

[Bracketed and stricken] material is that portion being deleted

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BILL NO. _____

SUMMARY – An ordinance amending Title 10 of the Clark County Code regulating animals.

ORDINANCE
NO. _____

(of Clark County, Nevada)

An ordinance amending Title 10 Of the Clark County Code regulating animals.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 10, Chapter 10.04, is amended in part to read as follows:

10.04.100 At large.

"At large" means location on any property when the animal is not restrained by leash, cord, chain or enclosure, except as otherwise expressly allowed by law, such as for law enforcement, herding, or hunting.

(a) "At large" includes, without limitation, location:

- (i) upon any real property, whether that of the owner, custodian, or other person, when the animal is not restrained, confined, or permitted by the lawful occupant;
- (ii) with attempted restraint by voice command only, or any tethering or enclosure not providing restraint, or any tethering in a public area without attendance of the owner or custodian; or
- (iii) without restraint within private areas accessible by the general public or a considerable number persons, regardless of enclosure, such as common areas of common interest communities or other privately owned public structures, such as stores and restaurants.

(b) "At large" does not include location:

- (i) on a property where the animal is permitted by the lawful occupant within an exclusive access enclosed structure, such as a house, automobile, or adequately fenced yard; or
- (ii) inside a designated dog run portion of a public or private park that is enclosed by a fence and provided with signage warning of unleashed animals, which is separated from other areas of the park containing amenities for use other than as a dog park

off the property of the owner and not restrained by leash, cord, or chain or not confined within the real property limits of the owner. A pet in a public park shall not be considered to be "at large" if on a leash or inside a fenced, designated dog run [or with an official club].

10.04.140 Cattery.

"Cattery" means a place where at least 10 cats of not less than 4 months of age are kept, harbored or maintained for boarding, training, or breeding for sale to a retailer or dealer. For the purposes of this Section, spayed or neutered cats must not be counted when determining the number of cats that are being kept, harbored or maintained. See Section 10.08.135 for breeding regulations. ["Cattery" has the meaning ascribed to it in NRS 574.250. If the cats are kept for breeding purposes, the owner must have a breeder/show permit. For the purposes of this section, spayed or neutered cats shall not be counted when determining the number of cats that are being kept, harbored, or maintained.]

10.04.170 Dealer.

"Dealer" means a person other than an animal shelter as defined by Section 10.04.085(b) & (c) or rescue organization as defined by Section 10.04.253 who, for compensation or profit, buys, sells, rehomes, breeds, trades, exports or imports animals for resale or transfers to another person, excluding agricultural animals. [A dealer that also breeds must obtain a breeder permit and must maintain a business license, which includes the provision of NRS 574.450-600, pay required taxes and display the license number in all advertisements. No animal may be sold or gifted until it is eight weeks of age or until the animal is accustomed to taking food as nourishment other than by nursing, whichever date is later. No piglet weighing less than eight pounds may be sold or gifted.]

[10.04.175 Disposal of dead animals.

~~Any dead dog, cat or potbelly pig that is picked up by animal control or the department of public works or its disposal contractor shall not be disposed of in any trash or landfill. If an animal owner identification tag exists, it will be delivered to the contracted shelter to contact the owner. Dead dogs, cats or potbelly pigs must be scanned by the department of public works or its disposal contractor for microchip identification devices, and all efforts within reason must be made to contact and notify the owner.]~~

10.04.213 Kennel.

~~“Kennel” means a place where at least 10 dogs of not less than 4 months of age are kept, harbored or maintained for boarding, training, or breeding for sale to a retailer or dealer. For the purposes of this Section, spayed or neutered dogs, dogs used by or being trained for use by the Armed Forces, police officers, search and rescue teams or other similar organizations, dogs used in farming or ranching, and dogs used by or being trained for use by persons with disabilities, including, but not limited to, dogs used to assist persons in wheelchairs, must not be counted when determining the number of dogs that are being kept, harbored or maintained. See Section 10.08.135 for breeding regulations. [“Kennel” has the meaning ascribed to it in NRS 574.280. If the dogs are kenneled for breeding purposes, the owner must have a breeder/show permit. For the purposes of this section, spayed or neutered dogs shall not be counted when determining the number of dogs that are being kept, harbored, or maintained.]~~

10.04.225 Operator.

~~“Operator” means a person responsible for the operation of:~~

- ~~(a) A cattery, kennel or commercial establishment engaged in the business of selling animals; or~~
- ~~(b) An animal shelter; or~~
- ~~(c) A rescue organization.~~

~~10.04.250 Rabies quarantine area.~~

~~“Rabies quarantine area” means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to the area.]~~

10.04.253 Rescue organization

“Rescue organization” means any person or group that is organized for the purposes of preventing cruelty to animals or reducing pet overpopulation and is exempt from income tax under Internal Revenue Code Section 501(c)(3) and files any variant of Form 990 annually.

10.04.255 Retailer.

"Retailer" means a person who acquires pets or profits from an action to buy, sell, trade, import or export animals for resale. [~~A retailer must maintain a business license, which includes the provisions of NRS 574.450-600, pay required taxes and display the license number in all advertisements. No piglet weighing less than eight pounds may be sold or gifted.~~]

10.04.285 Substantial bodily harm.

"Substantial bodily harm" means:

1. 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
2. Prolonged physical pain.

10.04.287 Tagging.

"Tagging" means one of the following:

1. To safely and securely fasten about the neck of an animal a collar with a tag attached thereto bearing the number of any required vaccination and a current owner identification tag bearing the name of the animal or owner and a telephone number where the owner may be reached; or
2. The implantation of a microchip identification device provided that the owner ensures that the registration information remains up to date in a national database.

10.04.320 Veterinary clinic or veterinary office.

"Veterinary clinic" or "veterinary office" means any establishment operated by a veterinarian to provide dental, medical or surgical treatment, care and grooming, for animals on an outpatient basis. [~~A veterinarian shall post notices in a conspicuous place in the public area of his clinic or office stating any sterilization requirements adopted by the local jurisdiction and stating the names and locations of all pet stores that sells animals that the veterinarian has a business relationship with.]~~

10.04.330 Veterinary hospital.

"Veterinary hospital" means any establishment operated by a veterinarian that provides clinical facilities and houses animals for dental, medical or surgical treatment. A

veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine or observation, in a completely enclosed building. [~~A veterinarian shall post notices in a conspicuous place in the public area of his clinic or office stating any sterilization requirements adopted by the local jurisdiction and stating the names and locations of all pet stores that sells animals that the veterinarian has a business relationship with.~~]

~~[10.04.350 Wild animal.~~

~~"Wild animal" 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 2. Title 10, Chapter 10.08, is amended in part to read as follows:

Chapter 10.08 [DOG, AND CAT], ANIMAL TAGGING, VACCINATION, STERILIZATION, [LICENSES] AND PERMITS

10.08.070 Tagging dog or cat or ferret or pet rabbit or potbelly pig—Tag misuse.

(a) The owner of any dog or cat or ferret or pet rabbit or potbelly pig shall safely and securely fasten about the neck of the dog or cat or ferret or pet rabbit or potbelly pig a collar with a tag attached thereto bearing the number of such vaccination and a current owner identification tag; or the owner shall have a microchip identification device implanted. If a microchip identification device is the only means of identification for a dog, cat, ferret, pet rabbit, or potbelly pig the owner shall ensure that the microchip information remains up to date in a national database.

(b) It is unlawful for any person to remove any vaccination tag issued under the provisions of this [§]Title from any dog or cat or ferret not owned by him, or not lawfully in his possession or under his control or care, or for any person to place on any dog or cat or ferret or to permit any dog or cat or ferret in his control or possession, to wear any vaccination tag not issued or provided in this [§]Title for that particular dog or cat or ferret or to place on a dog or cat or ferret or to own, keep, or possess, any dog or cat or ferret wearing any counterfeit, imitation, or altered vaccination tag provided for in this [§]Title.

10.08.080 Rabies vaccination required when.

Every person owning, keeping, harboring or possessing a dog or cat or ferret over the age of three months shall cause the dog or cat or ferret to be vaccinated with rabies vaccine within thirty days from the date of ownership, keeping, harboring or possessing, or from the date the dog or cat or ferret attains the age of three months, and thereafter

continuously maintain rabies vaccination for the dog or cat or ferret. Said vaccination shall be with rabies vaccine using the immunization protocol for triennial rabies vaccine as defined by the current compendium of animal rabies control except ferrets which shall be vaccinated annually in accordance with the manufacturers' vaccination instructions.

10.08.085 Rabies vaccination certificate.

Every veterinarian who vaccinates a dog or cat or ferret with rabies vaccine shall issue to the person owning, keeping, harboring or possessing the animal a numbered tag of durable material and shall issue a certificate of vaccination, substantially as reproduced in Section 10.08.090. The vaccination certificate shall be prepared in triplicate; the veterinarian shall furnish the original to the owner of the animal, a copy to the animal control officer, and shall retain a copy in his records for a period of not less than three years. The copy of the certificate may also be sent to the animal control officer electronically.

10.08.090 Rabies vaccination certificate form.

The certificate of vaccination shall be substantially as follows:

CERTIFICATE OF VACCINATION

Tag. No. _____
Owner _____ Date _____
Address _____
County _____ State _____ Zip _____
Name _____ Breed _____ Age _____
Color _____ Markings _____
Weight _____ Sex _____ Spayed _____
Neutered _____
Vaccination Expires _____
Type _____ Manufacturer _____ Serial No. _____
Veterinarian's License No. _____
Veterinarian's Signature _____

10.08.095 Posting requirement for sterilization requirements, business affiliations, rabies vaccination and pet identification.

All public parks or facilities which administer rabies vaccinations pursuant to Nevada Administrative Code 441A or sell pets, pet products, or pet services must post in a conspicuous location a sign as directed by the animal control officer notifying customers of the required rabies vaccination, sterilization, and pet identification provisions of this Title. A veterinarian shall also post notices in a conspicuous place in the public area of his clinic or office stating any vaccination, sterilization, and pet identification provisions of this Title and stating the names and locations of all pet stores that sell animals that the veterinarian has a business relationship with.

10.08.130 [~~Permit to keep~~] Number of dogs and cats.

No person shall keep more than three dogs over four months of age, nor more than three cats over four months of age, at any one place, or on any premises, or in any one residence [~~located within the jurisdiction of the county~~] unless otherwise specified by this Chapter or by the approval of a land use application subject to the provisions in Chapter 30.44 of Clark County Code.

10.08.132 Sterilization

(a) Subject to the exceptions provided in this [~~e~~]Chapter, no person shall harbor any cat or dog or ferret or pet rabbit or potbelly pig unless spayed or neutered. For purposes of this [~~s~~]Section and [~~e~~]Chapter, "harbor" means legal ownership, or the providing of regular care or shelter, protection, refuge 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. This spay and neuter restriction shall not apply to dogs or cats kept pursuant to a breeder/show permit, or to dogs or cats or ferrets or pet rabbits or potbelly pigs kept on the premises of a business for the sale, [~~breeding,~~]medical treatment or caring for hire of animals which is in compliance with all applicable permits, and other requirements of this code [~~, or dogs and cats kept at an animal shelter or under the care and custody of the animal control officer or a rescue organization].~~

(b) [~~This~~] The spay and neuter requirement set forth in Section 10.08.132(a) shall not apply to dogs in use by any federal, state, or local law enforcement agency or guide dogs specifically trained and used to guide a person who is blind or a person with a disability.

(c) The spay[~~f~~] and neuter requirement set forth in Section 10.08.132[~~0~~](a) shall not apply if a licensed veterinarian certifies in writing that a specific dog or cat or ferret or pet rabbit or potbelly pig is temporarily or permanently 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. If temporary, the certificate shall indicate the period of time anticipated that the unsuitability will last. For an exemption to apply beyond that period, a new certificate must be obtained from a veterinarian. The certification may be transmitted electronically.

(d) The spay~~[/]~~ and neuter requirement set forth in Section 10.08.132~~[0]~~(a) shall not apply to animals harbored by an animal shelter~~[, humane society or similar] or rescue organization~~~~[, whether public or private, the principal purpose of which is securing the adoption of dogs or cats]~~ provided that such organization requires the spaying or neutering of all ~~[dogs and cats]~~ animals prior to ~~[placement]~~ adoption of such animal ~~[for the adoption by such organization]~~.

(e) ~~[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.]~~

It shall be unlawful to own or possess any kitten or puppy or piglet that has been born to a mother cat or dog or potbelly pig not spayed in violation of this Chapter, unless adopted from an animal shelter or rescue organization. As used in this Section, a “kitten” or “puppy” means a cat or dog under the age of 4 months and “piglet” means a potbelly pig under 8 pounds. Except after first determining that it is the best interest of the kitten or puppy or piglet because of violations of this Title, an animal control officer shall not impound a kitten or puppy piglet without also impounding its mother for a violation of this Title if the kitten or puppy is under 8 weeks of age, and under 8 pounds for a piglet, and living with its mother or still taking its nourishment by nursing. As used in this Subsection, age shall be estimated by the animal control officer, after requesting documentary proof of age from the person in possession of the animal.

10.08.135 Breeder/show permit.

(a) A person with a breeder/show permit is allowed to keep and maintain, in a clean, healthy, and safe environment, not to exceed eight intact ~~[purebred]~~ or sterilized pet dogs, one year of age or older, or eight intact ~~[purebred]~~ or sterilized pet cats, eight months of age or older, provided that ~~[the person is registered with a nationally licensed registry for the purpose of showing at a licensed event where they can earn a championship title]~~, with the exception of sterilized ~~[pets titled]~~ dogs or cats, each animal must be shown at least once a year~~[,]~~ at a show as defined in Section 10.04.275~~[recognized by a national association, such as the American Kennel Club, United Kennel Club, United Schutzhund Clubs of America, or the American Cat Fanciers Association, which requires a fee to participate and which awards certificates.]~~

(b) Each animal must have a registered microchip identification device and be up-to-date on rabies vaccination.

(c) A dog breeder cannot breed a female dog until she is eighteen months old and shall only allow a female dog to have one litter per year ~~[and must provide a written sales contract to the purchaser]~~.

(d) No animal shall be sold or gifted until it is eight weeks of age or until the animal is accustomed to taking food as nourishment other than by nursing, whichever date is

later. Additionally, a written sales contract shall be provided to the purchaser or recipient.

(e) Any dog or cat sold must have a microchip identification device implanted, must be current on rabies vaccinations, and must be spayed or neutered unless the purchaser has a breeder/show permit or a temporary show permit.

(f) Any breeder/show permit holder shall not place an advertisement to sell or offer for sale a dog or cat without the current breeder/show permit number being displayed in all advertising and appearing on the receipt of the animal at the time of sale.

(g) [A breeder] The breeder/show permit holder must pay an annual service charge of fifty dollars per [permit fee] inspection of the premises by the animal control officer.

(h) A breeder/show permit shall not be issued to, and shall be revoked from, a person who keeps an animal that has been declared dangerous per Chapter 10.16.

(i) A breeder/show permit shall not be issued to, and shall be revoked from, a person who violates the provisions of this Title.

(j) All animals covered by an expired breeder/show permit must be spayed or neutered within 30 days of the permit expiration date.

(k) In the event that all intact dogs [or cats] on the property are under the age of one year or all intact cats on the property are under the age of eight months the owner shall obtain a temporary show dog or temporary show cat permit. The expiration date of a temporary permit shall be six months from the date of issue. No breeding or sale of animals is permitted on a temporary show permit.

(l) Any currently approved breeder/show permit holder selling or offering for sale a dog or cat must comply with the provisions set forth in Chapter 10.30 of this Title.

10.08.140 Sale of animals.

No person, except dealers, operators or retailers, shall sell or offer for sale a dog or cat without first obtaining a breeder/show permit. Other pet animals may only be sold by dealers, operators or retailers. Dealers, operators and retailers must obtain a commercial sales permit and a business license and must designate all information required by the Nevada Revised Statutes, including where the animal has been purchased. The sale of animals at swap meets is prohibited. As used herein, sales include any form of remuneration connected to the transfer of ownership or possession of the animal, regardless of connection with or without any other consideration, good or service, including but not limited to gratuities, product bundling or rehoming fees.

~~[10.08.150 Breeder/show permit number must be displayed.~~

~~Any currently approved breeder/show permit holder shall not place an advertisement to sell or offer for sale a dog or cat without the current breeder/show permit number being displayed in all advertising and appearing on the receipt of the animal at the time of sale.]~~

10.08.160 Pet dog or cat fancier permit.

(a) A pet dog or cat fancier permit allows a person to keep or possess on his property, at one location, safely confined in a completely enclosed building, residence or enclosed lot, more than three but not more than six spayed~~[/]~~ or neutered dogs or up to ten spayed or neutered cats older than four ~~[eight]~~ months of age, as companion animals.

(b) Each animal must have a registered microchip identification device and be up-to-date on rabies vaccination.

(c) The owner must pay an annual service charge of fifty dollars per inspection of the premises by the animal control officer.

(d) A fancier permit shall not be issued to, and shall be revoked from, a person who keeps an animal that has been declared dangerous per Chapter 10.16.

(e) A fancier permit shall not be issued to, and shall be revoked from, a person who violates the provisions of this Title.

~~[10.08.170 Breeder/show permit compliance with Chapter 10.30.~~

~~Any currently approved breeder/show permit holder selling or offering for sale a dog or cat must comply with the provisions set forth in Chapter 10.30 of this title.~~

~~10.08.180 Time for compliance.~~

~~Persons harboring a dog or cat subject to the spay/neuter requirement of Section 10.08.130(a) have one hundred twenty days from the enactment of the ordinance codifying such requirement to comply therewith.]~~

SECTION 3. Title 10, Chapter 10.12, is hereby repealed in its entirety.

SECTION 4. Title 10, Chapter 10.20, is amended in part to read as follows:

10.20.020 Membership.

The members of the committee shall be appointed by the board of county commissioners. The committee shall consist of one member from each of the following groups: licensed veterinarians, ~~[nonprofit humane groups]~~ rescue organizations, animal breeders or handlers, large animal owners or equine conservation groups, and the general public. If applications are not received from individuals representing these groups, or if the Board otherwise determines that the applicants are not appropriate for the committee, individuals from the other groups may be selected instead. The sixth member of the committee shall be a non-voting member in the 10th, 11th, or 12th grade ~~[from the student body of the Clark County school district]~~ but, if the board cannot find a member of the student body to appoint, the sixth member shall be a voting member chosen from the general public. The members of the committee shall serve at the pleasure of the ~~[b]~~ Board.

SECTION 5. Title 10, Chapter 10.24, is amended in part to read as follows:

10.24.010 Impounding dogs and cats and ferrets and pet rabbits and potbelly pigs ~~[violating regulations—Release procedure]~~.

Every dog or cat or ferret or pet rabbit or potbelly pig found running at large, or without a numbered vaccination tag, owner identification tag[,], or ~~[a]~~ microchip as required by this ~~[t]~~ Title, or in violation of any ~~[s]~~ Section of this ~~[t]~~ Title, shall be subject to impoundment by the animal control officer at the animal shelter and, if impounded, shall be kept at the animal shelter for a period of at least 72 ~~[,]~~ hours if not sooner released to its owner. If an owner comes to reclaim his animal ~~[at the end of the 72 hour period]~~ with insufficient proof of ownership, the owner must leave a ten dollar deposit and will be given an additional twenty-four hours to provide sufficient proof of ownership, and the animal shall not be euthanized during that twenty-four-hour period. Notwithstanding any provision of this Title to the contrary, an impounded animal may be euthanized at any time if severely injured, diseased, or suffering.

No dog or cat or ferret or pet rabbit or potbelly pig so impounded shall be released if the ownership of the dog or cat or potbelly pig is proven within that period of time as specified in this Section except where there has been a performance of the following conditions:

(a) ~~If the [ownership of the dog or cat is proven within that period of time and the]~~ animal is sterilized, or the owner has obtained a current exemption from sterilization for the animal, the owner shall be able to remove it upon the payment of ~~[a microchip fee and]~~ an impound charge of twenty-five dollars for the first confinement, fifty dollars for the second confinement, and one hundred dollars for the third and any subsequent confinement thereafter. Proof of sterilization must be provided if requested by the animal control officer or animal shelter ~~[Fifteen dollars shall be applied toward the~~

~~implant of a microchip identification device at a veterinarian of the owner's choice if the microchipping is performed within thirty days. The county shall pay fifteen dollars to the veterinarian upon the latter's proof of the microchipping of the dog or cat. Should the owner opt not to have the microchipping performed, the entire impound charge shall be retained by the county. Money set aside for microchipping animals shall be held by the county in a trust fund and paid to the veterinarian upon the return of a properly completed receipt, which must be received by the county within three months of issuance.]~~ Fees collected for impounds of dogs and cats and ferrets and pet rabbits and potbelly pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit spay and neuter programs.

(b) If the animal is not sterilized, or the owner has not obtained a current exemption from sterilization for the animal, or the owner fails to provide adequate proof of sterilization to the animal control officer or animal shelter, the owner shall be able to remove it upon the sterilization of the animal with payment to the animal shelter for such service and payment of an impound fee of one hundred dollars for the first confinement and two hundred dollars for subsequent confinements. Fees collected for impounds of dogs and cats and ferrets and pet rabbits and potbelly pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit spay and neuter programs.

~~(c) [(b)]~~ The owner shall pay [Payment of] a board charge of ten dollars for each twenty-four hours or portion thereof for the maintenance of the impounded animal.

~~[(e)]~~ (d) The owner shall provide proof of a current rabies vaccination tag for dogs and cats and ferrets or he shall pay the animal shelter for a vaccination tag. [current owner identification tag, or proof that the animal has been implanted with a microchip identification device and proof of sterilization. The shelter will document that at least three personal attempts were made to notify the owner.]

(e) The owner shall provide proof that the animal has been implanted with a microchip identification device or he shall pay the animal shelter for the microchip and implantation.

~~[(d)]~~ (f) When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner is later determined, the animal shelter will document that at least three personal attempts were made to notify the owner.

10.24.020 [Reserved] Impounding other than dogs and cats and ferrets and pet rabbits and potbelly pigs.

Any animal, except dogs or cats or ferrets or pet rabbits or potbelly pigs, running at large or not restrained as herein provided, or any animal not kept as required pursuant to any Title of this code, shall be subject to impoundment, and if impounded, shall be kept at the animal shelter, or as otherwise provided by law and contract, for a period of at least 72 hours, within which time if the ownership of the animal is proven and the owner calls for it, he shall be able to remove the animal upon payment of the following charges:

(a) Large animal charges for animals weighing one hundred pounds or more

(1) The owner shall be able to remove the animal upon the payment of an impound charge of fifty dollars for the first confinement, one hundred dollars for the second confinement, and two hundred dollars for the third and subsequent confinements.

(2) The owner shall pay a boarding charge of twenty-five dollars for each twenty-four hours or portion thereof for maintenance of the impounded animal

(b) Small animal charges for animals weighing less than one hundred pounds

(1) The owner shall be able to remove the animal upon the payment of an impound charge of fifteen dollars for the first confinement, thirty dollars for the second confinement, and sixty dollars for the third and subsequent confinements.

(2) The owner shall pay a boarding charge of ten dollars for each twenty-four hours or portion thereof for maintenance of the impounded animal.

(c) When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner is later determined, the animal shelter will document that at least three personal attempts were made to notify the owner.

~~[10.24.030 Unsterilized impound—Charges—Release to owner.~~

~~(a) If an unsterilized dog or cat is impounded by the animal control officer, then an impound charge of one hundred dollars plus a board charge of ten dollars per day or portion thereof shall be charged by the county and the dog or cat must be sterilized at the owner's expense prior to release from the animal shelter. Fees collected for~~

~~impounds of dogs and cats shall be held by the county in a special fund for the purpose of providing assistance for spay-neuter programs. An unsterilized dog or cat currently registered to a person with a breeder/show permit or an unsterilized dog or cat identified as set forth in Section 10.04.185 shall be exempt from the sterilization requirement of this section.~~

~~(b)~~

~~All subsequent captures of a dog or cat after the first capture shall result in an impound charge of two hundred dollars plus a board charge of ten dollars per day or portion thereof to be charged by the county.~~

~~(c)~~

~~The impound fees for unsterilized animals outlined in this section shall not apply to animals for which a current exemption from sterilization has been issued. Impound fees for these animals are provided in Section 10.24.010]~~

~~[10.24.060 Right of entry.~~

~~The animal control officer and any police officer in the county while on duty, for just cause, shall have the right to enter upon private property or public property in the county in order to examine or capture any animal thereon or therein; provided, however, that no such officer or employee shall have the right to enter a house or structure which is in use as a residence without having first secured a search warrant.]~~

10.24.080 Release of unclaimed [~~dogs, and cats and small~~] animals.

(a) Any [~~dog, or cat or small~~] animal impounded, as provided in this [t]Title, shall be kept a minimum term provided for by Sections 10.24.010 and 10.24.020 [~~of seventy-two hours~~] and, if unclaimed by the owner within such term, [~~seventy-two hours such dog or cat may~~] the animal shall be released to and become the property of the contracted animal shelter. The foregoing shall not be construed to prevent the animal shelter from giving the animal to its prior owner. [It is preferable that]Rescue organizations including the contracted animal shelter may rescue animals that originated in unincorporated Clark County from the contracted animal shelter for no fee other than for a rabies vaccination, sterilization, and microchip, if needed. The director of the contracted animal shelter or the director's designee will make the final determination on the release of animals. If the ownership of [~~a dog or cat~~] an animal is not proven and if such animal [~~dog or cat~~] is not released as set forth herein, such [~~dog or cat or small~~] animal may be destroyed in a humane manner.

(b) Except as provided hereafter, [A]any animal impounded as provided in this [t]Title which has bitten a human being shall not be made available for adoption. Attempts to determine animal aggression may be considered by the contracted animal shelter. Upon consultation with the chief of animal control or his designee the contracted animal shelter may release an animal for adoption with the disclosure of the bite to any new owner.

(c) The Clark County animal shelter or their designated contractor shall not knowingly release any animal to any person ~~[whø]~~ if the person, or any of its agents or principals or his or her cohabitants, intends to use the animal for experimental, laboratory, ~~[øf]~~ vivisection, fighting, or cruel purposes, or is being prosecuted for, or has been convicted of, animal cruelty or its equivalent violation in any jurisdiction, except as provided for in Section 10.32.020. Upon a request by a rescue organization the names and addresses of any person, agent, principal, or cohabitant of the same may be released.

10.24.120 Regulation Hold

An animal involved in a pending legal case may be directed to be held by the contracted animal shelter. Once an animal has been received into the custody of the contracted animal shelter, the animal shelter may keep the animal with any group or individual bound to the animal shelter by contractual agreement for the care of the animal, and the animal shall be considered to be under the animal shelter's control as impounded. This Section shall not be construed to remove an owner's obligation to claim an animal as provided for by Section 10.24.010 before transfer of title pursuant to Section 10.24.080.

SECTION 6. Title 10, Chapter 10.28, is amended in part to read as follows:

10.28.010 Quarantine authority generally.

The health officer may, by public notice and proclamation, quarantine any animal in any area under Clark County jurisdiction where he finds rabies or other disease to exist. During such quarantine period and until public notice of its termination has been given by the health officer, each animal in that area must be securely confined by its owner. All such designated animals found at large in that area during such period may be impounded, quarantined, or destroyed at the order of the health officer in accordance with the provisions of this ~~[e]Chapter. The report and quarantine of biting animals, as provided hereafter, shall apply to any rabies susceptible animal located in Clark County within the ten days following a bite, regardless of jurisdiction wherein the bite took place.~~

SECTION 7. Title 10, Chapter 10.30, is amended in part to read as follows:

10.30.140 Separating animal from mother.

A retailer, dealer, breeder or operator shall not separate an animal from its mother until it is eight weeks of age or until the animal is accustomed to taking food as nourishment other than by nursing, whichever date is later, unless medically necessary. No piglet weighing less than eight pounds may be sold or gifted, unless medically necessary.

10.30.170 Premises inspection.

Every person, firm or corporation, required to obtain any permit under the provisions of this Chapter shall permit their premises to be inspected by the animal control officer at all reasonable times.

10.30.180 Compliance with Section 10.08 required.

A retailer, dealer, breeder or operator shall comply with the sterilization, vaccination, and tagging requirements in Section 10.08 inclusive.

SECTION 8. Title 10, Chapter 10.32, is amended in part to read as follows:

10.32.020 Taking possession of animal being treated cruelly.

~~(A) The animal control officer or any police officer in the county while on duty shall, upon discovering any animal which is being treated cruelly, take possession of and impound it[and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner at the owner's expense].~~

~~[(B) When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a limited lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, he shall post the notice on the property from which he takes the animal. If the identity and address of the owner is later determined, the notice must be mailed to the owner immediately after the determination is made.~~

~~(C) An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if~~

applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than two weeks.

~~(D) Upon proof that the owner has been notified in accordance with subsection (B) of this section or, if he has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.]~~

(B) If the owner of an animal impounded under this Section attempts to claim the animal within the time prescribed by Section 10.24.010 or 10.24.020, before releasing the animal to the owner, the contracted animal shelter shall immediately consult the animal control officer for the purpose of compliance with Section 10.24.080 (c). If the owner elects to claim the animal and animal control elects to prosecute for animal cruelty, compliance with the following conditions is required:

(1) The owner shall have an additional seventy-two hours before the animal becomes the property of the animal shelter to file a petition with a court of competent jurisdiction for release of the animal subject to such conditions the court deems prudent, or for the owner to post a bond or security with animal control or the animal shelter in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date for continued impound at the animal shelter.

(2) If the animal shelter still has custody of the animal when the bond or security expires, the animal shall become the animal shelter's property unless a court of competent jurisdiction orders an alternative disposition. If a court order prevents the animal shelter from assuming ownership and the animal shelter, or its agent, continues to care for the animal, the court shall order the owner to renew a bond or security for the continuing costs for the animal's care.

10.32.040 Injurious material.

It is unlawful for any person to ~~[wilfully and unjustifiably]~~ knowingly leave, throw, drop, place, or cause to be placed upon any public place, or upon the private property of himself or another, any glass, nails, pieces of metal or other material calculated or likely to wound or injure any animal.

10.32.070 Vehicle confinement—Rescue [~~Impoundment~~.]

(A) Any animal control officer or police officer in the county~~[, while on duty,]~~ who finds an animal in a motor vehicle under such conditions as may endanger the health or well-being of such animal due to heat, cold, lack of food or drink or such other circumstances

as may be reasonably expected to cause suffering, disability or death is authorized to use reasonable force to remove the animal from the vehicle.

(B) ~~[Notice of the removal of the animal to the owner, disposition of the animal and charges for the cost of care and shelter shall be made, as nearly as possible, in the manner prescribed in Section 10.32.020~~

(C) An officer who seizes an animal pursuant to this ~~[s]~~Section is not liable for any action arising out of the taking or humane destruction of the animal.

~~[10.32.080 Found animal reporting.~~

~~Each person who shall take custody of any lost, abandoned animal, or animal apparently running at large, shall report the same to the animal control officer within twenty-four hours after taking custody thereof.]~~

10.32.180 Promotional sale or gift.

It is unlawful for any person, other than an operator, in connection with any advertising campaign or promotion, to use, give, sell, or barter, or offer to use, give, sell, or barter, any live animal in any manner by which there will be a transfer of ownership or possession.

SECTION 9. Title 10, Chapter 10.36, is amended in part to read as follows:

Chapter 10.36 NOISE, WASTE, RESTRAINT, SANITATION, ~~[STRAY]~~ AND DEAD ANIMALS

~~[10.36.050 Strays other than dogs and cats—Impoundment.~~

~~Any animal, except dogs or cats, running at large or not restrained as herein provided, or any animal not kept as required pursuant to permit, shall be subject to impoundment, and if impounded, shall be kept at the animal shelter for a period of seventy-two hours, within which time if the ownership of the animal is proven and the owner calls for it, he shall be able to remove the animal upon payment of the following charges:~~

~~(a) Classification Impound Charge~~

~~Large animals weighing one hundred pounds or more \$50.00~~

~~Small animals weighing less than one hundred pounds \$15.00 for the first confinement within five years~~

~~—\$30.00 for the second confinement within five years~~

~~—\$45.00 for the third and any subsequent confinement within five years~~

~~(b) Classification Board Fee~~

~~Large animals weighing one hundred or more pounds, unless otherwise provided in this subsection \$25.00 for each twenty-four hours of maintenance~~

~~Small animals weighing less than one hundred pounds, unless otherwise provided in this subsection \$15.00 for each twenty-four hours of maintenance~~

~~Large domestic livestock, meaning cattle, sheep, goats, horses, mules, asses, burros or swine \$10.00 for the first twenty-four hours of maintenance and~~

~~\$4.00 for each twenty-four hours thereafter~~

~~Small domestic animals, meaning poultry, fowl, birds, rabbits, nonvenomous reptiles and other animals weighing less than one hundred pounds and customarily kept in the state of Nevada as a pet or farm animal \$3.00 for each twenty-four hours of maintenance]~~

~~[10.36.060 Strays other than dogs and cats—Disposition.~~

~~If the ownership of an impounded animal other than a dog or cat is not proven within seventy-two hours, the animal may be destroyed in a humane manner or sold in compliance with all applicable statutes, regulations and ordinances regarding the sale of public property and animals.]~~

10.36.070 Disposal of dead animals.

Any dead dog, cat, ferret, pet rabbit, or potbelly pig that is picked up by Animal Control or the Department of Public Works or its disposal contractor shall not be disposed of in any trash or landfill and shall be scanned for an owner identification tag and microchip identification device and shall be delivered to the contracted animal shelter. If an owner identification tag or microchip exists, Animal Control or the Department of Public Works or its disposal contractor shall notify the Receiving staff at the contracted animal shelter and that staff will make all reasonable attempts to contact and notify the owner. Animals with an owner identification tag or microchip must be held for at least 24 hours for the owner to reclaim.

SECTION 10. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 11. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 12. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the _____ day of _____, 2014.

PROPOSED BY:

PASSED on the _____ day of _____ 2014.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____

Steve Sisolak, Chairman

ATTEST:

DIANA ALBA, County Clerk

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

DRAFT