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BILL NO. \_\_\_\_\_

SUMMARY – An ordinance amending Title 10, Title 18, and Title 30 of the Clark County Code regulating animals.

ORDINANCE

NO. \_\_\_\_\_  
(of Clark County, Nevada)

An ordinance amending Title 10, Title 18, and Title 30 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. Findings for the purposes of sections 2, 7, and 14.

The Clark County Board of County Commissioners hereby finds and determines that:

- (a) The possession of exotic or wild animals is potentially dangerous to people and animals because of the physical characteristics of some exotic or wild animals and because the needs and behaviors of exotic or wild animals are less familiar to the general public than those of household pets; and
- (b) The provisions of this ordinance are necessary and proper for the control and protection of animals.

SECTION 2. Title 10, Chapter 10.04, is amended in part to read as follows:

10.04.100 At large.

"At large" means ~~[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.]~~ location on any property when an 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 of 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 by a fence or other physical barrier from other areas of the park containing amenities for use other than as a dog park.

10.04.135 Cat.

"Cat" means any animal of the species Felis catus.

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 a 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.]

10.04.178 – Dog.

“Dog” mean any animal of the species Canis familiaris.

10.04.183 – Exotic or Wild Animal.

“Exotic or Wild Animal” means any or all of the following animals, which are not defined in this chapter as a household pet or an inherently dangerous exotic or wild animal, or an animal normally raised for human consumption or livestock as defined in Chapter 30.08, whether bred in the wild or in captivity, and whether indigenous to the State of Nevada or not. The words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals:

1. All species in the order Primates (such as lemurs and monkeys), except humans and animals listed in Section 10.04.212;
2. All species in the suborder Feliformia (such as bobcats, servals, meerkats, civets, and lynx), except Felis catus and animals listed in Section 10.04.212;
3. All species in the suborder Caniformia including any hybrid between a Canis familiaris and any other member of the family Canidae (such as wolves, wolf hybrids, foxes, badgers, coatis, and jackals), except Canis familiaris;
4. All marine mammals (such as seals, sea lions, dolphins, otters, and whales);
5. All species in the infraclass Marsupial (such as kangaroos, wallabies and opossums);
6. All species from the family Giraffidae (such as giraffes and okapis);
7. All species from the order Perissodactyla (such as tapirs and zebras), except domestic livestock and animals listed in Section 10.04.212;
8. All species from the superorder Xenarthra (such as anteaters, sloth and armadillos).
9. All venomous reptiles and amphibians, except animals listed in Section 10.04.212;
10. All constrictor snakes, the species of which at maturity reaches 6 feet or more in length;

10.04.195 – Harbor.

“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, or community cat or dog

10.04.203 – Household Pet.

“Household Pet” means any tame or domesticated animal ordinarily permitted in the house and kept for company or pleasure, but not including their young less than four (4) months old. The term includes non-venomous reptiles and amphibians not otherwise listed as an exotic or wild animal or as an inherently dangerous exotic or wild animal. The following shall not be considered household pets: animals listed in Sections 10.04.183 or 10.04.212 or any livestock permitted under Agriculture-Livestock, as defined in Chapter 30.08.

10.04.212 – Inherently Dangerous Exotic or Wild Animal.

“Inherently Dangerous Exotic or Wild Animal” means animal, the ownership of which poses a danger to the general public. The following are inherently dangerous exotic or wild animals. Words in parentheses are intended to act as examples only and are not to be construed as being an exhaustive list or to otherwise limit the generality of each group of animals:

1. All species in the family Ursidae (such as bears);
2. All species in the order Crocodylia (such as alligators, crocodiles, and caimans);
3. All species in the subfamily Pantherinae (such as lions, tigers, jaguars, and leopards);
4. All species in the genus Puma (such as cougars, mountain lions, pumas, panthers, catamounts, and jaguarundis);
5. All species in the genus Acinonyx (such as cheetahs);
6. All species in the family Elephantidae (such as elephants);
7. All species in the family Rhinocerotidae (such as rhinoceroses);
8. All species in the family Hippopotamidae (such as hippopotamuses);
9. All species in the superfamily Hominoidea (such as gorillas, chimpanzees, gibbons, and orangutans), except humans;
10. All species in the family Hyaenidae (such as hyenas);
11. All reptiles and amphibians whose venom can cause death in human beings (such as cobras, boomslangs, rattlesnakes, and Komodo dragons).

#### 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.

#### 10.04.242 Pet.

“Pet” has the meaning ascribed in Section 10.04.203[means a domestic cat, dog, rabbit, ferret or pot belly pig commonly kept for pleasure].

[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 Internal Revenue Service Form 990 annually.

#### 10.04.255 Retailer.

~~"Retailer" means a person who acquires [~~pets~~] animals, other than livestock, 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.]~~

#### 10.04.278 Sold (Sell).

"Sold" or "Sell" shall mean for compensation or profit or barter, sells, rehomes, gifts, gives, trades, exports or transfers an animal to another person .

#### 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 3. Title 10, Chapter 10.06, is amended in part to read as follows:

10.06.010 Definitions.

For the purposes of this chapter, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural.

~~(a) ["Animal control office" means the Clark County animal control office designated to enforce the provisions of the Clark County Code.]~~

~~(b) "Animal control officer" shall have the meaning found in Section 10.04.070 of this title.~~

"Cat" has the meaning ascribed to it in Subsection 10.04.135.

~~(e)]~~ (b) "Community cat" means a cat that is free-roaming and may be cared for by one or more residents of the immediate area who is/are known or unknown.

~~(c) ["Central sponsor" means the sponsor to be notified under the provisions of Section 10.06.050 who is designated by the board of county commissioners in the manner established by the board.]~~

"Community cat caregiver" means any person who, in accordance with a good faith effort to trap, sterilize, vaccinate, and return any community cat, provides voluntary care including but not limited to food, water, and medical care to a community cat or community cat colony.

(d) "Community cat colony" or "colony" means a group of community cats that congregates, more or less, together as a unit and shares a common food source.

~~([e]e)~~ "Domesticated cat" means a cat that is socialized to humans~~[and is appropriate as a companion for humans].~~

~~([e]f)~~ "Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot. A cat with a tipped ear is considered to be sterile and vaccinated against rabies.

~~([f]g)~~ "Feral cat" means a cat that is born in the wild or abandoned and is not socialized or appropriate as a companion for humans.

~~(g) "Feral cat colony" or "colony" means a group of cats that congregates, more or less, together as a unit and, although not every cat in a colony may be feral, any cats that congregate with a colony shall be deemed to be a part of it.~~

~~(h) "Feral cat colony caretaker" or "colony caretaker" means any person who provides food, water, shelter and medical care to and traps, sterilizes, and vaccinates a feral cat or cats and who is approved by a sponsor to care for a feral cat colony.-]~~

~~(h) "Free-roaming" means not restrained by leash, cord, chain, or enclosure .~~

~~(i) "Nuisance" means conduct by ~~[-stray or feral]~~ a community cat or cats that disturbs the peace by:~~

~~(1) Habitually or continually howling and fighting; or~~

~~(2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.~~

~~(j) "Owner" means any person who has a right of property in an animal, who keeps or harbors an animal, who has it in their care, who acts as its custodian, or who knowingly permits an animal to remain on any premises occupied by him or her. "Owner" does not include a ~~[feral cat colony caretaker]~~ community cat caregiver.~~

~~(k) ["Sponsor" means any animal rescue or humane society that agrees to comply with the requirements for sponsors and that provides written notice to the animal control office that it will serve as a sponsor. ]~~

~~(l)~~

~~"Stray cat" means a cat that is regularly off the property of the owner, is not under the physical control and restraint of the owner, and is not regularly provided with food by its owner.~~

~~(m)~~

~~"TNR" ~~[means -]signifying trap, neuter and return~~ means to humanely trap a cat and to sterilize, vaccinate against rabies, ear tip, and return the cat to the location where it was trapped.~~

~~(n)~~

~~"TNR program" means a program in which ~~[feral and stray -]~~community cats are humanely trapped, sterilized, vaccinated against rabies, ear tipped, and returned to the location where the cats were trapped. [and optionally implanted with a microchip and then returned to the location that is their "territory" in accordance with this chapter. ]~~

10.06.020 ~~[Feral-]~~Community cat colonies.

~~[Feral-]~~Except as provided in Subsection 10.06.060(b), community cat colonies [shall] ~~may~~ be permitted, and ~~[feral ]~~ community cat colony [caretakers-]caregivers may [shall be entitled to-]maintain and care for [feral -]community cats by providing food, water, shelter, medical care and other forms of sustenance. ~~[if the colonies are registered with the sponsor and if the colony caretakers take all appropriate and available steps to meet the terms and conditions of this chapter. Feral] Individuals, community cat caregivers, rescue organizations, shelters, and the animal control office shall be permitted to carry out TNR and TNR programs. A cat released in accordance with Chapter 10.06 shall not be considered to be abandoned per Section 10.32.010. Community cat colonies shall be prohibited in any conservation area, state or national forest, [W]wetlands, or any other lands managed for wildlife.~~

10.06.030 Community[Feral] cat colony caregiver[caretakers] duties.

~~(a) [Feral cat colony caretaker responsibilities. It shall be the responsibility of a feral cat colony caretaker to:] Community cat colony caregivers shall:~~

(1) ~~[Register the feral cat colony with a sponsor;~~  
~~(2)]~~ Take all appropriate and available steps to trap each ~~[feral-]community cat~~ in the colony in order to have the cat sterilized, vaccinated for rabies, and ear tipped ~~[and optionally implanted with a microchip-]~~ and to monitor for new ~~[feral-]community cats~~ that join the colony.

(2) Seek medical attention for any sick or injured cat in the colony.

~~The colony caretaker must maintain rabies vaccination records and include them in the annual report provided to the central sponsor pursuant to this section;~~

~~(3) Keep a written census of the colony that describes each cat, its color, breed and sex, and notes the dates it was taken to a veterinarian for TNR through a TNR program;~~

~~(4) Provide food, water, and, if necessary and feasible, shelter for the colony;~~

~~(5) Keep in contact with its sponsor to report any illness, strange behavior or missing feral cats in the colony;~~

~~(6) Report any kittens in the colony so they can be trapped after they are weaned and to observe the mother feral cat so she can be trapped after the kittens are trapped;~~

~~(7) Acquire written approval of a property owner, or any authorized representative of the owner of any property, if the colony caretaker requires access in order to provide colony care; and~~

~~(8)~~

~~Report annually to the central sponsor on the colony including, but not limited to the following information: Its location; the number of feral cats; the number of kittens; the number of TNRs done through TNR programs; and the number of deaths of feral cats. This information, along with the changes to the written colony census required to be maintained by this section, shall be sent to the central sponsor either by electronic mail or regular mail or provided by telephone.~~

~~(b)~~

~~In the event that a feral cat colony caretaker is unable or unwilling to continue to perform the responsibilities required by this section, the colony caretaker shall give its sponsor a minimum of thirty days written notice of its intention to cease being a colony caretaker for the feral cat colony. The sponsor shall work to provide a replacement colony caretaker for the colony.~~

~~(c)~~

~~A feral cat colony caretaker in compliance with the terms and conditions of this chapter shall be exempt from the provisions of Sections 10.36.020 and 10.36.040(a) that impose requirements on owners of animals and persons having custody of animals.~~

~~(d)~~

~~A feral cat colony caretaker providing food, water and shelter to feral cats as allowed by this chapter shall not be considered to be violating the restriction imposed by Section 10.08.130 on the number of cats that may be kept at any one place, or on any premises, or in any one residence without a permit unless the colony caretaker's actions are determined to be more like the actions of an actual owner or person in custody and control of the cats than a colony caretaker].~~

~~[10.06.040 Sponsors.~~

~~(a) Any animal rescue or humane society that agrees to assist the central sponsor with the requirements of this chapter shall be eligible to act as a sponsor. Any group~~

~~intending to undertake the responsibilities of a sponsor shall so advise the central sponsor in writing and provide its address and telephone number and e-mail address if available.~~

~~(b)~~

~~Sponsor requirements. It shall be the duty of the sponsor to:~~

~~(1)~~

~~Review and, in its discretion, approve feral cat colony caretakers;~~

~~(2)~~

~~Help resolve any complaints over the conduct of a feral cat colony caretaker or of complaints about cats within a colony;~~

~~(3)~~

~~Assist, if requested, the central sponsor in maintaining records provided by the feral cat colony caretaker on the size and location of the colonies as well as the vaccination dates, spay/neuter dates, and descriptions of each feral cat in the colony;~~

~~(4)~~

~~Provide, at a minimum, written educational training for all feral cat colony caretakers addressing uniform standards and procedures for feral cat colony maintenance;~~

~~(5)~~

~~Report annually to the animal control office the number and location by zip code of feral cat colonies for which it acts as sponsor with the approximate number of cats in each colony;~~

~~(6)~~

~~Provide documentation necessary to allow feral cat colony caretakers to receive any public or private subsidies, medical care or other forms of assistance for their colonies; and~~

~~(7)~~

~~Provide to the animal control office the location of feral cat colonies where feral cat colony caretakers have regularly failed to comply with this chapter or where the sponsor has been unable to resolve a behavior situation that constitutes a nuisance. ]~~

10.06.050 Disposition of community[feral cat colony] cats.

(a) Except as provided in Subsection (b) below, [!]if a cat [or kitten-]with a tipped ear is [trapped and turned -]admitted into [the Lied Animal Shelter or ]any [other ]animal shelter, the shelter staff or volunteers may immediately return the cat to the location where it was trapped if the cat is otherwise healthy. [or to an animal control officer, the shelter or the animal control office shall notify the central sponsor from the sponsors list giving it the description of the feral cat and the address, location or zip code where the cat was trapped.]The [Lied Animal Shelter or other ]animal shelter shall be exempt from the mandatory hold periods in Chapter 10.24 and may [only-]hold cats with a tipped ear for the time limit established in the current shelter policy. [The sponsor shall then take all appropriate steps to take custody of the cat or kitten within twenty-four hours. The sponsor shall be exempt from paying any charges or fees allowed to be imposed by the Lied Animal Shelter or other animal shelter in holding a feral cat with a tipped ear that is trapped or turned in pursuant to this section in the first instance of impoundment; however, if the same feral cat is trapped and turned in a second or subsequent time, all additional charges or fees must be paid prior to releasing the cat to the sponsor. If the

~~feral cat is ear tipped, the central sponsor shall attempt to identify the feral cat colony and the feral cat colony caretaker so the cat can be returned to its colony and provide the animal control office with documentation to show the cat was vaccinated for rabies in compliance with this section.]~~

~~(b) If a [feral]cat that [is not ear tipped ] has a microchip or identification tag is [trapped and turned ]admitted into [the Lied Animal Shelter or ]any [other ]animal shelter, [or to an animal control officer, ]the cat must be held in accordance with Chapter 10.24. After the mandatory hold the cat may proceed through the regular adoption process or shelter staff or volunteers may return the cat to the location where it was trapped if it otherwise healthy after it has been sterilized, vaccinated for rabies, and ear tipped.[go through the regular and usual adoption process if the cat is deemed adoptable.]~~

~~(c) If a cat that does not have a tipped ear or a microchip or identification tag is impounded into any animal shelter, the cat shall be exempt from a mandatory hold period per Chapter 10.24 and if otherwise healthy may proceed through the regular adoption process or shelter staff or volunteers may return the cat to the location where it was trapped after is has been sterilized, vaccinated for rabies, and ear tipped.~~

~~(d) A cat released in accordance with Chapter 10.06 shall not be considered to be abandoned per Section 10.32.010.~~

10.06.060 Enforcement of provisions by the animal control office.

(a) The animal control office shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. If a cat has bitten ~~[or scratched ]~~a human being, the cat shall be confined pursuant to Section 10.28.030 or 10.28.040, as appropriate. If a licensed veterinarian decides that the cat is too ill or injured or that it has an illness that presents a~~[n imminent ]~~danger to the public health or safety or to itself, the cat may be humanely euthanized. ~~[The central sponsor from the sponsors list shall be notified of the cat's description, sex, illness and disposition.]~~After the mandatory quarantine, if the cat is found to be healthy and no other issues of public health or safety exist, the shelter staff or volunteers may return the cat [may be ]to the location where it was trapped after it has been sterilized and vaccinated, if necessary. [given to the central sponsor from the sponsors list for return to its feral cat colony.] A cat released in accordance with Chapter 10.06 shall not be considered to be abandoned per Section 10.32.010.

(b)

~~[The animal control office shall have the right to direct the central sponsor to communicate to a feral cat colony caretaker that a feral cat is creating a nuisance. The complainant must provide the animal control office with the address where the feral cat is creating a nuisance. If the complainant desires, the name and address of the complainant may be given to the central sponsor so prompt action can be taken. The central sponsor shall make every effort to resolve the nuisance within thirty days of the notice being given unless the animal control office specifies a longer time period. If the nuisance complaint cannot be resolved within the allowed time period, the central sponsor shall direct the feral cat colony caretaker to remove the cat from the colony. If the caretaker is unsuccessful at trapping the nuisance cat after the timeline previously set, the central sponsor must notify the animal control office in writing requesting its assistance with removal.~~

(e)]

The ~~Chief of [a]Animal [e]Control [office-]~~ shall have the right to declare that a colony is in a location that is hazardous to the health and safety of the public or the ~~[feral-cat ]colony~~ or that the colony is a nuisance. Once a colony is declared a hazard or nuisance any cat impounded shall not be released to the location where it was trapped unless the hazard or nuisance is remedied and the cats have been approved for return by the Chief of Animal Control. Cats impounded pursuant to this Subsection are subject to the disposition regulations listed in Subsection 10.06.050. ~~[The office shall give written notice to the central sponsor who must take immediate action to trap and remove the colony with the cooperation of the feral cat colony caretaker.~~

(d)

~~If a caretaker fails to perform any responsibility or duty required by this chapter, the animal control office shall notify the central sponsor in writing of the violation and provide the caretaker thirty days to become compliant. If the caretaker fails to comply, the animal control office must notify the central sponsor who may move the non-compliance problem to another caretaker or may, for just cause, remove the caretaker from the office's list of approved caretakers. The caretaker removed from the list has the right to petition the board of county commissioners or its designee regarding its removal and reinstatement. If no caretaker agrees to take on the feral cat colonies, the cats in those colonies may be trapped and humanly euthanized.-]~~

[10.06.070 Successor to Lied Animal Shelter.

~~In the event another facility is designated by the county to replace the Lied Animal Shelter as the facility for the receiving and holding of animals, that successor animal shelter facility shall assume the responsibilities of the Lied Animal Shelter under this chapter.]~~

SECTION 4. Title 10, Chapter 10.08, is amended in part to read as follows:

Chapter 10.08 ~~[DOG, AND CAT,]~~ HOUSEHOLD PET TAGGING, VACCINATION, STERILIZATION, [LICENSES] AND PERMITS

10.08.070 Tagging~~[dog or cat or ferret]~~—Tag misuse.

(a) The owner of any dog or cat or ferret shall safely and securely fasten about the neck of the ~~[dog or cat or ferret ]animal~~ a collar with a tag attached thereto bearing the number of such rabies vaccination as required per Section 10.08.080.

(b) The owner of any ~~[dog or cat or ferret ]~~ household pet shall safely and securely fasten about the neck of the animal 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 or cat or ferret or pet rabbit or potbellied pig the owner shall ensure that the microchip information remains up to date in a national database. Animals that cannot wear a collar or be implanted by a microchip as attested to by a licensed veterinarian shall be exempt from this requirement.

(c) It is unlawful for any person to remove any vaccination tag issued under the provisions of this ~~[t]~~ 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 animal tagging.

All public parks or facilities that administer rabies vaccinations pursuant to Nevada Administrative Code 441A or which sell animals, products for animals, or services for animals must post in a conspicuous location a sign as directed by the animal control

officer notifying customers of the required rabies vaccination, sterilization, and animal tagging 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.

~~[10.08.100 Vaccination register.~~

~~The county shall maintain an electronic register of all vaccinations issued, showing:~~

~~(a) The name, current address, and telephone number, if any, of the vaccinated dog, cat or ferret;~~

~~(b) Date of vaccination;~~

~~(c) Date of expiration;~~

~~(d) Description of the dog or cat or ferret;~~

~~(e) The number of the tag; and~~

~~(f) The type, lot, date and lot expiration of rabies vaccination.]~~

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

Other than fish and invertebrates, [N]no person shall keep more than three [dogs over four months of age, nor more than three cats over four months of age, ]of each species of household pet 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. Any dog exempt from the sterilization requirements in Section 10.08.132(b) shall not be counted towards the maximum number of dogs permitted. Any household pet visiting a location for a period of 72 hours or less shall not be counted towards the maximum number of household pets permitted.

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 potbellied pig unless spayed or neutered. [For purposes of this section and 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, or community 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 potbellied 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[~~]~~ 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 potbellied 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 or cats or ferrets or pet rabbits or potbellied pigs prior to 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 (cat or rabbit) or puppy or piglet or kit (ferret) that has been born to a mother cat or dog or potbellied 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" or "kit" means a cat or rabbit or dog or ferret under the age of 4 months, as determined by the Animal Control Officer, and "piglet" means a potbellied pig under 8 pounds. Except after first determining that it is in the best interest of the kitten or puppy or piglet or kit because of violations of this Title, an Animal Control Officer shall not impound a kitten or puppy or piglet or kit without also impounding its mother for a violation of this Title if the kitten or puppy or kit 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 and weight shall be estimated by the animal control officer, after requesting documentary proof of age and weight 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 dog or cat 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 or gifted 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 or if the animal is exempt from sterilization per Section 10.08.132.

(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 for]~~ 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 or its equivalent under the laws of another jurisdiction.

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

(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. All other household pets 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]~~Household pet fancier/foster permit.

(a) A household pet [dog or cat] fancier/foster 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 of each species of household pets other than cats [spayed/neutered dogs or] and 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, if applicable per Sections 10.08.070 and 10.08.080.

(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/foster 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 or its equivalent under the laws of another jurisdiction.

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

~~[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 5. Title 10, Chapter 10.12, is hereby repealed in its entirety.

SECTION 6. Title 10, Chapter 10.16, is hereby repealed in its entirety and replaced below.

10.16.010 Dangerous and vicious animal declaration.

(a) Except as otherwise provided in subsection (b) of this section:

(1) An animal may be declared dangerous by the animal control officer if on two separate occasions within eighteen months:

(A) It behaved menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm under the circumstances; or

(B) It bit a person or animal, but without causing substantial bodily harm.

(2) An animal may be declared dangerous by the animal control officer, without regard to any previous behavior, if:

(A) It is used as the instrument a crime of violence;

(B) While either at large or restrained, it caused substantial bodily harm or death to another animal that was not at large; or

(C) It bit a person or animal, but without causing substantial bodily harm, if the animal is of a species capable of causing death or substantial bodily harm other than a domestic dog or cat.

(3) An animal may be declared vicious by the animal control officer if:

- (A) It has killed or inflicted substantial bodily harm upon a human being or other animal not at large; or
- (B) After having previously been declared dangerous, with notice of the declaration having been provided to an owner or keeper, it continues to exhibit the same type of behavior that resulted in the declaration, or is in violation of the provisions of Section 10.16.030,

(b)

(1) An animal shall not be declared dangerous pursuant to this section for only behaving menacingly towards or biting:

- (A) Another animal that, or person who, provoked the animal, as a result of and to the extent of the provocation or prior provocation;
- (B) Another animal that, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal that was behaving menacingly or biting;
- (C) Another animal that was running at large;
- (D) Another animal or person, in connection with its use by law enforcement officers in the performance of their duties.

(2) An animal may not be declared vicious pursuant to this section for inflicting substantial bodily harm or killing:

- (A) Another animal that, or person who, provoked the animal , as a result of and to the extent of the provocation or prior provocation;
- (B) Another animal that, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal that killed or inflicted substantial bodily harm;
- (C) Another animal that, or person who, was harmed or killed in connection with its use by law enforcement officers in the performance of their duties; or
- (D) If the death or substantial bodily harm was not proximately caused by that animal, such as may unintentionally result from a person placing his or her hands between the jaws of fighting animals.

(c) The owner or keeper of any animal declared dangerous by the animal control officer may, within seventy-two hours after notice has been served personally, posted at the address of impound, or deposited in the mail to the last known address of the owner or keeper, request a hearing to challenge the dangerous determination by providing a written request for a hearing to Clark County Animal Control. Conditions not otherwise required will be tolled pending a determination on such hearing.

#### 10.16.020 Dangerous and vicious animals—Unlawful Possession.

It shall be unlawful for 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 unincorporated Clark County, except as provided in this chapter.

10.16.030 Dangerous animals—Ownership permitted when.

Any animal which is declared to be dangerous by the animal control officer may be kept within unincorporated Clark County, provided that:

(a) 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 the animal control officer and the owner or keeper must obtain from the animal control officer an annual permit to keep the animal based upon such lawful terms and conditions as the animal control officer deems appropriate, based upon reasonable and articulable standards, which may be subject to challenge pursuant to Section 10.16.050. A nonrefundable inspection fee of one hundred dollars per inspection will be charged to the owner or keeper for each permit. An owner or keeper of an animal that has been deemed dangerous and a permit has been issued, must pay an annual nonrefundable charge of one hundred dollars per inspection of the premises by the animal control officer for the annual permit. All terms and conditions of the original permit must be maintained. A permit may not issue unless the owner of the dangerous animal is the owner of the real property upon which it is to be kept, or the owner of the real property provides a notarized letter of approval for keeping thereon the dangerous animal.

(b) The animal shall be kept, confined or housed within an enclosure deemed adequate by the animal control officer:

(1) That 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

(2) That is secure enough so that the animal cannot bite, harm or injure anyone overreaching the top of the fence or other enclosure.

(c) 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.

(d) The private property shall be adequately and properly posted with conspicuous warning signs of the presence of a dangerous animal, with a listing of the name and telephone number of the owner of the animal.

(e) 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.

(f) 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.

(g) The owner or keeper shall obtain and maintain in effect a policy of insurance, or offer proof of an existing policy, in the amount of not less than one hundred thousand dollars insuring against possible injuries inflicted by the dangerous animal. Such insurance, whether homeowner's or liability, shall be provided to the animal control officer and maintained in effects long as the owner or keeper maintains possession of the dangerous animal. Clark County Animal Control must be listed as a certificate holder on the policy. The policy must clearly state the name, breed, color, and sex of the

animal, and reason that the animal has been declared dangerous; or be accompanied by a written statement by the carrier containing such information about the dangerous animal affirming the coverage with reference to the controlling sections of the policy.

(h) 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, and if different, the animal control officer or equivalent of the jurisdiction to which the animal will be relocated. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of one hundred dollars per inspection of the new location for the animal, if located in unincorporated Clark County. 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. The denial of a right to transfer by animal control shall be clearly articulated in writing, and may be reviewed at a hearing for abuse of discretion.

#### 10.16.040 Permit renewal and revocation conditions.

(a) Any permit issued under Section 10.16.030 shall be revoked if the animal without provocation bites or attempts to bite any person or animal lawfully upon the permit property or upon any other property, or if there is a violation of any provision Section 10.16.030.

(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 10.16.030 is guilty of a misdemeanor.

(c) If, after renewal notice is sent to the last known address of the owner or keeper of a dangerous animal, such owner or keeper fails to request the annual permit renewal and inspection by five pm on the yearly anniversary date of the issuance of the permit, the animal shall immediately be turned over to Animal Control for impound and a fourteen day hold will be placed on the animal to allow time for the owner or keeper to obtain a new permit, before the animal is released to the shelter for disposition. The fee for any inspection under this section shall be two hundred dollars per inspection, and the owner or keeper will be responsible for all fees and costs incurred while the animal is impounded.

#### 10.16.050 Dangerous and Vicious Animal Hearings.

(a) The owner or keeper of any animal declared dangerous or vicious by the animal control officer shall be notified, in order of preference, by personal service, posting of the address from which the animal was impounded, or by mail sent to the last known address of the owner or keeper. The notice shall clearly articulate a description of the specific conduct giving rise to the declaration. Any animal declared vicious shall be immediately impounded, whenever possible. The owner or keeper may not maintain possession of the animal declared vicious during the hearing process. Any animal declared dangerous may be kept by the owner or keeper pending the hearing, subject to or following required quarantine, provided that at no time shall the animal be allowed to leave the private property confines of the owner or keeper unless it is muzzled, leashed and under the effective control of an adult.

(b) Within seventy-two hours after notice of the dangerous or vicious declaration has been served, affording three days for service by mail, a dangerous animal permit revoked or denied for failure to pass inspection, for imposition of an unreasonable or inarticulatable standard of conditions or terms imposed for keeping a dangerous animal, or for denial of transfer by animal control (but not another jurisdiction), the owner or keeper may file with the animal control officer a written request for hearing to determine if the declaration, failure to pass inspection or condition or term of keeping should be upheld or overturned.

(c) If animal control was unable to impound the animal declared vicious, the owner or keeper shall, immediately after service of the declaration, transfer possession of the animal to the animal control officer. If an appeal is not requested, the owner shall relinquish ownership of the animal for euthanasia, or provide written proof to the animal control officer that the animal has been euthanized by a properly licensed veterinary clinic.

(d) If a hearing is requested within the specified time period, unless additional time is requested by the owner or keeper, animal control shall schedule a hearing to be held before a hearing officer no later than ten days after receipt of the written request for hearing, affording to the owner or keeper at least three days' notice of the time and location of the hearing. Such notice shall provide the names of any witnesses animal control intends to present at the hearing, and shall include a public records request form or a copy of any documentation on which it intends to rely at the hearing.

(e) The burden of persuasion, by a preponderance of the evidence, to overturn the declaration or other decision shall be on the owner or keeper only after animal control has met its prima facie burden of production that the animal was properly declared dangerous or vicious in accordance with section 10.16.010, or as otherwise provided for decisions subject to review in this Chapter.

(f) At the hearing, the owner or keeper may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Strict rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence which responsible person are accustomed to rely upon in the conduct of serious affairs. The hearing shall be audio recorded, and all documents presented as evidence shall be maintained as part of the record of the hearing.

(g) At the request of the owner or keeper, for good cause and as justice requires, the hearing officer may continue the hearing and may issue subpoenas for the attendance of witnesses, or the production of records or other things, substantially in conformance with the Nevada Rules of Civil Procedure. In case of the refusal of any witness to attend or testify or produce records or other things required by the subpoena, the owner or keeper may report to the district court by petition, setting forth that due notice has been given of the time and place of attendance of the witness or the production of records or other things; that the witness has been subpoenaed in accordance with this section; and that the witness has failed and refused to attend or produce the records or other things required by subpoena, or has refused to answer questions propounded to him or her in the course of the hearing. The petition shall request an order of the court compelling the witness to attend and testify or produce the records or other things before the hearing officer. The court, upon petition, may enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order and

then and there show cause why the witness has not attended or testified or produced the records or other things before the hearing officer. A certified copy of the order must be served upon the witness by who?. If it appears to the court that the subpoena was regularly issued by the hearing officer, the court may thereupon enter an order that the witness appear before the hearing officer at the time and place fixed in the order and testify or produce the required records or other things, and upon failure to obey the order, the witness may be dealt with as for contempt of court.

#### 10.16.060 Dangerous and Vicious Animal Judicial Review.

(a) The owner or keeper who disagrees with the decision of the hearing officer has the right to seek judicial review.

(b) If the court upholds a vicious animal declaration, the Animal Control Officer may proceed to destroy the animal, but not until at least ten days have elapsed from the date the owner or keeper receives notice of the decision.

SECTION 7. Title 10, Chapter 10.18, is hereby inserted as a new Chapter.

#### 10.18 Exotic or Wild Animals.

##### 10.18.010 Exotic or wild animals and inherently dangerous exotic or animals – prohibitions and permit requirements.

(a) Except as provided in this Chapter, no exotic or wild animal shall be transported, exhibited in public or private, or kept anywhere within the unincorporated areas of Clark County unless and until the owner thereof has obtained an exotic or animal permit from the Animal Control Officer for each animal, and in accordance with the conditions therein.

(b) Except as provided in this Section 10.18.020, no inherently dangerous exotic or wild animal shall be transported, exhibited in public or private, or kept anywhere within the unincorporated areas of Clark County.

(c) A violation of Subsection (a) or (b) shall be punished by a fine of not less than five hundred dollars (\$500), and may be punished by a fine of up to one thousand dollars (\$1,000) and up to six (6) months in jail. Any person convicted of a violation of Subsection (a) or (b) shall not be eligible for an exotic or wild animal permit for a period of three years from the date of conviction, unless otherwise specified by the court.

(d) An exotic or wild animal permit shall not be issued for the keeping or exhibiting of an exotic or wild animal until an investigation has been made to ascertain what precautions shall be reasonable and necessary to protect the health, safety, and general welfare of the public and of the animal, and the property upon which the exotic or wild animal shall be kept has been inspected and approved by the Animal Control Officer.

(e) Following application, the Animal Control Officer may issue a permit for an exotic or wild animal as provided hereafter. Each permit application shall contain the following information and documentation:

(1) The species of animal to be covered by the permit, as well as a description of its age, health, and history of aggression, if any;

- (2) The purpose of keeping the animal;
  - (3) The knowledge and experience of the person to be keeping the animal about the animal in question and similar animals;
  - (4) The period of time and location for which the permit is requested;
  - (5) A description of the quarters in which the animal will be kept and/or exhibited, including plans, building permits and specifications, where appropriate;
  - (6) Documentation from the County's Comprehensive Planning Department that the location in question has been approved for keeping the exotic or animal and any other licenses or permits from any other regulatory authority, including but not limited to the U.S. Department of Agriculture, the Nevada Department of Wildlife, and the County's Business License and Building Departments, that are required for the intended use and location of the animal;
  - (7) Circumstances, if any, including exhibition, under which the animal will be removed from quarters, and methods of transportation;
  - (8) The name, address, and phone number of applicant and any other person to be placed in charge of the animal;
  - (9) A statement concerning whether the animal shall or may be bred, and plans to prevent or manage and permit the offspring;
  - (10) A current color photograph of the animal;
  - (11) A written program of veterinary care and a veterinarian's certificate, certifying that said animal is vaccinated in accordance with law and possesses no health hazard to itself, other animals, or the general public;
  - (12) A copy of accreditation documentation from the Zoological Association of America or the American Sanctuary Association for animals that will be exhibited in public or private viewing;
  - (13) Any other lawful conditions or restrictions appropriate for the control or protection of the animal, or protection of the public in relation thereto as set forth by the animal control officer, which may include, but need not be limited to written contingency plans for dealing with escape; electronic microchip implantation; and liability insurance for persons and property, which shall not be required to exceed \$250,000.
- (f) After a review of available information, including the permit application, the criteria or standards of recognized societies, groups or experts dealing with such animal species, and any citizen input, the animal control officer may issue a permit for the keeping or exhibiting of such animal if, in his considered judgment, such animal is not likely to constitute a danger or nuisance to the general public, under the permit conditions and restrictions.
- (g) A permit to keep an exotic or animal may be issued for the period prescribed by the animal control officer upon payment of a fee and a favorable inspection by an animal control officer of each location where the animal is to be kept. The permit authorizes the keeping of the individually permitted animal only in accordance with the conditions and restrictions imposed thereon, and does not authorize exhibition, unless expressly provided therein. A new application and a new fee are required in order to extend the time period or to change or remove any condition or restriction.
- (h) The permit fee is intended to offset a portion of the costs of investigation, including research for appropriate conditions and restrictions and premises inspection, and shall be determined and conveyed to the applicant before processing the

application. Except as provided hereafter, the fee shall be one hundred dollars (\$100) for the permitted animal with one location inspection. When permits are sought for multiple animals at the same time, and when multiple locations need to be inspected, permit fees shall be aggregated for the purpose of reducing the fees and eliminating duplication of investigation. Each additional animal and each additional location shall increase the aggregated fees by fifty dollars (\$50). Where applications are simultaneously submitted for multiple animals, the applicant may have the aggregate fee reduced by the fee amount for the additional animals upon a satisfactory showing to animal control that the animals are sufficiently similar, and not so numerous, as to be subject the same conditions. Regardless of the number of animals, the aggregated fee shall not exceed \$500 per location for successful inspections. If multiple inspections are required because of failure to pass an inspection, an additional one hundred dollars shall be applied to the fee for each additional inspection required. The permit fee for which the only change is an extension of time shall be \$25 per location.

(i) A permit issued under the provisions of this Chapter shall expire one (1) year from the date of issuance.

(j) A permit holder shall allow inspections of the premises by the Animal Control Officer at any reasonable time.

#### 10.18.020 Exemptions.

The provisions of this Chapter, with the exception of Section 10.18.030, shall not apply to:

(a) Any facility that is accredited by the Association of Zoos and Aquariums or the Global Federation of Animal Sanctuaries and holds all required permits and licenses from Comprehensive Planning, Business Licensing, the Building Department, and any other local, state, or federal regulatory agency; or

(b) A licensed veterinary office, veterinary clinic, or veterinary hospital that is providing care for any animal that has been properly permitted by this Chapter; or

(c) Any location that temporarily houses animals at the direction of the Chief of Animal Control; or

(d) Any animal merely transported through the County, not exhibited, provided that it does not remain in the County for more than 5 hours. Any animal remaining in the County between 5 hours and 24 hours, must be reported by the transporter to the Animal Control dispatch office.

#### 10.18.030 Owner Responsibility For Escape.

(a) In addition to any cage requirements set forth in the Exotic Animal Permit and the prohibition against letting animals run at large, every person who is the owner or custodian of an exotic animal, and keeps the same upon his premises under his control, shall keep the animal restrained at all times by a fence, cage, coop, chain, leash or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept.

(b) In the event of an escape, the owner shall be liable for all costs related to its recovery or impoundment. Any impoundment thereunder may be performed as a securing or summary abatement in accordance with Chapter 11.08 in coordination with Animal Control.

10.18.040 Review and Revocation.

(a) For purposes of determining whether a permit shall be issued or be suspended or revoked, including conditions, restrictions and fees related thereto, the Animal Control Officer shall keep a record of all materials considered and proffered, and the denial, suspension or revocation of such a permit may be challenged before a hearing officer and may be subject to judicial review in District Court.

(b) Animal Control may revoke, suspend, or refuse to renew any exotic animal permit upon good cause, including for failure to comply with any provision of this Title provided that the violator shall be first notified of the specific violation or violations, and, if the violation can be remedied, the violator shall have 14 days after receiving the notice of violation to correct the violation. The foregoing shall not be construed as to require a hearing before seizure of the animal, if reasonably necessary to protect health, safety or welfare.

10.18.050 Exotic Animal Panel.

The Chief of Animal Control may establish a system for maintaining a panel of persons with expertise in exotic animals, with standards and procedures related thereto, which may be available to Animal Control to assist in the administration of this chapter.

SECTION 8. 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 10<sup>th</sup>, 11<sup>th</sup>, or 12<sup>th</sup> 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.

10.20.060 Duties.

The Clark County animal advisory committee shall have and exercise the following duties:

- (A) Act in an advisory capacity to the board of county commissioners in the review and development of rules, regulations and ordinances for the care and control of animals in the county;
- (B) Study and make recommendations regarding the acquisition and provision of services and facilities for the care and control of animals by the county, including mechanisms to fund low-cost spay/neuter clinics;

- (C) Study and make recommendations regarding cooperation between the county, other government entities, veterinarians, professional animal handlers, animal owners and humane groups in the care and control of animals;
- (D) Study and make recommendations regarding the preparation and compilation of data and reports relative to animal care including, at a minimum, animal population and care and control in the county;
- (E) Meet at least once a year with fellow animal advisory committee members to develop regional ordinances with regard to spay/neuter plans, ~~[feral-]~~community cat caretakers, overpopulation problems, and educational programs for the public, including schools;
- (F) ~~[Act on behalf of the county to determine vicious animal cases;~~
- ~~(G-)]~~In its discretion, may form an ad hoc advisory committee to create education forums, public service announcements and newsletters to inform students about animal laws and to gather input on how to best educate students about responsibilities of pet ownership; and
- ~~(HG)~~ Perform such additional duties involving care and control of animals as may be delegated by the board of county commissioners.

SECTION 9. Title 10, Chapter 10.24, is amended in part to read as follows:

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

Every dog or cat or ferret or pet rabbit or potbellied 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. The foregoing does not but the following does apply to cats. 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 potbellied pig so impounded shall be released if the ownership of the dog or cat or ferret or pet rabbit or potbellied 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 potbellied pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit animal welfare programs.

(b) If the dog or cat or ferret or pet rabbit or potbellied pig 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 potbellied pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit animal welfare 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.

~~(c)~~ (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 dog or cat or ferret or pet rabbit or potbellied pig 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 potbellied pigs.

Any animal, except dogs or cats or ferrets or pet rabbits or potbellied pigs, 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]~~

10.24.080 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, provided it has not shown signs of rabies.

(c) The Clark County animal shelter or their designated contractor shall not knowingly release any animal to any person ~~[who]~~if the person, or any of its agents or principals or his or her cohabitants, intends to use the animal for experimental, laboratory, ~~[or]~~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.

10.24.090 Conditions for release of impounded dog or cat or ferret or pet rabbit or potbellied pig.

With the exception of community cat release as provided in Section 10.06.050, ~~[N]~~no dog or cat or ferret or pet rabbit or potbellied pig so impounded shall be released ~~[to any person]~~unless the animal has been spayed or neutered, vaccinated against rabies (if applicable), and ~~[been]~~implanted with a microchip and there has been a performance of the following conditions:

(a) Payment of charges and fees: There has been paid to the animal control officer all impound, board, ~~[adoption, vaccination, spay and neuter,]~~and other charges and fees required by this ~~[t]~~Title.

(b) Proof of vaccination: Proof has been shown to the satisfaction of the animal control officer that such dog or cat or ferret has been vaccinated with rabies vaccine within the time periods according to the other requirements as prescribed in this title~~;~~ or a voucher was obtained for the cost of vaccination].

(c) Inspection for rabies: The animal control officer has determined that such dog or cat or ferret does not have or is not reasonably suspected of having rabies.

(d) Release of dog or cat or ferret: After the dog or cat or ferret has been vaccinated~~;~~ or the fee for vaccination has been paid,]and if all the conditions of this chapter have been satisfied, the animal control officer shall release such dog or cat or ferret to the person keeping, harboring or having such dog or cat or ferret or to the person making application for the release of such dog or cat or ferret.

(e) Suspicions of rabies and release: If the animal control officer suspects that any dog or cat or ferret so impounded has rabies, he shall hold such dog or cat or ferret

for inspection by a veterinarian. In the event that such veterinarian shall determine that such dog or cat or ferret is afflicted with rabies, it shall be disposed of or confined for such time as the health officer shall direct. Whenever the veterinarian shall determine that such dog or cat or ferret does not have rabies, it shall be released in accordance with the provisions of this chapter.

#### 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 ownership pursuant to Section 10.24.080.

SECTION 9. 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 10. Title 10, Chapter 10.30, is amended in part to read as follows:

10.30.100 - Examination by veterinarian – Notice of treatment or medication to purchaser – Sale of an animal that requires immediate treatment prohibited.

(a) A retailer or dealer or operator shall, after the acquisition of an animal for resale or adoption, cause the animal to be examined by a veterinarian. The retailer or dealer or operator shall not [sell] offer the animal for sale or adoption [the animal] before it is initially examined by a veterinarian.

(b) A retailer or dealer or operator shall cause an animal acquired for resale or adoption to be reexamined by a veterinarian:

(1) Fourteen days after the date of its initial examination; and

(2) Every thirty days thereafter until sold or adopted.

(c) If a veterinarian conducting an examination pursuant to this section finds that an animal [~~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 or operator shall provide to the purchaser or adopter of an animal, at the time of sale or adoption, written notice of any veterinary treatment or

medication received by the animal after it was acquired by the retailer or dealer or operator, including a copy of any statement provided by a veterinarian pursuant to subsection (c) of this section. The notice must be signed by the retailer or dealer or operator, dated 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 or operator shall not knowingly sell an animal or offer an animal for adoption if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention without first notifying the purchaser or adopter of the illness, disease, or other condition and providing a cost estimate from a veterinarian for care of the animal.

(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.

#### 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, rehomed, 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 11. Title 10, Chapter 10.32, is amended in part to read as follows:

#### 10.32.010 Abandonment.

It is unlawful for any person owning, possessing or having the care, custody, and control of any animal, living or dead, to abandon the same in a public place or upon the private property of himself or another. A community cat released to the location where it was trapped per Chapter 10.06 is not considered to be abandoned.

#### 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, firefighter, paramedic, 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) [A[n officer]person specified in Subsection 10.32.070(A) 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.]~~

10.32.130 Depriving of sustenance, shelter or medical care.

It is unlawful to deprive any animal of adequate sustenance, feed, water, or shelter, or expose to the elements of the weather and to the extremes of heat or cold, or refuse to obtain veterinarian medical care for illness, injury, disease or infirmity, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.

10.32.135 Animals kept outdoors.

(a) When the National Weather Service issues [an excessive heat warning] a heat advisory, [dogs and cats] animals must be provided with supplemental cooling to adequately reduce the temperature to a normal range for the species.

(b) When the outdoor temperature is above eighty-five (85) degrees Fahrenheit, animals must have enough shade at all times to protect themselves from any direct sunlight that is likely to cause overheating or discomfort.

(c) When the outdoor temperature is below fifty (50) degrees Fahrenheit, animals must be provided an additional amount of clean bedding or other protection to keep the animal warm.

10.32.140 Enclosures and restraints.

(a) It is unlawful to confine or overcrowd, including stacking, an animal in any cage, coop, crate, box or any enclosure in a cruel or inhumane manner, or so as to produce torture.

(b) It [shall further be] is unlawful to restrict any animal by leash, cord, or chain of a length which causes cruelty or torture to the animal.

(c) It [shall be] is unlawful to tether, tie, chain or use other restraint on a dog[;] for longer than [fourteen]ten hours during a twenty-four-hour period or at any time when the National Weather Service issues a heat advisory. Any tether, tie, chain or other restraint used on a dog must be at least twelve feet long. Dogs tied to a stationary object must have a restraint that allows the dog to move at least twelve feet. Dogs tied on trolleys or pulleys must be able to move a total of at least twelve feet.

SECTION 12. Title 10, Chapter 10.36, is amended in part to read as follows:

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

10.36.040 Restraint and sanitation.

(a) No person owning or having possession of any animal other than a cat, shall cause, permit or allow the animal to stray, run or in any manner be at large.

(b) Every person who is the owner of any unsterilized dog or cat as permitted by Chapter 10.08, and keeps the same upon his premises under his control, shall keep the animal restrained by a fence, cage, coop, chain, leash or other adequate means so that the unsterilized dog or cat shall not leave or escape from the premises upon which it shall be kept.

(c) No person shall keep any such animal unless its living area is kept clean and free from offensive odors, animal wastes, rodents, flies, or any other offensive or unwholesome conditions.

~~[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 potbellied 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 13. Title 18 is amended to add a new Chapter 18.30:

Chapter 18.30 Animals on County property.

18.30.010 Prohibition and Exceptions.

1. Except as provided in Subsection 2, it is unlawful and prohibited to injure, kill, capture, feed, or release and leave any animal on real property owned or leased by the County; to remove therefrom any animal for which the person is not the lawful owner or custodian; or to attempt any such activity. In unincorporated Clark County, such a violation shall be a misdemeanor, enforceable by any peace officer or an Animal Control Officer. A person found to be in violation of this provision in any incorporated portion of the county shall be subject to trespass for failing to adhere to this prohibition, and may also be subject to prosecution for violation of any other controlling local, State or Federal law.

2. The forgoing shall not apply to any person lawfully hunting or fishing pursuant to a valid license or permit; a person employed or contracted by the County, its designee, or by other State, local or Federal agency for such purpose; a person granted written permission, including by signage, from the County Manager, Director of Parks and Recreation, Director of Real Property Management, Director of Aviation, or their designees in consideration of the public and private benefits and detriments of such action; and any person conducting such activity out of necessity privileged as an affirmative defense for the protection of life and property.

3. As used in this section, "animal," includes every living creature that is not a human being. Without limitation, the term includes every sort of mammal, fish, reptile, amphibian, bird, insect and other invertebrate, regardless of whether they are considered pests or vermin, but excludes plants, fungi and single celled creatures.

SECTION 14. Title 30, Chapter 30.08, Section 30.08.030 of the Clark County Code, is amended as follows:

<p><u>Exotic or Wild Animal</u></p>	<p><del>["Exotic Animal" means any animal, other than a bird, which is not a household pet or an animal normally raised for human consumption which is no longer exotic as determined by the United States Department of Agriculture, such as lions, tigers, bears, or monkeys. See also "Agriculture-Aviary," "Agriculture-Livestock" and "Household Pet."]</del>  <u>"Exotic or Wild Animal" has the meaning ascribed to it in Section 10.04.183 of Clark County Code.</u></p>
<p><u>Household Pets</u></p>	<p><del>["Household Pets" means animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, birds, pot-bellied pigs, ferrets, hamsters, parakeets, non-venomous reptiles and amphibians not more than six feet in length, but not including their young less than three (3) months old. Any domesticated farm animal permitted under "Agriculture-Livestock" which are normally raised for consumption shall not be considered to be a household pet. See "Agriculture-Aviary," "Agriculture-Livestock," "Exotic Animals, Kennel, Pet Fancier."]</del>  <u>"Household Pets" has the meaning ascribed to it in Section 10.04.203 of Clark County Code.</u></p>
<p><u>Inherently Dangerous Exotic or Wild Animal</u></p>	<p><u>Inherently Dangerous Exotic or Wild Animal has the meaning ascribed to it in Section 10.04.212 of Clark County Code.</u></p>

SECTION 15. Title 30, Chapter 30.168, Section 30.16.070 of the Clark County Code, is amended as follows:

30.16.070 - Special Use Permits.

<p>g. Approval Authority</p>	<p>Commission; except the recommendation of the Commission shall be forwarded to the Board for the following applications to:</p>
	<p><b>1.</b> Expand the Gaming Enterprise District</p>
	<p><b>2.</b> Establish a facility for Explosives, Hazardous Materials or Waste in amounts regulated by NRS and NAC and as required pursuant to NRS 278.147</p>
	<p><b>3.</b> Establish a heliport</p>
	<p><b>4.</b> Modify evaluative criteria for mixed use development in the C-1, C-2, U-V, and H-1 districts pursuant to Section 30.48.730</p>
	<p><b>5.</b> Redeveloping manufactured home parks to a different use Board for the following:</p>
	<p><b>1.</b> Submitted in conjunction with, or in lieu of, another application that requires board approval</p>
	<p><b>2.</b> Project of regional significance</p>
	<p><b>3.</b> Mixed use development pursuant to Section 30.48.730(2)</p>
	<p><b>4.</b> High impact project</p>
	<p><b>5.</b> Waivers for check cashing conditions</p>
	<p><b>6.</b> Increase in number of allowed [<del>dogs or cats (see 30.44-1</del>] Household Pets[<del>}]</del></p>

	<b>7. Projects within the SOSA Design Overlay District (see Chapter 30.48 Part M)</b>
	<b>8. <u>Exotic or wild animals and inherently dangerous exotic or wild animals</u></b>
	<b>9. Truck staging area</b>
	<b>10. Medical marijuana establishments as regulated by NRS Chapter 453A</b>
	<b>11. Massage</b>
	<b>12. Extended hours of operation for reflexology and reflexology establishments</b>
	<b>13. When required for seasonal sales or temporary outdoor commercial events</b>
	<b>14. Historic Designation per Section 30.48 PART O</b>
	<b>15. Transitional living facility for released offenders</b>
	<b>16. At the discretion of the Zoning Administrator</b>

SECTION 15. Title 30, Chapter 30.44, Section 30.44-1 of the Clark County Code, is amended as follows:

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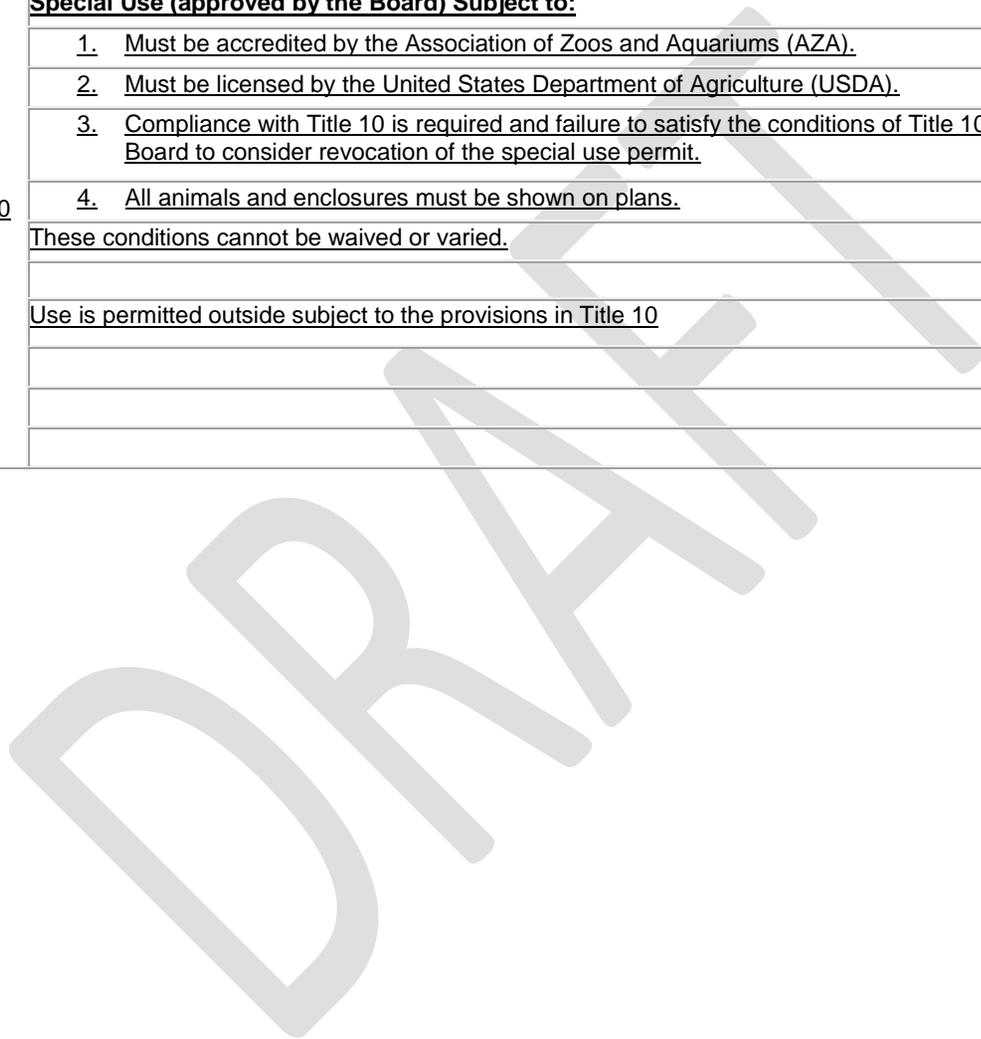
Table 30.44-1 Global Use Table

A=Accessory Use C=Conditional Use P=Permitted Use S=Special Use Permit T=Administrative Temporary Use Permit  
 Note: If box is empty, use is prohibited

Uses	SLUCM CODE	Residential Districts											Commercial Districts				Manufacturing/Industrial Districts				Miscellaneous Districts					
		R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5	CRT	C-P	C-1	C-2	M-D	M-1	M-2	O-S	H-2	P-F	RVP	U-V	H-1	
Exotic or Wild Animals	8200	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S, A	
		<b>Special Use (approved by the Board) Subject to:</b> 1. Any proposed enclosure must be approved by Clark County Animal Control. 2. Annual inspections by Clark County Animal Control. <b>Accessory Use</b> when in conjunction with a resort hotel and when shown on plans approved by the Board.																								
Uses	SLUCM CODE	Residential Districts											Commercial Districts				Manufacturing/Industrial Districts				Miscellaneous Districts					
		R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5	CRT	C-P	C-1	C-2	M-D	M-1	M-2	O-S	H-2	P-F	RVP	U-V	H-1	
		C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	C, S	
Household Pets – See Also “Kennel”	0	<b>[Dog and Cat ]Conditional Use Subject to:</b> 1. Must be accessory to a residential use. 2. Maximum [of 3 dogs and 3 cats, unless otherwise]number as permitted as a pet fancier by Chapter 10.08. <b>[Dog and Cat ]Special Use (approved by the Board) Subject to:</b>																								

		<p>1. <del>Being ]</del><u>Must be</u> accessory to residential principal use.</p> <p>2. Owner or resident use only.</p> <p>3. An additional 2 <del>[dogs or cats ]</del><u>household pets</u> per every 10,000 square feet of lot area, not to exceed a maximum of twenty (20) for total lot area.</p> <p>4. In Community District 5 with minimum lot area of 80,000 square feet, 2 <del>[dogs or cats ]</del><u>household pets</u> per 4,000 square feet of lot area, up to a maximum of 25.</p> <p>5. No sale of <del>[dogs or cats]</del><u>household pets</u>.</p> <p><del>[6. All dogs and cats being sterilized.]</del></p> <p>Condition[s] #5 <del>[and #6-]</del>cannot be waived or varied.</p> <p><b><del>[Pot Bellied Pigs Conditional Use Subject to:</del></b></p> <p><del>1. Pot-bellied pigs are permitted only as follows:</del></p> <p><del>A. All pot-bellied pigs must be registered with a local registry for pot-bellied pigs.</del></p> <p><del>B. Must be in conjunction with single-family detached dwelling units.</del></p> <p><del>C. Must be spayed or neutered.</del></p> <p><del>D. Maximum height of any pot-bellied pig shall be 28 inches measured from the shoulder.</del></p> <p><del>E. Maximum weight of any pot-bellied pig shall not exceed 250 pounds.</del></p> <p><del>F. Maximum number of pot-bellied pigs maintained on any lot shall not exceed the following:</del></p> <p><del>i. 1 pot-bellied pig for any lot less than 13,200 square feet in area.</del></p> <p><del>ii. 2 pot-bellied pigs for any lot less than 20,000 square feet but greater than or equal to 13,200 square feet in area.</del></p> <p><del>iii. 3 pot-bellied pigs for any lot less than 40,000 square feet but greater than or equal to 20,000 square feet in area.</del></p> <p><del>iv. 6 pot-bellied pigs for any lot 40,000 square feet or greater in area.]</del></p> <p>Animals are permitted outside <u>subject to the provisions in Title 10.</u></p>																					
Uses	SLUCM CODE	Residential Districts					Commercial Districts					Manufacturing/Industrial Districts				Miscellaneous Districts							
		R-U	R-A	R-E	R-D	R-1	R-T	R-2	RUD	R-3	R-4	R-5	CRT	C-P	C-1	C-2	M-D	M-1	M-2	O-S	H-2	P-F	RVP

		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>
<u>Inherently Dangerous Exotic or Wild Animals</u>	8200	<b>Special Use (approved by the Board) Subject to:</b>																						
		1. <u>Must be accredited by the Association of Zoos and Aquariums (AZA).</u>																						
		2. <u>Must be licensed by the United States Department of Agriculture (USDA).</u>																						
		3. <u>Compliance with Title 10 is required and failure to satisfy the conditions of Title 10 shall be cause for a hearing before the Board to consider revocation of the special use permit.</u>																						
		4. <u>All animals and enclosures must be shown on plans.</u>																						
		<u>These conditions cannot be waived or varied.</u>																						
		<u>Use is permitted outside subject to the provisions in Title 10</u>																						



SECTION 16. 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 17. The minimum sentencing and permit preclusion set forth in Subsection 10.18.010(c) take effect six (6) months after the effective date of this ordinance.

SECTION 18. 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 19. 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 \_\_\_\_\_, 2015.

PROPOSED BY:

PASSED on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

AYES: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

ABSTAINING: \_\_\_\_\_

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

BOARD OF COUNTY COMMISSIONERS  
CLARK COUNTY, NEVADA

BY: \_\_\_\_\_

Steve Sisolak, Chairman

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after  
the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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