

**NORTH LAS VEGAS CITY COUNCIL
AGENDA ITEM**

Number: **36**

SUBJECT: Ordinance 2418, an ordinance amending Title 6 of the Municipal Code by adding new regulations mandating that all dogs and cats be spayed or neutered except in certain limited circumstances.

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

RECOMMENDATION OR RECOMMENDED MOTION: It is recommended that Ordinance 2418 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:

For approximately the last two years, the Regional Animal Control Steering Group, which is comprised of representatives from the animal control agencies of most of the local governments within the Las Vegas valley, has been discussing and working on various mandatory dog and cat spay/neuter proposals and/or regulations.

Since the Animal Control Division is currently proposing substantial revisions to Title 6 of the Municipal Code (Ordinance 2417) it was determined that a mandatory spay/neuter ordinance would be drafted for City Council's consideration in conjunction with the larger "re-write" of the City's animal control regulations (Ordinance 2417).

Ordinance 2418 would require that all dog and cats be spayed or neutered before such animals reach four months of age. The ordinance makes exceptions for animals that are medically unfit for sterilization procedures (as determined by a licensed veterinarian) and for animals that are owned by persons holding a dog or cat fancier permit which are available to persons who breed such animals for showing them in recognized shows, obedience/field trials or for improving the variety of the breed. As currently proposed, dog and cat owners would have 120 days from the date of the enactment of Ordinance 2418 to comply with the spay/neuter requirements. Violation of the spay/neuter requirement could result in the issuance of a misdemeanor citation.

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 B. Rose
City Manager

**CITY COUNCIL
MEETING DATE:**

December 19, 2007
January 2, 2008

ORDINANCE 2418

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS AMENDING TITLE 6 OF THE NORTH LAS VEGAS MUNICIPAL CODE BY ADDING A NEW CHAPTER (CHAPTER 16) MANDATING THAT ALL DOGS AND CATS BE SPAYED OR NEUTERED EXCEPT IN CERTAIN LIMITED CIRCUMSTANCES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, there are, within the City of North Las Vegas, a substantial number of unwanted cats and dogs lacking permanent homes, many of whom are healthy animals; and

WHEREAS, these dogs and cats have an adverse impact on the public health, safety, welfare and environment; and

WHEREAS, the impact of these animals includes, but is not limited to, the transmission of disease, injury to other animals and humans, the creation of hazards to vehicular traffic and the expenditure of public finances associated therewith; and

WHEREAS, the most effective, economical and humane solution to the problem of unwanted dogs and cats is to substantially reduce or entirely eliminate their birth; and

WHEREAS, by such reduction or elimination the City seeks to promote the health, safety and welfare of its residents;

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

SECTION 1: Title 6 of the Municipal Code of the City of North Las Vegas, Nevada is hereby amended by adding a new chapter, designated Chapter 16, as follows:

**Chapter 6.16
MANDATORY SPAY/NEUTER OF DOGS AND CATS**

6.16.010

Mandatory Spay/Neuter of Dogs and Cats.

Subject to the exceptions provided in this chapter, no person shall harbor with the City of North Las Vegas any unspayed or neutered cat or dog over four (4) months of age. For purposes of this section and chapter, “harbor” means legal ownership, of the providing of regular care or shelter, protection, refuse or nourishment, or medical treatment; provided however that the term shall not include the providing of nourishment to a stray or feral cat or dog.

6.16.020

Exceptions to Spay/Neuter Requirements.

- A. The spay/neuter requirement set forth in section 6.16.010 shall not apply if a licensed veterinarian certifies in writing and under oath that a specific dog or cat is medically unfit to undergo the required spay or neuter procedure because of a physical condition that would be substantially aggravated by such procedure or would likely cause the animal's death.
- B. The spay/neuter requirement set forth in section 6.16.010 shall not apply to animals harbored by a pound, shelter, humane society or similar organization, whether public or private, the principal purpose of which is securing the adoption of dogs or cats provided that such organization has a policy and rules requiring the spaying or neutering of all dogs and cats placed for adoption by such organization.
- C. The spay/neuter requirement set forth in section 6.16.010 shall not apply to animals temporarily harbored with the City for less than fourteen (14) days within one calendar year. The burden of proving such temporary harboring shall be upon the person harboring the animal.
- D. The spay/neuter requirement set forth in section 6.16.010 shall not apply to any dog or cat harbored by a person holding a valid Dog or Cat Fanciers Permit, as provided in sections 6.08.040 and 050 of this title.

6.16.030

Forfeiture.

Kittens and puppies born to cats and dogs not spayed or neutered in violation of this chapter shall be forfeited and given to the care of a local shelter for adoption.

6.16.040

Time for compliance.

Persons harboring a dog or cat subject to the requirement spay/neuter requirement of section 6.16.010 have one hundred twenty (120) days from the enactment of the ordinance codifying such requirement to comply therewith.

6.16.050

Penalty.

Any person who violates the provisions of this chapter shall be deemed guilty of a misdemeanor as set forth in section 6.06.050 of this 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