizen;
 - iv. Fifteen dollars (\$15.00) for an unsterilized dog or cat owned by a senior citizen.
- C. Proof of vaccination as required by this title must be provided prior to the issuance of the license.
- D. The owner of any dog or cat required to be licensed shall securely fasten about the neck of the animal a license tag provided by the City. It is unlawful for any person to:
 - 1) Remove a license tag from any dog or cat not owned or lawfully posses by such person.
 - 2) Place on any dog or cat any license tag that does not relate to that particular animal.
 - 3) Place on any dog or cat any counterfeit or imitation license tag.

6.08.020

Dogs, Cats and Ferrets - rabies vaccination required.

- A. Any person owning or possessing a dog, cat or ferret over the age of three (3) months shall cause the same to be vaccinated for rabies within thirty (30) days of ownership or possession. Any person owning or possessing a dog, cat or ferret less than three (3) months of age shall have the same vaccinated for rabies by the time the animal is three (3) months in age.
- B. At the time of vaccination, a vaccination tag shall be issued to the owner that shall be worn at all times by the animal to which it relates.

6.08.030

Dogs, Cats and Ferrets - limits.

Except as otherwise provided herein, no person shall keep more than three (3) dogs, three (3) cats, and three (3) ferrets over the age of three (3) months at any one location or residence.

6.08.040

Dog Fancier Permits.

- A. A person may keep up to six (6) dogs at one location or residence provided that such person:
 - 1. Keeps such dogs for the purpose of showing them in recognized dog shows, obedience or fields trials, for working or hunting, or for improving the variety of breed for exhibition is shows or trials;
 - 1. Obtains a dog fanciers permit; and
 - 2. Pays an annual fee of twenty-five dollars (\$25.00).
- B. The granting of a dog fanciers permit is at the discretion of the Animal Control Manager for the purposes described above and may be conditioned to address health and safety concerns or to prevent the dogs from becoming a nuisance. Dog fanciers permits are site specific and non-transferrable.

6.08.050

Cat Fancier Permits.

- A. A person may keep up to six (6) cats at one location or residence provided that such person:
 - 1. Keeps such cats for the purpose of showing them in recognized cat shows or for improving the variety of breed for exhibition is shows or trials;
 - 1. Obtains a cat fanciers permit; and
 - 2. Pays an annual fee of twenty-five dollars (\$25.00).
- B. The granting of a cat fanciers permit is at the discretion of the Animal Control Manager for the purposes described above and may be conditioned to address health and safety concerns or to prevent the cats from becoming a nuisance. Cat fanciers permits are site specific and non-transferrable.

6.08.060

Running at large.

- A. It is unlawful for any person owning or possessing any animal to permit the same to run at large or trespass on any public or private property.
- B. Any animal running at large or not restrained as required by this title shall be impounded

and kept at an animal shelter for a period of at least seventy-two (72) hours.

- C. Any animal impounded pursuant to this section may be reclaimed within seventy-two (72) hours upon:

- 1. Proof of ownership or lawful possession, and
- 2. payment of twenty-five dollars (\$25.00) plus the daily cost of boarding.

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

- D. Any sick or injured animal impounded pursuant to this section may be euthanized at any time after impoundment, if, in the professional judgment of a veterinarian, inhumane suffering may be prevented thereby.
- E. After seventy-two (72) hours, any animal impounded pursuant to this section is considered abandoned and may be made available for adoption or destroyed.

6.08.070

Impoundment for violations of this code.

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

6.08.080

Release of impounded animals.

- A. No animal impounded pursuant to the provisions of this title shall be released until the owner or person lawfully possessing such animal is in compliance all of the applicable provisions of this title.
- B. Prior to the release of any animal impounded pursuant to the provisions of this title, the location where the animal resides may be subject to inspection to ensure that the animal is properly restrained and cared for.

6.08.090

Suspicion of rabies by Animal Control Officer.

If an Animal Control Officer suspects an animal has rabies, the officer may impound such animal for examination by a veterinarian. If the animal is afflicted with rabies, it shall be confined for such time or disposed of as the Animal Control Manager directs. Any confinement, quarantine or disposal pursuant to this section will be at the owner's expenses.

6.08.100

Responsibility of owner to quarantine animal suspected of rabies.

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

6.08.110

Reporting of found animals.

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

6.08.120

Animal waste, odor and noise.

- A. No person having, owning or possessing an animal shall permit, either willfully or through failure to exercise due care, such animal to excrete any solid waste upon any public or private property (unless such private property is under the ownership or control of said person). No violation of this section shall occur if the owner or person having custody of the offending animal properly and voluntarily removes and properly disposes of the solid waste.
- B. No person shall permit any animal related odors to permeate from property such person owns or possess which is injurious to the public health, indecent or offensive to the senses of a reasonable person, or which constitutes an unreasonable intrusion into the quiet enjoyment of another's property.
- C. No person owning or possessing an animal shall permit such animal to bark, yelp, bray or make other noises in such a manner that, because of the duration or repetition of the noise, a reasonable person would consider an unreasonable intrusion into the quiet enjoyment of their property.

Chapter 6.10
EXOTIC ANIMALS, DANGEROUS AND VICIOUS ANIMALS, SERVICE ANIMALS

6.10.010

Restrictions on keeping of pigs

- A. Except as otherwise authorized by this code, no person shall keep any hogs or pigs on any parcel of land which is less than five acres in area.
- B. Except as otherwise authorized by this code, no person shall keep more than three hogs or pigs on any parcel of land.

6.10.020

Restrictions on the keeping of pot-bellied pigs.

- A. The restrictions of section 6.10.010 do not apply to pot-bellied pigs kept at a detached single-family residence in accordance with this section.
- B. Pot-bellied pigs kept at a detached single family residence must:
 - 1. Not exceed two in number; with a minimum lot size in an O-L, R-E, R-EL or R-1 zoning district of no less than seven thousand five hundred (7,500) square feet for one pot-bellied pig, and a minimum lot size of one-half acre for two pot-bellied pigs;
 - 2. Not be kept or allowed within ten (10) feet of any property line;
 - 3. Weigh not in excess of one hundred twenty (120) pounds;
 - 4. Be not in excess of twenty two (22) inches in height;
 - 5. Be registered with the Pot-Bellied Pig Registry Service, Inc., Lakeville, IN, or other nationally recognized registry of pot-bellied pigs.
- C. Any person desires to keep a pot-bellied pig in an R-1 zoning district must first obtain a special use permit in accordance with the provisions of Title 17 of this code.
- D. Every person owning or possessing within the city any pot-bellied pig over the age of four months shall, within thirty (30) days after such pig attains the age four (4) months, or within thirty (30) days after first bringing the pot-bellied pig into the city, obtain and thereafter continually maintain a current and valid pot-bellied pig license. The fee for such license shall be the fee required for dogs pursuant to this title.
- E. Prior to issuance or renewal of any pot-bellied pig license, the owner of the pig must provide written verification from a licensed veterinarian of the animal's current height and weight in order to confirm compliance with this section.

6.10.030

Restrictions on the keeping of birds and fowl.

Except as otherwise provided in this code, no person may keep, or permit to be kept on premises over which such person has control:

- 1. Any rooster or the male of any species of fowl over the age of three months;

2. Any fowl or bird within sixty (60) feet of any dwelling owned by another person unless such other person shall have filed with the city a written unrevoked consent authorizing the keeping of such fowl or bird with sixty (60) feet of said dwelling;
3. Any fowl or bird that is not at all times confined within a suitable enclosure or coop;
4. Any fowl or bird in any basement or cellar;
5. Any fowl or bird in any enclosure or coop that is not kept clean and free of offensive odors.

6.10.040

Keeping or exhibiting of wild animals.

- A. No person may exhibit in public or keep on public or private property any wild animal.
- B. For purposes of this section and this title, "wild animal" means an animal that traditionally has not lived in a state of dependence upon humans or has not traditionally been kept as a household pet. Such animals, include, but are not limited to, raccoons, monkeys, skunks, lions, tigers, bobcats, deer, bears, opossums, beavers, bats, etc.

6.10.050

Dangerous and Vicious animal declaration.

- A. Except as otherwise provided in subsection (B) of this section:
 1. An animal may be declared dangerous by an Animal Control Officer if it constitutes a physical threat to human beings or to other animals and, on one or more occasions within eighteen months:
 - i. It behaves menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm; or
 - ii. It bites a person, but without causing substantial bodily harm.
 2. An animal may be declared dangerous by an Animal Control Officer if it constitutes a physical threat to human beings or to other animals and, without regard to any previous behavior:
 - i. It is used in the commission of a crime by its owner or keeper;
 - ii. While either at large or restrained, it causes serious injury or death to another animal that is not at large or is not otherwise in violation of this Title; or
 - iii. It exhibits a condition or behavior which causes the Animal Control Officer to believe the animal is a threat to public safety.
 3. An animal may be declared vicious by an Animal Control Officer if it constitutes a physical threat to human beings or to other animals and:
 - i. It has killed or inflicted substantial harm upon a human being or other animal; or
 - ii. After having previously been declared dangerous, with notice of the declaration having been provided to the owner or keeper, it

continues to exhibit the same type of behavior which resulted in the declaration, or is in violation of the provisions of this section.

- B. An animal may not be declared dangerous pursuant to this section for constituting a physical threat:
1. To another animal which, or person who, provoked the animal as a result of and to the extent of the provocation;
 2. To another animal which, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal constituting the threat;
 3. To another animal which was running at large or otherwise in violation of this title; or
 4. In connection with its use by law enforcement officers in the performance of their duties.
- C. An animal may not be declared vicious pursuant to this section for constituting a physical threat:
1. To another animal which, or person who, provoked the animal, as a result of and to the extent of the provocation;
 2. To another animal which, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal constituting the threat; or
 3. In connection with its use by law enforcement officers in the performance of their duties.

6.10.060

Dangerous animals - ownership unlawful.

It shall be unlawful for:

1. Any person to knowingly possess, house, shelter, quarter, own or in any other way have under his control, or to transfer ownership of, a vicious or dangerous animal within the City, except as provided in this chapter; or
2. The owner, or any person having possession, custody or control, of a dangerous or vicious animal to permit the animal to be at large.

6.10.070

Dangerous animals-ownership permitted in limited circumstances.

Any animal which is declared to be dangerous by an Animal Control Officer may be kept within the City, provided that:

1. Within fourteen days after the owner or keeper is notified of the declaration, the area in which the owner or keeper intends to keep the animal must pass an inspection by an Animal Control Officer, and the owner or keeper must obtain from an Animal Control Officer a permit to keep the animal, based upon such terms and conditions as the Animal Control Officer deems appropriate. A non-refundable inspection fee of one hundred dollars will be charged the owner or keeper. For purposes of this subsection, notice of the declaration shall be deemed

- complete if it is served personally, or upon mailing by certified mail, return receipt requested, sent to the last known address of the owner or keeper.
2. The animal shall be kept, confined or housed within an enclosure deemed adequate by the Animal Control Officer that:
 - i. Will ensure the animal's retention and comfort, is of a size to permit the animal to stand upright, and is of a dimension deemed adequate by the Animal Control Officer; and
 - ii. That is secure enough so that the animal cannot bite, harm or injure anyone by overreaching the top of the fence or other enclosure.
 3. At no time shall the animal be allowed to leave the private property confines of the owner or person in charge of the animal unless it is muzzled, leashed and under the effective control of an adult.
 4. The private property shall be adequately and properly posted with conspicuous warning signs, with a listing of the name and telephone number of the owner of the animal.
 5. The animal must be sterilized by a licensed veterinarian. The owner or keeper shall maintain all sterilization records, including the type of animal sterilized, the name of the veterinarian performing the procedure, and the date the sterilization was performed.
 6. The animal shall be implanted with an electronic microchip from a manufacturer approved by the Animal Control Officer. The implantation must be performed by a licensed veterinarian and must conform to procedures recommended by the manufacturer. The owner or keeper shall register the microchip number in a national database in accordance with instructions from the manufacturer, and shall provide the number to the Animal Control Officer.
 7. The owner or keeper shall obtain and maintain in effect a policy of liability insurance in the amount of not less than one hundred thousand dollars insuring against possible injuries inflicted by the dangerous animal. The liability insurance shall be maintained in effect as long as the owner or keeper maintains possession of the dangerous animal.
 8. The owner of a dangerous animal may not sell, relocate or give away the animal without first obtaining prior written approval from an Animal Control Officer. If such a transaction is approved, the owner or transferee shall pay a non-refundable inspection fee of one hundred dollars for inspection of the new location for the animal. The owner or transferee shall also have the national microchip number updated in the national database to reflect the change in ownership, and shall provide evidence of the update to the Animal Control Officer.

6.24.040

Permit revocation conditions.

- A. Any permit issued pursuant to section 6.10.070 shall be revoked if the animal, without provocation, bites or attempts to bite any person or animal lawfully upon the permit holder's property or upon any other property.
- B. Any person who keeps a dangerous animal after his permit has been revoked or any person who keeps, houses, quarters, or in any way has under his care or custody a dangerous animal without first obtaining a permit as set forth in-section 6.10.070 is guilty of a misdemeanor.

6.10.050

Criminal prosecution.

- A. The owner or keeper of any animal declared vicious by an Animal Control Officer shall be notified by personal service or by certified mail, return receipt requested, sent to the last known address of the owner or keeper. Within seven days after such notice has been served the owner or keeper shall voluntarily transfer possession of the animal to the Animal Control Officer and do one of the following:
 - 1. Voluntarily relinquish ownership of the animal for euthanasia;
 - 2. Provide written proof to the Animal Control Officer that the animal has been euthanized by a properly licensed veterinary clinic; or
 - 3. Be prosecuted in municipal court for violation of this title (owning a vicious animal) and abide by ruling of the court on the disposition of said animal.The owner or keeper may not maintain possession of the animal during the court process.
- B. If a person is found guilty of violating this chapter, the Court may order the destruction of the animal as part of the-sentence. If a person is found innocent of violating this chapter, the Court may:
 - 1. Recommend that the owner or keeper obtain a dangerous animal permit, if appropriate; or
 - 2. Take such other action as it deems appropriate.

6.10.060

Service Animals.

- A. The regulatory provisions of this title, such as, but not limited to, licensing and permit requirements, may be waived at the discretion of the Animal Control Manager for "service animals" for purposes of compliance with state or federal law, such as, but not limited to, the Americans with Disabilities Act.
- B. For purposes of this section, "service animal" has the meaning set forth in NRS 427.097 or as otherwise defined by any applicable provision of state or federal law.

Chapter 6.12
CRUELTY TO ANIMALS

6.12.010

Animal fighting.

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

6.12.020

Cruelty.

- A. It is unlawful for any person to overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any animal, whether belonging to himself or to another, or deprive any animal of necessary sustenance, food, drink or shelter, or wilfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.
- B. It is unlawful for any person to ride or drive a horse while under the influence of intoxicating liquor or drug.
- C. It is unlawful for any person to intentionally trip or fell any equine or bovine animal by the legs or by any means whatsoever for the purposes of, but without limitation hereto, sport or entertainment.
- D. Nothing herein contained shall be construed to prohibit or interfere with the Animal Control officer or code or law enforcement officer in the exercise and performance of the powers and duties in this title set forth as to them, and any properly conducted scientific experiments or investigations performed only under the authority and direction of the faculty of any regularly incorporated medical college or university of the state of Nevada.

6.12.030

Abandoning injured animals.

It is unlawful for any person owning, possessing or having the care, custody and control of a maimed, disabled or infirm animal, to abandon the same, or leave it to die in a public street, road, alley, or other public place, or upon the private property of himself or another, more than one hour after he receives notice that it is left disabled.

6.12.040

Poisoning.

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

1. Prevent or restrict an Animal Control Officer, police officer, health officer or similar official in the exercise and performance of the powers and duties of such officers;
2. Prevent the eradication by poisoning of animals commonly considered pests which are harmful or destructive to man, other animals or property;
3. Prevent the eradication by poisoning of "vertebrate pests" as that term is defined by NRS 555.005;
4. Prevent scientific experiments or investigations on animals performed by an accredited medical college or research institution;

6.12.050

Endangering animals.

It is unlawful for any person to throw, drop or place upon any road or public or private right-of-way any material, substance or device intended to wound, disable or injure an animal.

6.12.060

Transporting of animals.

- A. It is unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle, device, or otherwise, any animal in a cruel or inhumane or dangerous manner, or so as to produce torture.
- B. It is unlawful for any person to transport any animal in the bed of an open truck or similar vehicle without taking reasonable measures to prevent the animal from jumping or being thrown from the vehicle.
- C. It is unlawful for any person to confine an animal in a motor vehicle under conditions or for such period of time as may endanger the health of such animal due to heat, cold, lack of food or water or other circumstances that could reasonably be expected to cause suffering.

Chapter 6.13
ANIMAL FACILITY REGULATIONS

6.13.010

Definitions

For purposes of this chapter:

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

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

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

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

“Retailer” means a person who acquires pets for resale.

6.13.020

Buildings and grounds; housing facilities.

An operator shall ensure that:

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

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

B. Housing facilities:

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

6.13.030

Enclosure generally.

An operator shall:

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

6.13.040

Animals kept outdoors.

If animals are kept outdoors, an operator shall:

- A. Provide a suitable method for the rapid drainage of surface water from the area where each animal is kept.
- B. Provide each animal with a sufficient amount of shelter to:
 1. Remain dry from rain and snow; and protected from wind when a high wind warning has been issued by the National Weather Service or which creates a wind chill of less than 50 degrees Fahrenheit unless each animal is acclimated to a lower temperature;
 2. Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort; and
 3. Remain warm when the atmospheric temperature falls below the 50 degrees Fahrenheit. If the ambient temperature falls below the temperature to which an animal is acclimated, the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the animal to remain warm.
- C. After considering the ambient temperature, provide each animal with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

6.13.050

Primary enclosures generally.

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

- A. Protect the animals inside from injury;
- B. Prevent the animals inside from escaping;
- C. Keep other animals out;
- D. Allow the animals inside convenient access to food and water;
- E. Enable animals inside to remain clean and dry as required by species; and
- F. Provide sufficient space for each animal inside to turn about freely and to stand, sit and lie in a comfortable normal position as appropriate for the species.

6.13.060

Floor space or primary enclosure for animals.

An operator shall ensure that a primary enclosure in which each mammal that is at least 6 weeks old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of 6 inches plus the length of the animal measured from the top of its nose to the base of its tail, and dividing that amount by 144, to arrive at the minimum amount of square footage required for the floor space per animal. Floor space for mice and rats shall be defined in §6.29.040(6).

6.13.070

Animals kept in enclosures together.

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

- A. Animals placed with other animals are compatible.
- B. An animal that displays a vicious disposition is not placed together with any other animal.
- C. A female animal is not placed together with any intact male animal during periods of estrus, except for supervised breeding.
- D. An immature animal is not placed together with an adult animal, except with its mother or when permanently maintained in a breeding colony.

6.13.080

Food and water.

An operator shall ensure that:

- A. Clean potable water is accessible to the animal at all times or except as directed by a veterinarian to provide adequate care.
- B. Each animal is fed at least once each day, except as otherwise required to provide adequate care.
- C. The food provided to an animal is wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the animal, based upon its condition and size.

- D. Supplies of perishable food are to be adequately refrigerated or properly stored to prevent spoilage.
- E. Containers of food are:
 - 1. Durable, except that disposable receptacles may be used if they are discarded after each feeding; and
 - 2. Located so as to be accessible to the animals while reducing to a minimum any contamination from excreta.
- F. Containers of food and water are kept clean. Self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration and the caking of food.

6.13.090

Sanitation.

An operator shall ensure that:

- A. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.
- B. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.
- C. Excreta are removed regularly from enclosures during business hours to prevent contamination and to reduce to a minimum odors and the risk of disease. An enclosure must be disinfected at least once daily and before placing another animal in the enclosure. If a hosing or flushing method of cleaning is used, all animals must be removed from the enclosure and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.
- D. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every 2 weeks by:
 - 1. Washing them with water of a temperature not less than 120 degrees Fahrenheit and with soap or detergent; or
 - 2. Washing all soiled surfaces with a safe and effective disinfectant; or
 - 3. Cleaning all soiled surfaces with live steam.
- E. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.

- F. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from housing facilities regularly during the business day and disposed of properly.
- G. Enclosures not in use are to be cleaned, washed and disinfected at least once every two (2) weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.
- H. Facilities for disposal are maintained in such a manner as to reduce to a minimum odors and the risk of disease or infestation by vermin.
- I. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

6.13.100

Program to control disease and care for health.

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

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

6.13.110

Examination by veterinarian; notice of treatment or medication to purchaser; sale of an animal that requires immediate treatment prohibited.

- A. A retailer or dealer shall, after the acquisition of an animal for resale, cause the animal to be examined by a veterinarian. The retailer or dealer shall not sell the animal before it is initially examined by a veterinarian.
- B. A retailer or dealer shall cause an animal acquired for resale to be reexamined by a veterinarian:
 - 1. Fourteen days after the date of its initial examination; and
 - 2. Every thirty days after until sold.

- C. If a veterinarian conducting an examination pursuant to this section finds that a dog or cat has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, he shall provide a written statement setting forth his findings to the retailer or dealer.
- D. A retailer or dealer shall provide to the purchaser of an animal, at the time of sale, written notice of any veterinary treatment or medication received by the animal after it was acquired by the retailer or dealer, including a copy of any statement provided by a veterinarian pursuant to subsection 3. The notice must be signed by the retailer or dealer, date and include the dates on which the animal was examined and on which the animal received medication or a vaccination.
- E. A retailer or dealer shall not knowingly sell an animal if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.
- F. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the animal is clinically ill as a result of the parasite.

6.13.120

Provision of written statement for a dog or cat.

A retailer or dealer shall provide upon request a written statement containing:

- A. The name and address of the owner and date the dog or cat was born.
- B. The name and address of the person from whom the retailer or dealer obtained the dog or cat, if the person holds a license issued by the United States Department of Agriculture, the person's federal identification number.
- C. A record of any immunizations administered to the dog or cat before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.
- D. On a dog the registration numbers, if any, of the dog's sire and dam with the appropriate breed registry or any health certification organization such as the Orthopedic foundation for Animals or its successor organization, if any.

6.13.130

Notice of availability of information concerning an animal.

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

NEVADA AND CITY LAW REQUIRES THAT INFORMATION
CONCERNING THE DATE OF BIRTH, SOURCE, LINEAGE
AND MEDICAL HISTORY OF DOGS OR CATS BE
PROVIDED TO THE PURCHASER BEFORE COMPLETION
OF ANY SALE

6.13.140

Duties upon determination that pet was sold with condition that requires immediate treatment.

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

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

6.13.150

Separating animal from mother.

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

6.13.160

Knowingly selling an animal with condition requiring immediate treatment prohibited; penalties.

- A. A retailer or dealer who sells an animal that he knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention at the time of sale is guilty of a misdemeanor. In addition to any other penalty that may be imposed, the court may prohibit a person convicted of a violation of this section from selling any animals for not more than 1 year.
- B. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires clinically immediate hospitalization or immediate surgical intervention unless the animal is clinically ill as a result of the parasite.

6.13.170

Bi-annual inspection of premises required.

Any retailer, dealer or operator which is required to maintain a current business license shall have their premises inspected by-annually by the Animal Control Officer to ensure compliance with the provisions of this chapter and title. After January 1, 2000, any retailer, dealer or operator which is required to obtain a business license shall have their premises inspected and approved by an Animal Control Officer prior to the initial issuance of a business license to ensure compliance with the provisions of this chapter and title.

SECTION 2: NON-INFRINGEMENT OF RIGHTS. The City Council of the City of North Las Vegas has been informed by the City Attorney as to the constitutionality of this ordinance and based upon such information we are adopting this ordinance in good faith with a reasonable belief that the actions taken by the City of North Las Vegas are not in violation of any rights, privileges, or immunities secured by the laws providing for equal rights of citizens or persons.

SECTION 3: SEVERABILITY. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall in no way affect the validity and enforceability of the remaining provisions of this Ordinance.

SECTION 4: EFFECTIVE DATE. This Ordinance shall become effective after its passage by the City Council of the City of North Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

SECTION 5: PUBLICATION. The City Clerk shall cause this Ordinance, immediately following its adoption, to be published once by title, together with the names of the Councilmen voting for or against passage, in a newspaper qualified pursuant to the provisions of Chapter 238 of NRS, as amended from time to time.

PASSED AND ADOPTED THIS ____ day of _____, 200__.

AYES:

NAYS:

ABSENT:

APPROVED:

MICHAEL L. MONTANDON, MAYOR

ATTEST:

KAREN STORMS, CMC, CITY CLERK