



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

www.washoecounty.us

CM/ACM	_____
Finance	<u>N/A</u>
DA	_____
Risk Mgt.	<u>N/A</u>
HR	<u>N/A</u>
Clerk	_____

STAFF REPORT
BOARD MEETING DATE: April 12, 2016

DATE: March 23, 2016

TO: Board of County Commissioners

FROM: Robert Smith, Manager
Regional Animal Services, 353-8945, rasmith@washoecounty.us

THROUGH: Shyanne Schull, Animal Services Director

SUBJECT: An update and possible discussion of the role, composition, duties and history of the Animal Control Board, and possible direction to staff to maintain or initiate modifications to the Animal Control Board. (All Commission Districts)

SUMMARY

A presentation and update to the Board of County Commissioners on the purpose and function of the Animal Control Board and hold a possible discussion.

Washoe County Strategic Objective supported by this item: Stewardship of Our Community

PREVIOUS BOARD ACTION

On March 8, 2016 Chair Jung requested a presentation and update to the Board regarding the Animal Control Board ("ACB").

BACKGROUND

The Animal Control Board powers and duties are described in WCC 55.030.

The Animal Control Board consists of seven (7) members. 5 members are appointed by their respective commissioners in each district, 1 member is a representative of a humane organization, and 1 member has exotic animal experience. Technical assistance/ support for the ACB are provided by Regional Animal Services' staff.

The ACB decides: (1) contested applications for over-the-legal limit dog and cat kennel permits (more than 3 dogs or 7 cats), and (2) exotic animal permit applications. The ACB is charged with determining if the permit is in the best interests of the animals and

the community. Specifically, the ACB exercises the powers and duties set forth more fully in WCC sections:

- 55.390: Permit to keep more than three dogs over 4 months of age or 7 cats over four months of age
- 55.415: Permit: Cattery requirements; specifications
- 55.420: Approval, disapproval of application to keep more than three adult dogs or seven adult cats; issuance of permit; appeals
- 55.450: Suspension; revocation of permit; appeal to animal control board
- 55.650: Exotic animals; application for permit to keep
- 55.660: Approval, disapproval of application to keep exotic animal; issuance of permit; appeals
- 55.670: Suspension; revocation of exotic animal permit; appeal to animal control board; hearing
- 55.680: Enclosures for primates; minimum structural requirements
- 55.690: Enclosures for felines; minimum structural requirements
- 55.700: Enclosures for canines; minimum structural requirements
- 55.710: Enclosures for reptiles; minimum structural requirements
- 55.720: Enclosures for bears, hoofed animals, marsupials and raptors; minimum structural requirements
- 55.730: Additional standards

OUTLINE OF PERMIT PROCESS

In general, any person who wishes to keep more than 3 dogs or 7 cats in the animal congested areas of Washoe County or who wishes to keep an exotic animal must apply for a permit. (There are some exceptions specified in current WCC). Once an application is filed, Regional Animal Services proceeds as follows:

- Create application file
- Research address
- Obtain GIS mapping of the listed address
- Obtain information from Assessor's Office for addresses within 200 feet of listed address
- Send neighbor notifications to each listed resident/property owner within 200 feet of listed address
- If an application is contested, prepare and distribute ACB materials
- Present findings of fact to members during the board meeting
- Produce action orders based on the ACB's determination
- Deliver action orders to applicant

When an animal owner appeals the ACB's action order, Regional Animal Services staff proceeds as follows:

- Notifies the appropriate staff member in the District Attorney's Office

- Collects the administrative record & orders transcription of the audio recording of the hearing for judicial review
- District Attorney's Offices handles the appeal
- Outcome received from the district court
- Complies with court's determination

Over the last three years, there have been forty-eight (48) applications presented to the board, six (6) exotic animal applications and forty-two (42) kennel permit applications. The average ACB meeting is 1.5 hours long and there are 2 to 4 applications presented to the ACB at each meeting.

Over the same three (3) year period, there have been fifty-six (56) uncontested kennel permits approved by Regional Animal Services.

FISCAL IMPACT

There is no fiscal impact from this action.

RECOMMENDATION

It is recommended that the Board of County Commissioners accept the update and possible discussion of the role, composition, duties and history of the Animal Control Board, and possible direction to staff to maintain or initiate modifications to the Animal Control Board.

POSSIBLE MOTION

Should the Board agree with staff's recommendation, a possible motion would be:
"Move to accept the update of the role, composition, duties and history of the Animal Control Board, and give possible direction to staff to maintain or initiate modifications to the Animal Control Board."

55.030 Animal control board; composition; qualifications; powers and duties.

1. An animal control board is hereby established. The animal control board shall consist of seven members to be appointed by the board of county commissioners. The cities of Reno and Sparks each may submit a list of persons recommended by the respective city councils for appointment to the board. The county may also consider other persons for appointment to the board.

2. In making appointments to the board, the board of county commissioners may establish such qualifications as it deems appropriate, but at any given time:

(a) At least one member must be a person who owns or has previously owned an exotic animal or who has other qualifications demonstrating knowledge in the care and supervision of exotic animals;

(b) At least one member must be a representative of a society for the prevention of cruelty to animals incorporated pursuant to chapter 574 of NRS. In addition, one member must be appointed from each of the commissioner districts as set forth in section 5.015 and as follows:

(c) One member who resides in commissioner district no. 1;

(d) One member who resides in commissioner district no. 2;

(e) One member who resides in commissioner district no. 3;

(f) One member who resides in commissioner district no. 4; and

(g) One member who resides in commissioner district no. 5.

3. The terms of the members shall be four years, except that upon the appointment of the members constituting the first animal control board those members will serve terms as provided herein. Four members of the board shall be appointed to 4-year terms and three members shall be appointed to 2-year terms. If a vacancy occurs on the board, the board of county commissioners shall appoint a person with appropriate qualifications as specified herein until the expiration of the term which is the subject of the vacancy.

4. A majority of the animal control board constitutes a quorum for the transaction of business and a majority of those present and constituting a quorum must concur in any decision.

5. The animal control board shall elect a chairman and vice-chairman from among its members who shall hold office for 1 year and until the election and qualification of successors. The chairman shall be responsible for conduct of the meeting. The vice-chairman shall act in the chairman's absence.

6. Any member who misses 3 consecutive meetings without a valid excuse may be removed by the board of county commissioners and the vacancy filled in accordance with the terms of this section.

7. The animal control board shall exercise those powers and duties set forth in sections 55.415, 55.420, 55.450 and 55.650 to 55.730, inclusive. Technical assistance and support to the board shall be provided by county staff as designated by the director of public works.

[§5, Ord. No. 1207; A Ord. Nos. 1212, 1269]

55.390 Permit to keep more than three dogs over 4 months of age or 7 cats over four months of age.

Except as provided in section 55.430, a person shall not keep more than three dogs over 4 months of age nor more than seven cats over 4 months of age, for more than 30 days at any place or residence within a congested area without a permit issued in accordance with section 55.400 to 55.420, inclusive. For purposes of this chapter, a dog over 4 months of age shall be deemed an adult dog and a cat over 4 months of age shall be deemed an adult cat.

[§43, Ord. No. 1207; A Ord. No. 1269]

55.400 Permit to keep more than three adult dogs or seven adult cats: Applications; inspections; fees.

1. Application for a permit to keep more than three adult dogs or seven adult cats must be made to the animal services staff. The application for a permit to keep more than three adult dogs must:

- (a) Specify the number and breed or breeds of dogs for which the permit is requested;
- (b) Be accompanied by construction drawings showing the proposed design and location of the kennel required under section 55.410. If the dogs are to be kept in an existing kennel, a detailed drawing of the kennel must be submitted. All drawings must specify the type and size of the kennel, the type of material used to construct the kennel and the location of the kennel on the premises; and
- (c) Be accompanied by an application fee in the amount established by the board. A releasing agency as defined herein is exempt from the application fee.

2. An application for a permit to keep more than seven adult cats must:

- (a) Specify the maximum number of cats for which a permit is requested;
- (b) Be accompanied by construction drawings showing the proposed design and location of the cattery required under section 55.415. If the cats are to be kept in an existing cattery, a detailed drawing of the cattery must be submitted. All drawings must specify the type and size of the cages, the type of material used to construct the cattery and the location of the cattery on the premises; and
- (c) Be accompanied by an application fee in the amount established by the board. A releasing agency as defined herein is exempt from the application fee.

3. Upon receipt of the application to keep more than three adult dogs, an animal control officer shall review the drawings of the kennel and inspect the premises for which the application for a permit is made to determine that:

- (a) Keeping the dogs at the location specified in the application will not violate any state or local laws or regulations;
- (b) The kennel will meet the requirements contained in section 55.410.
- (c) Maintenance of the dogs will not endanger the peace, health or safety of persons residing in the county;
- (d) The premises are capable of being maintained in a clean and sanitary condition, and any dog therein will not be subject to neglect, cruelty or abuse; and
- (e) Keeping and maintaining the dogs will not constitute a nuisance as defined herein.

4. Upon receipt of an application to keep more than seven adult cats, an animal control officer shall review the drawings of the cattery and inspect the premises for which the application for a permit is made to determine that:

- (a) Keeping the cats at the location specified in the application will not violate any state or local laws or regulations;
- (b) The cattery will meet the requirements contained in section 55.415;
- (c) Maintenance of the cats will not endanger the peace, health or safety of persons residing in the county;
- (d) The premises are capable of being maintained in a clean and sanitary condition, and any cat therein will not be subject to neglect, cruelty or abuse; and
- (e) Keeping and maintaining the cats will not constitute a nuisance as defined herein.

[§44, Ord. No. 1207; A Ord. No. 1269]

55.410 Kennel requirements for keeping more than three adult dogs.

1. The dogs which are the subject of the permit to keep more than three adult dogs must be kept in a kennel or under the immediate supervision of a responsible adult, except when inside the residence.
2. Except as provided in subsection 4, new kennels must:
 - (a) Be not less than 6 feet in width by 10 ½ feet in length by 6 feet in height (540 cubic feet) for four small size dogs, such as Toy Poodles, Pekinese and Chihuahuas. The width of the kennel must be increased by 2 feet for each additional dog.
 - (b) Be not less than 14 feet in width by 12 feet in length by 6 feet in height (1,008 cubic feet) for four medium size dogs such as Labrador Retrievers, German Shepherds and Collies. The width of the kennel must be increased by 4 feet for each additional dog.
 - (c) Be not less than 18 feet in width by 20 feet in length by 6 feet in height (2,160 cubic feet) for four large size dogs such as Saint Bernards and Great Danes. The width of the kennel must be increased by 6 feet for each additional dog.
3. In addition to the requirements of subsection 2, new kennels must:
 - (a) Be constructed of 11.5 gauge chain link fence or sturdier or of other material of equal strength upon approval of the animal control officer;
 - (b) Have a concrete floor. Wood, gravel or dirt flooring is permitted if the posts supporting the kennel walls have concrete footings not less than 24 inches in depth and the perimeter of the kennel has a concrete footing, or material of similar strength upon approval of the animal control officer, at least 6 inches wide and not less than 12 inches deep. The walls of the kennel shall be securely fixed to the concrete floor or footings. When deemed necessary by the animal control officer, the top of the kennel shall be enclosed and shall be securely attached to the walls; and
 - (c) Contain an area sheltered from adverse climatic conditions to which the dogs have access at all times.
4. Width and length of kennels may be altered upon approval of the animal control officer provided that the overall cubic foot size requirements specified in subsection 2 are met for the types and number of dogs kept. The kennel construction requirements of subsection 2 and 3 do not apply to animals to be kept inside the owner's residence.
5. If the dogs will be kept in an existing kennel, an animal control officer shall inspect the kennel to determine that it is adequate or meets the requirements contained in this section. The animal control officer may specify alterations to be made to an existing kennel to meet the requirements of this section.

[§45, Ord. No. 1207; A Ord. No. 1269]

55.415 Permit: Cattery requirements; specifications.

The cats which are the subject of the permit must be kept in a cattery. The cattery must conform to the Cat Fancier Association's Cattery Standards, as determined by an animal control officer. If cages are used to house the cats, they must meet the minimum space requirements of 30 cubic feet as specified in the Cat Fancier Association's Cattery Standards. The cattery permit requirements stated in this chapter do not apply to the unincorporated area of Washoe County.

[§14, Ord. No. 1269]

55.420 Approval, disapproval of application to keep more than three adult dogs or seven adult cats; issuance of permit; appeals.

1. Within 10 days following the inspection of the premises and review and approval of the kennel or cattery, if already existing, or of the drawings for a new kennel or cattery, the animal control officer must notify, in writing, each person residing within 200 feet of the location at which the dogs or cats will be kept or maintained and each person residing on property adjacent to the property for which the permit application has been filed that a kennel or cattery permit application has been filed and the street address of the applicant. If no objection to the application is filed within the time limit and in the manner hereinafter provided, the county shall notify the applicant that he may proceed to construct or remodel the kennel or cattery as the case may be. The animal control officer shall not authorize the issuance of a permit to keep more than three adult dogs or seven adult cats unless the officer can make the findings set forth in section 55.400(3) for a kennel permit, or section 55.400(4) for a cattery permit. In addition, the animal control officer may specify additional conditions on the issuance of the permit.
2. If any person notified pursuant to subsection 1, objects to the issuance of the permit, he may, within 15 days after receipt of notification, file a written objection to the animal services staff. When a written objection is filed, the animal services staff shall notify the applicant of the filing of the written objection and the date on which the matter will be heard by the animal control board.
3. If the applicant for the permit objects to the animal control officer's recommendations concerning construction or remodeling of the kennel or cattery, objects to other conditions imposed by the animal control officer on the permit, or wishes to appeal a denial of a permit, the applicant may file an appeal with the county for a hearing before the animal control board. Any such appeal must be filed within 30 days of the animal control officer's decision regarding the kennel or cattery or denial of the permit.
4. All proceedings of the animal control board shall be conducted in accordance with the provisions of Chapter 241 of the NRS. At the hearing, the animal control board will consider all objections filed and other evidence presented and may approve or prohibit the keeping of more than three adult dogs or seven adult cats on the premises. In taking action on the appeal, the animal control board may add to or modify conditions it deems necessary or advisable to the permit.
5. If the applicant is required to construct or remodel the kennel or the cattery, he must apply to the building department in the jurisdiction where the kennel or cattery is to be located for the appropriate permits if required, within 15 days of receipt of notice that authorization is granted. The kennel or cattery must be constructed or remodeled within 60 days of the animal control board authorization and in compliance with the plans reviewed by the county, including any conditions imposed thereon by the animal control officer and/or the animal control board. In case of demonstrated hardship or for other good cause, the animal control officer may permit a longer period of time in which to construct or remodel the kennel or cattery.
6. Upon completion of the construction or remodeling of the kennel or cattery in accordance with requirements established by the animal control officer and/or the animal control board, the county shall issue the kennel or cattery permit.
7. If the applicant is unable to comply with the kennel or cattery remodel or construction requirements of Chapter 55 or any condition imposed on the permit by the animal control officer or animal control board, the applicant may re apply for a permit to the animal control board for appropriate relief.

8. If the animal control board denies the appeal thereby prohibiting the keeping of more than three adult dogs or seven adult cats on the premises, the applicant must comply with the provisions of section 55.390 within 30 days of the board's action. If the kennel or cattery is not constructed or remodeled within the time limit specified in subsection 5, the applicant must immediately comply with the provisions of section 55.390 or reapply to the Washoe County animal control board for appropriate relief.

9. The decision of the animal control board is final and a person aggrieved by the decision may seek judicial review thereof and must file a petition for writ of mandamus within 30 days of the animal control board's decision at its meeting.

10. Failure of the county to take action on the kennel or cattery application within 120 days from the date of application will constitute approval of the issuance of the permit.

11. As a condition of approval of a kennel or cattery permit, the permittee agrees to allow an animal control officer to inspect the premises that are the subject of the permit upon reasonable notice at a reasonable time. Special inspection requests will be considered.

[§46, Ord. No. 1207; A Ord. No. 1269]

55.430 Kennel or cattery permit not required; circumstances.

1. A permit to keep more than three adult dogs or adult cats is not required and the provisions of sections 55.390 to 55.420, inclusive, do not apply to:

(a) Kennels or catteries used to board animals owned by other persons and operated pursuant to a duly issued business license;

(b) Kennels used by a member of a public law enforcement agency for dogs in the service of that agency;

(c) Dogs or cats under the age of 4 months if kept within a sufficient enclosure;

(d) Dogs or cats held by or in the custody or in the control of persons who are nonresidents of the county and who are temporarily in the county for a period not to exceed 30 days;

(e) Dogs or cats brought to the county for participation in any dog or cat show or exhibition;

(f) Dogs or cats belonging to activated military personnel that are being cared for by a resident of the county for the period of the activation, but in no event for a period greater than 12 months; and

(g) Service animals.

[§47, Ord. No. 1207; A Ord. No. 1269]

55.440 Permit fees; exemptions.

1. A person owning or operating a kennel pursuant to a permit shall pay an annual permit fee set by the board of county commissioners. The fee shall be paid each year not later than one year from the date on which the initial fee was paid.

2. A person owning or operating a cattery pursuant to a permit shall pay an annual permit fee set by the board of county commissioners. The fee shall be paid each year not later than one year from the date on which the initial fee was paid.

3. The fee required under section 55.400 will not be charged if the principal purpose of operating the kennel is to keep and maintain helping dogs, hearing dogs, guide dogs, or a releasing agency as defined by 55.010.

[§48, Ord. No. 1207; A Ord. No. 1269]

55.450 Suspension; revocation of permit; appeal to animal control board; hearing.

1. The holder of a kennel or cattery permit is subject to continued compliance with the provisions of sections 55.400 to 55.420, inclusive, and to any conditions imposed on the kennel or cattery permit. A kennel or cattery permit issued under sections 55.400 to 55.420, inclusive, may be suspended or revoked for failure of the permittee to comply with the provisions of sections 55.400 to 55.420, inclusive, or with any condition(s) imposed on the permit.
2. If an animal control officer becomes aware that a permittee is not complying with the provisions of sections 55.400 to 55.420, inclusive, or with any conditions imposed on the permit, the animal control officer may suspend or revoke the kennel or cattery permit. If the animal control officer suspends or revokes a kennel or cattery permit, the permittee shall be advised in writing of the reason or reasons therefor and may file an appeal of that decision to the animal control board not later than 14 days after receiving the written notice. A failure to appeal the decision of the animal control officer within 14 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.
3. Upon an appeal being filed, the animal control board shall, within 30 days, hold a hearing on the appeal.
4. The animal control board may take any testimony and evidence it deems necessary. All proceedings shall be conducted in accordance with the provisions of Chapter 241 of the NRS.
5. The decision of the animal control board sustaining, reversing, or sustaining with conditions the action of the animal control officer shall include findings of fact and be transmitted in writing to the applicant within 10 working days.
6. The permittee aggrieved by the decision of the animal control board may seek judicial review thereof and must file a petition for writ of mandamus within 30 days of the animal control board's decision at its meeting. During the course of judicial review, the kennel or cattery permit shall be continued until a decision is rendered by the district court.

[§49, Ord. No. 1207; A Ord. No. 1269]

55.650 Exotic animals; application for permit to keep.

1. It is unlawful for any person to keep any exotic animal within the county without a permit therefor approved by the animal control board.
2. Application to keep an exotic animal must be filed with the county and must:
 - (a) Specify the exotic animal or animals for which the permit is requested; and
 - (b) Be accompanied by construction drawings showing the proposed design and location of the appropriate enclosure required under section 55.680, 55.690, 55.700, 55.710 or 55.720. If the animal or animals are to be kept in an existing enclosure, a detailed drawing of the enclosure must be submitted. All drawings must specify the type and size of the enclosure, the type of material used to construct the enclosure and the location of the enclosure on the premises.
3. Upon receipt of the application, the county will review the drawings of the enclosure and provide for an animal control officer to inspect the premises for which the application for a permit is made to determine that:

- (a) Keeping the animal or animals at the location specified in the application will not violate any state or local laws or regulations;
- (b) The enclosure will meet the requirements of section 55.680, 55.690, 55.700, 55.710 or 55.720;
- (c) Maintenance of the animal or animals will not endanger the peace, health or safety of persons residing in the county;
- (d) The premises are capable of being maintained in a clean and sanitary condition, and any animal or animals therein will not be subject to neglect, cruelty or abuse;
- (e) Keeping and maintaining the animal or animals will not constitute a nuisance as defined herein and by state law; and
- (f) If an exotic animal is to be imported into the county, a copy of the written approval received from the department of wildlife pursuant to NRS 503.597 must accompany the application.

4. Each application shall be accompanied by a nonrefundable fee set by the board of county commissioners.

[§67, Ord. No. 1207; A Ord. No. 1269]

55.660 Approval, disapproval of application to keep exotic animal; issuance of permit; appeals.

1. Upon receipt of the completed application and within 10 days following the inspection of the premises, the county will set a date for a hearing before the animal control board. The county will notify any person residing within 200 feet of the location at which the exotic animal will be kept or maintained and each person residing on property adjacent to the property for which the permit application has been filed. The notification will indicate the type of animal for which the permit is sought, the address of the applicant, and the date of the hearing.
2. Any person notified pursuant to subsection 1, may file a written objection within 15 days of receipt of the notification. The written objection must be filed with the county.
3. All proceedings of the animal control board shall be conducted in accordance with the provisions of Chapter 241 of the NRS. At the time and place set for the hearing, the animal control board will consider all objections filed and other evidence presented and may approve or prohibit the keeping of the exotic animal. The animal control board shall not approve a permit to keep an exotic animal unless the board can make the findings set forth in section 55.650(3).
4. In taking action at the hearing to approve the permit, the animal control board may impose conditions it deems necessary or advisable to the permit, including, but not limited to at what times and under what conditions the animal may be removed from its enclosure. In considering removal of the animal from its enclosure, the animal control board shall consider, among other things, and in the following order of priority:
 - (a) The effect on public health and safety if such removal is allowed;
 - (b) Whether the need exists for secure restraint of the animal by leash or other device, while the animal is removed from the enclosure;
 - (c) Whether, and by what method, the animal will be transported to other areas within or without the county; and
 - (d) Whether the method of transportation of the animal is adequate to insure public health and safety. Except in cases of emergency wherein the life, health or safety of the exotic animal is threatened or immediate medical treatment is required, the owner thereof shall strictly adhere to each condition

imposed by the animal control board pursuant to this section. Failure to do so constitutes cause for immediate suspension and revocation of the permit to keep the animal.

5. If the applicant is required to construct or remodel an enclosure, he must immediately apply to the building department in the jurisdiction where the enclosure is to be located for the appropriate permits. The enclosure must be constructed or remodeled within 60 days of issuance of the building permit and in strict compliance with the provisions this chapter, including any conditions imposed by the animal control board.

6. Upon completion of the construction or remodeling of the enclosure, the county shall issue the exotic animal permit.

7. If the animal control board denies the exotic animal permit or the applicant disagrees with a condition of approval of the permit, the applicant may seek judicial review thereof and must file a petition for writ of mandamus within 30 days of the animal control board's decision at its meeting.

8. As a condition of approval of an exotic animal permit, the permittee agrees to allow an animal control officer to inspect the premises that are the subject of the permit upon reasonable notice at a reasonable time.

9. Except as otherwise provided in this chapter, a permit obtained under this section is valid for as long as the permittee owns the animal; however, when the permittee's address or the location where the animal is kept changes, the permit automatically becomes void and a new application must be submitted to the county.

[§68, Ord. No. 1207]

55.670 Suspension; revocation of exotic animal permit; appeal to animal control board; hearing.

1. The holder of an exotic animal permit is subject to continued compliance with the provisions of sections 55.650 to 55.730, inclusive, and to any conditions imposed on the permit. An exotic animal permit issued under sections 55.650 to 55.730, inclusive, may be suspended or revoked for failure of the permittee to comply with the provisions of sections 55.650 to 55.730, inclusive, or with any condition(s) imposed on the permit.

2. If an animal control officer becomes aware that a permittee is not complying with the provisions of sections 55.650 to 55.730, inclusive, or with any conditions imposed on the permit, the animal control officer may serve notice of suspension or revocation on the permittee. The notice must advise the permittee in writing of the reason or reasons for the suspension or revocation, and the permittee may appeal that decision to the animal control board not later than 14 days after receiving the notice. A failure to appeal the decision of the animal control officer within 14 days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

3. In cases where an animal control officer believes that the health and safety of the public or the animal is in jeopardy, the animal control officer may take action to suspend immediately the permit and take appropriate action to protect the health and safety of the public or the animal, including, but not limited to, the removal of the animal from the premises.

4. Upon an appeal being filed, the animal control board shall, within 30 days, hold a hearing on the appeal.

5. The animal control board may take any testimony and evidence it deems necessary. All proceedings shall be conducted in accordance with the provisions of Chapter 241 of the NRS.

6. The decision of the animal control board sustaining, reversing, or sustaining with conditions the action of the animal control officer shall include findings of fact and be transmitted in writing within 10 working days.

7. The permittee aggrieved by the decision of the animal control board may seek judicial review thereof and must file a petition for writ of mandamus within 30 days of the animal control board's decision at its meeting. During the course of judicial review, any exotic animal permit shall be continued until a decision is rendered by the district court.

8. If a permit is revoked, the owner of the animal which is the subject of the permit shall transfer ownership of the animal by sale or gift to another person who is capable of compliance with this chapter, or shall remove it from the county. If ownership of the animal is transferred, the transferee shall immediately apply for a permit to be issued not later than 60 days from the date of transfer of ownership. If a permit is not obtained by the end of the 60-day period, the animal shall be removed from the county.

[§69, Ord. No. 1207]

55.680 Enclosures for primates; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsections 2 to 8 inclusive, shall be adhered to before a primate may be kept pursuant to a permit issued under the provisions of section 55.660.

2. Enclosures for small size primates, such as marmosets and squirrel monkeys, shall be not less than 3 feet by 4 feet (48 cubic feet) for two or less of such primates. The size of the enclosure shall be increased by not less than 1 foot by 3 feet by 4 feet (12 cubic feet) for each additional small size primate.

3. Enclosures for medium size primates, such as capuchins, shall be not less than 6 feet by 6 feet by 6 feet (216 cubic feet) for two or less of such primates. The size of the enclosure shall be increased by 2 feet by 4 feet by 6 feet (48 cubic feet) for each additional medium size primate.

4. Enclosures for large size primates, such as spider monkeys, woolies and macaques, shall be not less than 10 feet by 10 feet by 8 feet (800 cubic feet) for two or less of such primates. The size of the enclosure shall be increased to 10 feet by 20 feet by 8 feet (1,600 cubic feet) when there are more than two but less than five of such primates. The size of the enclosure shall be increased by 4 feet by 10 feet by 8 feet (320 cubic feet) for each additional large size primate thereafter.

5. Enclosures for large size primates, such as chimpanzees, gorillas, orangutans and gibbons, shall meet zoo specifications unless the animal control board determines, under the circumstances, that other specifications are appropriate.

6. Enclosures for small and medium size primates shall be constructed of not less than 11 gauge chain link or heavy wrapped wire. The floor of such enclosures shall consist of concrete, wood or gravel. All enclosures shall have a secure top.

7. All primates shall have access at all times to an area sheltered from adverse climatic conditions. The sheltered area shall be heated during winter months.

8. The animal control board may require security fencing surrounding any primate enclosure if it determines, under the circumstances, that such fencing is warranted.

[§70, Ord. No. 1207]

55.690 Enclosures for felines; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsection 2 to 7 inclusive, shall be adhered to before a feline may be kept pursuant to a permit issued under the provisions of section 55.660.
2. Enclosures for small size felines, such as margays, servals and ocelots, shall be not less than 10 feet by 10 feet by 6 feet (600 cubic feet) for two or less of such felines. The size of the enclosure shall be increased by 6 feet by 6 feet by 6 feet (216 cubic feet) for each additional small size feline.
3. Enclosures for large size felines, such as cougars, leopards and jaguars, shall be not less than 10 feet by 20 feet by 8 feet (1,600 cubic feet) for one of such felines. The size of the enclosure shall be increased to 20 feet by 8 feet (3,200 cubic feet) when there is more than one but less than four of such felines. The size of the enclosure for four or more of such felines shall be established by the animal control board on a case-by-case basis.
4. Enclosures for lions shall be not less than 15 feet by 20 feet by 8 feet (2,400 cubic feet) for each lion. No more than one lion may be housed in each enclosure. When more than one lion is kept, each additional enclosure may adjoin the primary enclosure.
5. Enclosures for tigers shall be not less than 15 feet by 20 feet by 10 feet (3,000 cubic feet) for each tiger. No more than one tiger may be housed in each enclosure. When more than one tiger is kept, each additional enclosure may adjoin the primary enclosure.
6. Enclosures for small size felines shall be constructed of not less than 11 gauge chain link or heavy wrapped wire. Enclosures for large size felines shall be constructed of not less than 9 gauge chain link. The floor of all enclosures for felines shall consist of concrete or wood. Gravel or dirt flooring may be used if the enclosure is properly secured against escape by such felines through digging. All enclosures must have a secure top.
7. All felines shall have access at all times to an area sheltered from adverse climatic conditions.
8. The enclosure requirements for felines set forth in subsections 2 to 7, inclusive, may be waived by the animal control board if it finds that the size and disposition of the feline are such that the feline poses no danger to public health and safety.

[§71, Ord. No. 1207]

55.700 Enclosures for canines; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsection 2 to 5, inclusive, shall be adhered to before a canine may be kept pursuant to a permit issued under the provisions of section 55.660.
2. Enclosures for canines, such as wolves and coyotes, shall be not less than 10 feet by 20 feet by 6 feet (1,200 cubic feet) for one of such canines. The size of the enclosure shall be increased to 20 feet by 20 feet by 6 feet (2,400 cubic feet) when there is more than one but less than five of such canines. The size of the enclosure for five or more of such canines shall be established by the animal control board on a case-by- case basis.
3. Enclosures for canines shall be construed of not less than 9 gauge chain link. The floor of such enclosures shall consist of concrete or wood. Gravel or dirt flooring may be used if the enclosure is properly secured against escape by such canines through digging. All enclosures shall have a secure top.

4. Canines may be kept in areas other than enclosures of the type described in subsections 2 and 3 if approved by the animal control board, however, the area shall be fenced to a height of not less than 6 feet by at least 11 gauge chain link.

5. All canines shall have access at all times to an area sheltered from adverse climatic conditions.

[§72, Ord. No. 1207]

55.710 Enclosures for reptiles; minimum structural requirements.

1. The minimum enclosure and shelter requirements specified in subsections 2 to 4, inclusive, shall be adhered to before a reptile may be kept pursuant to a permit issued under the provisions of section 55.660.

2. Enclosures for reptiles shall be of an escape-proof design with sufficient area to insure that the reptile obtains necessary exercise. Enclosures shall be constructed in such a manner as to produce as closely as possible the temperature, humidity and other conditions found in the reptile's native environment.

3. Enclosures for venomous reptiles shall not be constructed of screen wire unless the wire is at least 2 layers thick with a space of not less than 1 inch between layers.

4. Enclosures for potentially dangerous or venomous reptiles shall have an appropriate warning sign affixed thereto and shall be equipped with a locking device.

[§73, Ord. No. 1207]

55.720 Enclosures for bears, hoofed animals, marsupials and raptors; minimum structural requirements.

1. The minimum structural enclosure and shelter requirements specified in subsection 2 and 3 shall be adhered to before a bear, hoofed animal, marsupial or raptor may be kept pursuant to a permit issued under the provisions of section 55.660.

2. The size of enclosures for bears, hoofed animals, marsupials and raptors shall be established by the animal control board on a case-by-case basis. The animal control board may require that the enclosures be at least equal in size to county, state or federal zoo enclosures for such animals.

3. Raptors shall be kept in accordance with all applicable provisions and standards therefor which are found in the falconry regulations (Commission General Regulation No. 15) of the board of wildlife commissioners.

[§74, Ord. No. 1207]

55.730 Additional standards.

Notwithstanding any other provisions of this chapter, the animal control board may require that security fencing and double gates be installed with any enclosure if it determines that such fencing and gates are warranted.

[§75, Ord. No. 1207]

55.740 Impoundment of exotic animals.

1. Any exotic animal which is kept by any person in contravention of section 55.650 to 55.730, inclusive, may be taken up and impounded by an animal control officer for the protection of public health and

safety as well as for the protection and health of the animal. Whenever possible, the animal control officer shall take up and impound the animal in the presence of the owner.

2. If an animal is impounded pursuant to subsection 1, the owner shall be notified of that fact by the animal control officer either in person or, if the owner is not present when impoundment occurs, by certified mail, return receipt requested. Notification shall be considered completed on the date that the owner of the animal is personally notified, or if notified by certified mail, on the date indicated on the return receipt. Notice of impoundment may be accompanied by notice of immediate suspension and revocation.

3. Any animal impounded pursuant to this section shall be cared for at the expense of the owner for a period of not more than 30 days, or if the animal is being held pending a hearing on revocation of the permit pursuant to section 55.670, until the hearing and any appeal is concluded.

4. At the end of the impoundment period, or sooner if the animal has been abandoned by its owner, the animal may be sold by the county to the highest bidder capable of caring for the animal and all money received from the sale may be applied toward the payment of the expenses of the animal's impoundment. Each person who bids on the animal shall submit his bid in writing to the county and shall submit an application for a permit to keep the animal pursuant to section 55.650. Application fees shall be refunded to all unsuccessful bidders. If the amount of the highest bid exceeds the expenses of impoundment, the excess shall be refunded to the former owner of the animal if the owner's identity and whereabouts is known. If the owners' identity or whereabouts is not known, all money received shall be retained by the county.

5. If the impounded animal is sold, the county shall notify the buyer of the permit and other requirements of sections 55.650 to 55.730, inclusive, and shall insure that the buyer has complied or is in the process of complying with such requirements before releasing the animal to his custody.

6. If the animal is not sold during the impoundment period, the county shall publish notice in the classified section where animals are advertised of a newspaper of general circulation in the county that the animal is available for purchase at the animal services center. The advertisement shall appear daily in the newspaper for a period of not less than 2 weeks. The county shall sell the animal to the highest bidder capable of caring for the animal at the end of the 2-week period in the same manner prescribed in subsections 4 and 5 hereof.

7. If the county is unable to sell the animal, the animal may be destroyed in a humane manner or the county may give the animal to any person who is capable of caring for the animal and complying with section 55.650 to 55.730, inclusive.

[§76, Ord. No. 1207; A Ord. No. 1269]