



# WASHOE COUNTY

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

## STAFF REPORT BOARD MEETING DATE: September 13, 2016

**DATE:** August 24, 2016

**TO:** Board of County Commissioners

**FROM:** Shyanne Schull, Director of Regional Animal Services  
328-2142, [sshull@washoecounty.us](mailto:sshull@washoecounty.us)

**THROUGH:** Nancy Parent, Washoe County Clerk on behalf of Regional Animal Services Department

**SUBJECT:** Request by the Director of Regional Animal Services through the Washoe County Clerk, and pursuant to Washoe County Code ("WCC") 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl) to include: modifying the current kennel/cattery permit process in favor of creating a variance permit for persons who possess over the legal limit of three dogs or seven cats; modifying the current exotic animal permit process; vacating the animal control board; modifying the regulations concerning private possession and ownership of exotic animals within Washoe County; creating an animal exhibitor's permit; and to incorporate policy direction related to the proposed code amendments provided at the Board of County Commissioners' April 12 and June 28, 2016 meetings; and to direct the County Clerk to submit the request to the District Attorney's Office for preparation of proposed ordinances in accordance with WCC 2.040 (All Commission Districts).

### SUMMARY

The Director of Regional Animal Services, through the County Clerk, requests (pursuant to WCC 2.030) to initiate proceedings to amend WCC Chapter 55 (Animals and Fowl) to modify the current kennel/cattery permit process and exotic animal permit process, thereby vacating the animal control board; to modify regulations governing the private possession and ownership of exotic animals within Washoe County; and to create an animal exhibitor's permit to address public safety and animal welfare concerns within circuses, performing animal shows, animal demonstrations, traveling animal businesses and zoological parks operating in Washoe County.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

### PREVIOUS BOARD ACTION

On April 22, 2014, the Board of County Commissioners ("Board") approved the creation of a new stand-alone Regional Animal Services department.

On June 17, 2014, the Board authorized initiation of proceedings to amend Washoe County Code (Chapters 5 and 55) related to the creation of the Department of Regional Animal Services.

On July 22, 2014, the Board accepted an update on the Regional Animal Services department, discussed the public input process for making amendments to Washoe County Code Chapter 55, and discussed various proposed code changes.

On December 9, 2014, the Board confirmed the appointment of Shyanne Schull as the Director of Washoe County Regional Animal Services.

On April 12, 2016, the Board heard an update on the Animal Control Board's role in the kennel/cattery permit process and exotic animal permit process. During this meeting, the board gave direction to staff to evaluate the continued value of the animal control board and to return with a recommendation as to whether the Animal Control Board should be modified or disbanded.

On June 28, 2016, the Board heard a presentation from Regional Animal Services ("WCRAS") on exotic animal ownership, and discussed proposed modifications to WCC Chapter 55 governing the private ownership of exotic animals. WCRAS presented an initial proposal for a tiered system, which would:

- Allow individuals to possess certain exotic animals throughout Washoe County without obtaining a permit
- Allow individuals to possess certain exotic animals in animal congested areas of Washoe County only with a permit;
- Prohibit individuals from possessing certain exotic animals completely prohibited in animal congested areas of Washoe County; and
- Allow individuals to possess certain exotic animals in the uncongested areas of Washoe County only with a permit.

WCRAS also requested Board direction on certain policy questions.

#### **BACKGROUND ON PUBLIC INPUT PROCESS:**

The County Manager's Office and WCRAS initially met with OnStrategy to plan the public input process for the proposed code amendments. As a first step in the public input process, WCRAS shared proposed revisions with key stakeholder groups, including the Cities of Reno and Sparks, as well as major animal groups in our area, which included the SPCA, Nevada Humane Society ("NHS") and Pet Network. Through individual meetings with staff, WCRAS received input from these groups regarding the proposed code amendments.

An online comment process called "Open Washoe" was utilized from July 7, 2014 through August 18, 2014 to establish priorities for ordinance workshops, raise awareness of the code issues, and to obtain a broad range of input on topics important to the public. This community engagement tool allowed visitors to the website to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

During the public input process, there were numerous media releases and targeted email notifications encouraging the public to provide input on the code amendments. There were also several news stories, print articles and radio shows discussing the proposed code changes, which encouraged the public to provide input and which resulted in additional public comments from phone calls and emails.

At key points during the public input process, new questions regarding the code revisions were posted on “Open Washoe” for citizen review. In addition, the proposed code amendments were edited based upon public input. These changes were then posted on “Open Washoe”. Links to “Open Washoe” were added to the Regional Animal Services web page, and an email account ([animalcode@washoecounty.us](mailto:animalcode@washoecounty.us)) was created for the public to communicate their comments and concerns specific to the proposed code changes.

Public workshops were held at the Wilbur D. May Museum in the summer of 2014 to discuss Washoe County Code Chapter 55, which gave the public an opportunity to ask questions and provide further input on the proposed amendments. During these workshops, staff had an opportunity to meet one-on-one with many citizens and address concerns as well as receive valuable input.

Prior to the public meetings in 2014, a business impact statement was prepared and sent to animal-related businesses in the community to inform them of the proposed code amendments. The business impact statement invited any person in the community to attend the public meeting that was held on July 15, 2014 at 5:30 pm in the Washoe County Commission Chambers to discuss proposed amendments to WCC Chapter 55. The proposed amendments that were attached to the business impact statement included a permit for commercial establishments which included animal exhibits for the purposes of entertainment or education. During the BCC meeting on June 9, 2015 for the first reading of the commercial animal welfare permit, the Board requested that the exhibitors permit be separated into an independent code section.

#### **CHAPTER 55 SUBJECTS OF PROPOSED AMENDMENT IN THIS REQUEST:**

##### **I. ANIMAL CONTROL BOARD (“ACB”) & KENNEL/CATTERY AND EXOTIC PERMIT PROCESS**

After review, WCRAS proposes modification of the kennel/cattery permit process and modification of the exotic animal permit process to bring these permitting processes within WCRAS’s purview. These process modifications would no longer necessitate operation of the ACB, which could be disbanded.

#### **Current Process in Washoe County Code Chapter 55:**

Currently, 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 ACB meeting
- Produce action orders based on the ACB's determination
- Deliver action orders to applicant

If an animal owner appeals the ACB's action order, WCRAS staff proceed 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 a total of 104 applications for a kennel/cattery or exotic animal permit. Forty-eight (48) applications have been presented to the ACB, six (6) exotic animal applications and forty-two (42) kennel/cattery 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, fifty-six (56) uncontested kennel/cattery permits have been approved by WCRAS. Uncontested kennel/cattery permits are not routed to the ACB under current code.

Regional Animal Services was given direction from the Board at the April 12, 2016 meeting to evaluate the continued value of the ACB and to return with a recommendation as to whether the ACB should be modified or disbanded.

**Evaluation Process & Findings:**

WCRAS conducted a review of 11 jurisdictions related to permitting or governance of over-the-limit number of dogs and cats and exotic animals within the following states:

- Nevada
- Texas
- Arizona
- Utah
- California

Staff reviewed code and application process within these jurisdictions. (See attached chart exhibit A for data.)

Therefore, WCRAS conducted a review of current internal practices, and found that the abolishment of the ACB would allow WCRAS a process time of approximately 3 hours of staff time versus the current 8 hours of staff time to process a permit and hold a hearing.

Additionally, by streamlining this process, it meets one of the FY16 goals of the Board, Working as a unified team - by utilizing the knowledge and expertise within the department, to allow the department the ability to work with individuals within the community therefore enhancing their quality of life. By utilizing this new procedure WCRAS assists the applicant by completing an

application request in 3 to 5 days versus the current process which could take up to three 3 months.

Staff has determined that the current kennel/cattery permitting process and exotic animal permitting process can be modified as follows:

**Proposal:**

A code re-write is appropriate for our jurisdiction to more effectively manage the permitting process for citizens' possessing over-the-legal limit numbers of dogs and cats (kennel/cattery permit) in the congested areas of Washoe County.

- Variance permit—a permit for individuals possessing more than 3 dogs or 7 cats (which is the current legal limit in Washoe County)
- The application process would be similar to the current application process, with processing by WCRAS.
- An animal control officer would continue to conduct site inspections to ensure that applicant is not violating animal welfare laws, that the premises are capable of being maintained in sanitary condition, and that the animal containment comports with WCC Chapter 55 requirements.
- Standard permit conditions would include:
  - Spay/Neuter of all dogs and cats (standard exceptions)
  - All dogs must be licensed
  - All dogs and cats are micro-chipped
  - Animal control officers have authority to inspect premises at reasonable time for permit issuance, upon receipt of complaints, and for annual renewal
  - Permittees must inform WCRAS upon acquisition, transfer or death of permitted animal
- Director of WCRAS would review animal control officer's report & either approve or deny permit application.
  - It is expected that a completed application's approval or denial would take approximately 3 to 5 working days, as opposed to a 3 month timeline with current ACB constraints.
- Appeal process would operate through the Administrative Hearing Office

Accordingly, staff is requesting direction to proceed with a code re-write to streamline the kennel/cattery permitting process by creating a variance permit for persons with more than 3 dogs or 7 cats to be administered by WCRAS; and to disband the ACB.

**II. PRIVATE OWNERSHIP OF EXOTIC ANIMALS**

WCRAS also proposes modifications to the regulations concerning the private ownership of exotic animals in Washoe County and the process for obtaining an exotic animal permit.

In addition to the public input process in 2014, two informational meetings also took place at the request of Commissioner Herman; one in 2015 and one in 2016. During these meetings, owners of exotic animals and other interested parties had the opportunity to ask questions and discuss their concerns with WCRAS staff regarding the exotic animal code sections. The exotic animal owners identified some key areas of concern in the proposed exotic animal code revision, such as public health and safety, animal welfare, animals that require permits, congested area restrictions, hybrids and liability insurance for exotics.

Therefore, on June 28, 2016, staff provided a presentation to the Board as an overview of current code and proposed code amendments related to exotic animals. This presentation included informational exhibits covering WCRAS's proposal for a tiered permitting system allowing certain exotic animals throughout Washoe County without a permit; allowing certain exotic animals in animal congested areas with a permit; prohibiting certain exotic animals completely in animal congested areas; and allowing certain exotic animals only in uncongested areas with a permit. WCRAS's goal was to obtain policy direction from the Board on recommendations about the private ownership of exotic animals within Washoe County, and specifically, to receive direction on the following questions:

- Size requirements to trigger a permit for constrictors:
  - What should the size requirement be that would trigger a permit for constrictors?
    - Board gave direction that a constrictor, when it reaches 10 feet or 30 lbs., should require a permit.
- Spay or Neuter requirement:
  - Should there be a spay/neuter requirement for exotic animals that are not part of a nationally or internationally recognized endangered species breeding program?
    - Board gave direction that a spay/neuter requirement would be required for exotic animals with an exemption for:
      - exotic animals who are participating in a nationally or internationally recognized endangered species program;
      - Exotic animals who are not generally spayed/neutered (snakes)
- Prohibited in the congested areas list:
  - Should there be a list of prohibited exotic species in the congested areas of Washoe County?
    - Board gave direction that there should be restrictions on exotics in the congested and uncongested areas. Additionally, the Board requested further clarification on what species would be restricted.
- Hybrids:
  - Should we allow first generation domestic/wild hybrids without a permit?
    - Board gave direction that wild to wild exotic animals would remain an exotic animal and would be restricted as appropriate within the congested and uncongested areas.
    - However, wild to domestic animals would not be restricted and would be considered a domestic animal.
- Liability insurance:
  - Should we require owners of exotic animals to purchase liability insurance? If so, what is sufficient coverage?

- The board stated that an insurance requirement would be appropriate, however, they would reserve a decision on insurance requirements until WCRAS presented a specific delineation on the species break-downs in the congested and uncongested areas.
- Maintain current Washoe County chapter 55, as written:
  - Should we maintain the current exotic animal code provisions as written, which require exotic animal owners to apply for and hold a permit in order to possess the animal within Washoe County?
    - Board gave direction to amend the exotic animal provisions in Chapter 55.

**Proposal 1:**

In response to the Board's request to clarify the restrictions on exotic animal ownership, WCRAS staff has created the following tier system for exotic animals:

**“Tier 1 exotic animal”** means an exotic animal for which an exotic animal permit is not required. Tier 1 exotic animals are those animals that are customarily sold in a retail pet store, and include but are not limited to: guinea pigs, hamsters, gerbils, rats, mice, gophers, chinchillas, domestic ferrets, domestic farm animals, birds, hedgehogs, sugar gliders and coldblooded species which are not otherwise listed as Tier 2 or Tier 3 exotic animals.

**“Tier 2 exotic animal”** means an exotic animal that may be allowed within all areas of Washoe County with an exotic animal permit. Tier 2 exotic animals include:

Any constrictor that is greater than 10 feet in length or 30 pounds in weight, such as but not limited to, the Burmese Python;

Any Varanidae that is greater than 15 pounds in weight, such as but not limited to, the Nile Monitor;

Potos flavus, the kinkajou;

Cynomys, the prairie dog; and

Any other exotic animal that is not identified as a Tier 1 or Tier 3 exotic animal.

**“Tier 3 exotic animal”** means an exotic animal that is prohibited in the congested areas of Washoe County, but may be allowed in the non-congested areas of Washoe County with an exotic animal permit and a special use permit. Tier 3 exotic animals include:

All Marsupial (except sugar glider), such as but not limited to, the kangaroo or opossum

All mustelidae (except domestic ferret), such as but not limited to, otter, badger or weasel

All felidae (except the domestic cat), such as but not limited to, the lion, tiger, or ocelot

All ursidae, such as but not limited to, the black or brown bear

All canidae (except the domestic dog), such as but not limited to, a wolf

All hyaenidae, such as but not limited to, the spotted hyena or striped hyena

All procyonidae (except Kinkajou), such as but not limited to, the ring-tailed cat or coati

All nonhumane primates of the family hominoidea, such as but not limited to, the gorilla, gibbon, chimpanzee and orangutan

All cercopithecidae (old world monkey), such as but not limited to, a macaque or baboon

All Aotidae, such as but not limited to, a night monkey

All Atelinae, such as but not limited to, the howler monkey or spider monkey  
 All Pitheciidae, such as but not limited to, a titi or saki  
 All Viverridae, such as but not limited to, a binturong or african palm civet  
 All venomous reptiles and amphibians that are harmful to humans and pets, such as but not limited to, a rattle snake or poison dart frog  
 All Crocodylia, such as but not limited to, the crocodile or alligator  
 The Komodo Dragon  
 All Heloderma, such as the gila monster or beaded lizard  
 All Tapiridae, such as the tapir  
 All Giraffidae, such as the giraffe  
 All Elephantidae, such as the elephant  
 The Hippopotamidae, such as the hippopotamus,  
 The Rhinocerotidae, such as the rhinoceros  
 The Hydrochoerus hydrocaeris, such as the capybara; and  
 Any wild hybrids thereof, such as a tigon or liger.

A “Tier 1 exotic animal” would not require a permit and is considered an animal normally sold in a pet store. WCRAS proposes exempting these animals from the permitting process as these animals are not classified as inherently dangerous or raise public health, safety or environmental concerns and are commonly known as household pets.

A “Tier 2 exotic animal” would require an exotic animal permit obtained through regional animal services to possess the exotic animal within all areas of Washoe County. WCRAS proposes to include these animals in this category as they do pose some level of public health, safety or environmental concerns and should be regulated

WCRAS also proposes the following modified permit process for Tier 2 exotic animals:

- Applicants would submit standardized applications to WCRAS (similar to current code)
- Animal control officer would perform site inspection and:
  - Review construction drawings for enclosure
  - Review HOA approval, if applicable
  - Review local jurisdiction’s zoning restrictions
  - Review the Nevada Department of Wildlife regulations, if applicable
  - Review proposed emergency plan, including animal evacuation and animal escape procedures
- Director of WCRAS would review animal control officer’s report and either approve or deny application.
  - Approval or denial is expected to take approximately 3 to 5 working days if the process is internalized versus the current 3 month timeframe involved with the ACB.
- Caging requirements would be in accordance with WCC Chapter 55 and the local zoning requirements within each jurisdiction
- Appeal process would operate through the Administrative Hearing Office

A “Tier 3 exotic animal” would require an exotic animal permit obtained through regional animal services and a special use permit obtained through the community services department to possess one of these exotic animals in the uncongested areas of Washoe County. WCRAS proposes



including these animals in this category based on their propensities to be inherently dangerous, to pose a health risk to the community or may be invasive to our environment.

The following steps would be required to process a “Tier 3 exotic animal” permit:

Regional Animal Services Procedures Tier 3 exotic animal

- An application review to consist of:
  - Identification of exotic animal
  - Review of construction drawings for enclosure
  - Review of HOA approval, if applicable
  - Review of local jurisdiction’s zoning restrictions
  - Review of the Nevada Department of Wildlife regulations, if applicable
  - Review of proposed emergency plan, including animal evacuation and animal escape procedures
  - Verification of veterinary certificate
- Property inspection to identify:
  - Where the exotic animal is to be housed & to verify that housing meets enclosure requirements specified in WCC
  - Possible effects on public health and safety if the exotic animal is permitted
    - Types of restraint required if removed from enclosure
    - Methods of transportation of the exotic animal
  - The owner of the exotic animal will:
    - Provide clean and sanitary housing
    - Provide enrichment devices adequate for the species
  - That the insurance policy is adequate to comply with code requirements
- The director of regional animal services would review animal control officer’s report for approval or denial
- If approved, WCRAS would assist applicant with submitting a special use permit application (Tier 3 exotic animals)

Community Services Department Procedures (Tier 3 exotic animals)

- Accept application fees for the special use permit.
- Staff has three working days to determine if the application is complete. If not, application is returned to applicant (with fee refund).
- Detailed staff review of application to:
  - Create a description of application.
  - Prepare and distribute memo for agencies identified to review and propose conditions on the application.
- Courtesy notice provided to:
  - Residents within 500 feet of subject property
  - CABs servicing the area
  - mobile home parks within 500 feet of the subject property
  - GID serving the area
  - Military installations (if applicable).
- Staff evaluates agency comments and proposed conditions and prepares staff report.
- Formal notice of Board of Adjustments meeting, which requires noticing to:
  - Residents within 500 feet of subject property

- CABs serving the area
- mobile home parks within 500 feet of the subject property
- GID serving the area
- Military installations (if applicable)
- Filing a notice in a newspaper of general circulation with Washoe County
- Board of Adjustments meeting
  - Presentation by staff from both regional animal services and community services departments
- If approved, action order issued to applicant, which contains the SUP and any conditions of approval.

WCRAS staff has determined that the permitting process for a “Tier 3 exotic animal” would take approximately 29 hours of combined regional animal services and community services staff time.

If approved, the “Tier 3 exotic animal” section of WCC Chapter 55 would have an effective date several months after the 2<sup>nd</sup> reading to allow the community services department an appropriate time to amend Chapter 110. Further, the proposed code would contain a provision that if a currently non-congested area of Washoe County becomes a congested area, then the Tier 3 exotic animal housing will be a non-conforming use and the animal must be moved to a non-congested area of the county.

**Proposal 2:**

In the alternative, WCRAS proposes utilizing the 3 tiered system outlined above, but prohibiting private exotic animal ownership of all Tier 3 exotic animals throughout Washoe County.

Benefits of this proposal include:

- Public protection - as these animals may be inherently dangerous they pose a significant public safety concern.
- Public health – these animals may pose a health concern as some of them carry zoonotic diseases that could be passed to humans, domestic animals and native wildlife.
- Invasive species – Some of these animals may be invasive and cause damage to our environment or native wildlife.
- Animal welfare – many owners of exotic animals may not be knowledgeable or qualified to care for or do not understand the financial requirements of exotic animals.
- Savings of staff time and resources – the amount of staff time to process a Tier 3 exotic animal permit is significant. (CSD cost per master fee schedule is \$50 per hour; approximately 20 – 24 hours)
- No required code change for CSD – amendments would be required in WCC Chapter 110.
- Issue of non-conforming use – if an area becomes congested, the owner of a Tier 3 exotic animal would be required to move the animal causing the permit to become invalid and require the owner to reapply for a new location.

**Request for Further Direction from Board:**

WCRAS staff is requesting further direction from the Board to modify the code provisions related to the private ownership of exotic animals. Specifically, WCRAS requests direction on the following questions:

1. Does the Board approve the proposed break-down of species into Tier 1, Tier 2 and Tier 3 exotic animals?
2. Which proposal would the Board like to advance?
  - a. Proposal 1:
    - i. Tier 1 exotic animal—no permit required
    - ii. Tier 2 exotic animal—permit required throughout Washoe County
    - iii. Tier 3 exotic animal—prohibited in congested area; permitted in non-congested area
  - b. Proposal 2:
    - i. Tier 1 exotic animal—no permit required
    - ii. Tier 2 exotic animal—permit required throughout Washoe County
    - iii. Tier 3 exotic animal—prohibited throughout Washoe County
3. What liability insurance should be required?

WCRAS staff recommends liability insurance in the amount of \$25,000 for a “Tier 2 exotic animal” and \$250,000 for a “Tier 3 exotic animal”, if permitted. Exhibit B attached

Staff is requesting direction from the Board to identify the appropriate insurance requirement for exotic animals.

### **III. ANIMAL EXHIBITOR’S PERMIT**

WCRAS proposes the addition of a new Chapter 55 code section governing animal exhibitors. Currently, an exhibitor can operate their business within the county without any inspections for public or animal health and safety. Current requirements are to obtain a business license or special event permit from the respective jurisdiction. Therefore, in order to provide oversight and subject matter expertise to the local jurisdictions

The proposed exhibitor permit is designed to address public safety and animal welfare concerns within circuses, performing animal shows, animal demonstrations, traveling animal businesses and zoological parks.

The exhibitor, depending on the scope of the exhibit, will have the ability to apply for a 30 or 90 day permit. However, an exhibitor who is a non-profit zoological park or an exhibitor who performs animal demonstrations for educational or training purposes may apply for an annual permit.

Proposed requirements to obtain an animal exhibitor permit:

- Completion of an application to include:
  - List of animals requested to be on the permit
  - Locations where animal exhibits will be housing animals and holding operations
  - Copy of USDA exhibitor’s permit
  - Copy of health certificates for each animal
  - Proof of insurance – WCRAS is requesting a \$1,000,000 policy requirement
  - Emergency plan to safely transport the animal through or within the county and protect the public if the animal escapes
- An animal control officer will conduct a site inspection to determine that:
  - The exhibit will not endanger the residents in the county
  - The exhibit will not violate any state or local animal welfare regulations

- The animals can be kept in sanitary conditions
- The exhibitor possess a valid business license or special event permit from the appropriate local jurisdiction.

WCRAS staff is requesting direction from the Board to proceed with the proposed addition of an animal exhibitor's permit.

### **CHAPTER 2 REQUEST**

WCC 2.030 provides that amendments to the Washoe County Code may be initiated by a department head by written request to the County Clerk. Upon receiving the request, and pursuant to WCC 2.040, the County Clerk then places the request on an agenda for consideration by the Board. Upon a majority vote of the members present at the meeting, the Board may approve the request with any changes the Board desires. If approved, the Board would then direct the County Clerk to submit the request to the District Attorney's Office for preparation of a proposed ordinance. Under WCC 2.050, after the District Attorney's Office completes the proposed ordinance, the County Clerk places the proposed ordinance on the agenda for the next regularly scheduled Board meeting in accordance with the adoption procedures in NRS 244.100.

As indicated in the attached letter, the Director of Regional Animal Services has requested an amendment to WCC Chapter 55 (Animals and Fowl) to modify the current kennel/cattery permit process in favor of creating a variance permit for persons who possess over the legal limit of three dogs or seven cats; to modify the current exotic animal permit process; to vacate the animal control board; to modify the regulations concerning private possession and ownership of exotic animals within Washoe County; and to create an animal exhibitor's permit.

### **FISCAL IMPACT**

There will not be a negative fiscal impact to vacate the animal control board as the permitting process for the variance permit for cats and dogs will be simplified.

Cost savings to WCRAS is approximately \$300

- \$150 savings for recording secretary per meeting
- \$150 savings in staff time (4-5 hours per permit)

The fiscal impact within the proposed exotic animal code sections are as follows:

- The process for a tier 1 or 2 exotic animal will not create a negative fiscal impact as processes will be simplified
  - \$150 savings for recording secretary per meeting
  - \$150 savings in staff time (4-5 hours per permit)
- The fiscal impact for the tier 3 exotic animal may be significant.
  - CSD cost per master fee schedule is \$50 per hour; approximately 20 – 24 hours
  - WCRAS cost, approximately \$300 to \$500
- The fiscal impact to process an exhibitor permit is approximately \$100

**RECOMMENDATION**

It is recommended that the Board of County Commissioners direct the Washoe County Clerk, pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl) by modifying the current kennel/cattery permit process in favor of creating a variance permit for persons who possess over the legal limit of three dogs or seven cats; modifying the current exotic animal permit process; vacating the animal control board; modifying the regulations concerning private possession and ownership of exotic animals within Washoe County; creating an animal exhibitor’s permit; and to incorporate policy direction related to the proposed code amendments provided at the Board of County Commissioners’ April 12 and June 28, 2016 meetings; and to direct the County Clerk to submit the request to the District Attorney’s Office for preparation of proposed ordinances in accordance with WCC 2.040

**POSSIBLE MOTION**

Should the Board agree with staff’s recommendation, a possible motion would be:  
“Move to direct the Washoe County Clerk, pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl) by modifying the current kennel/cattery permit process in favor of creating a variance permit for persons who possess over the legal limit of three dogs or seven cats; modifying the current exotic animal permit process; vacating the animal control board; modifying the regulations concerning private possession and ownership of exotic animals within Washoe County; creating an animal exhibitor’s permit; and to incorporate policy direction related to the proposed code amendments provided at the Board of County Commissioners’ April 12 and June 28, 2016 meetings; and to direct the County Clerk to submit the request to the District Attorney’s Office for preparation of proposed ordinances in accordance with WCC 2.040



# REGIONAL ANIMAL SERVICES

2825-A Longley Lane PO Box 11130 Reno, NV 89520-0027 Center: (775) 353-8900 Dispatch: 322-3647 (DOGS) Fax: 353-8905

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August 20, 2016

Nancy Parent  
Washoe County Clerk  
P.O. Box 11130  
Reno, NV 89520


RE: Request to initiate proceedings to amend the Washoe County Code (Chapter 55 – Washoe County Animal Code)

Dear Ms. Parent,

In accordance with WCC 2.030, I request that you initiate proceedings to amend Washoe County Code Chapter 55 (Animals and Fowl) by amending the sections of chapter 55 pertaining to the animal control board, kennel/cattery permits and exotic animals.

Included is a proposed staff report requesting that the Board of County Commissioners approve the request and instruct you to direct the District Attorney's Office to prepare a code amendment.

Respectfully,

  
Shyanne Schull  
Director

**“Promoting responsible care of animals through education, proactive outreach, and regulation, making Washoe County a safe community.”**

Permit Approvals

Jurisdiction	Population	Exotic Permit Inherently Dangerous	Over Limit Permit
Placer County, CA	350,000	Z	AC
Sandy, UT	90,000	P	AC
Clark County, NV	2,000,000	P	AC and Z
San Diego, CA	3,000,000	AC and Z	AC and Z
Maricopa County, AZ	3,800,000	C	C
Pocatello, ID	55,000	-	AC
Denver, CO	650,000	P	AC and Z
Portland, OR	610,000	Dept of Agriculture	Director of Health
Corpus Cristi, TX	316,000	AC	AC
Shafter, CA	18,000	P	P
Kern County, CA	864,000	AC and Z	AC and Z

Key	
AC	Animal Control
Z	Permit
C	Commision/Council
P	Prohibited

### Liability Insurance

#### \$250,000 to 1,000,000 Coverage

Animal	Cost Per Year
Chimp	\$3,000 to \$5,000
Tiger	2,500 to \$3,500
Wolf	\$1,800 to \$2,100
Serval	\$1,375 to \$1,700

#### \$25,000 Coverage

Animal	Cost Per Year
Burmese Python	\$400 to \$600



# ***Washoe County Regional Animal Services Notice for Proposed Code and Fee Changes & BUSINESS IMPACT STATEMENT***



Washoe County is considering amendments to Chapter 55 and to the Animal Services Fee Schedule.

The proposed amendments to the Washoe County Ordinance (WCC Chapter 55) are in response to new State Laws enacted by the 2011 and 2013 Nevada Legislature and signed into law by the Governor. In addition, requested changes from the City of Reno, the public and the creation of Regional Animal Services as a Department within Washoe County. The proposed amendments, which affect your business, include:

- Adding definitions;
- Modifying definitions; and,
- Creating a permit structure with appropriate permit requirements.

The proposed amendment to the WCC 55 is to establish a permit and permit fee to regulate the care and keeping of animals in commercial establishments located within Washoe County and the Cities of Reno and Sparks. The proposed permit fee is \$100.00 per year.

State Law requires that Washoe County prepare a Business Impact Statement to address any potential fiscal impacts of the proposed new permit fees for businesses within the jurisdiction.

Copies of the proposed WCC Chapter 55 amendments pertaining to your business and permit fee are attached and additional copies may be obtained at:

Regional Animal Services  
2825 Longley Lane, suite A  
Reno, NV 89502

**As a business owner or manager, you are encouraged to review the proposed amendments and provide written data or arguments pertinent to the proposed amendments before July 30, 2014.**

You are invited to attend the public meeting outlining the ordinance review process on **July 15, 2014 at 5:30 pm**.

The public meeting will be held at:

## **Washoe County Commission Chambers**

Washoe County Administrative Complex, Building A,  
1001 East Ninth Street, Reno

If you have any questions, please contact Animal Services at 775-353-8900 or at [pets@washoecounty.us](mailto:pets@washoecounty.us).

## Proposed code addition

### §5.455 Commercial Animal Permit

1. Commercial animal establishments must be inspected by and be permitted by the Animal Services Manager or his designee.

- a) No commercial permit may be transferred or assigned between persons, between commercial animal establishments, or between a person and a commercial animal establishment.
- b) Each separate and distinct commercial animal establishment owned by the same person or entity, must possess an individual location permit.
- c) Upon a change of location or ownership of a commercial animal establishment, a new inspection and permit is required prior to any operational changes.
- d) Each commercial animal establishment is subject to inspection by an Animal Control Officer anytime during normal business hours.
- e) The commercial animal establishment permit must be displayed in a conspicuous place.
- f) No commercial animal establishment may sell a cat or dog over the age of 3 months old to any person without a valid rabies vaccination.
- g) Veterinarian or veterinary hospitals are exempt from this provision.

2. All commercial animal establishments, except Veterinarians and Veterinary Hospitals, are required to submit an application for commercial animal establishment to Regional Animal Services.

3. Upon initial application, Regional Animal Services must review and certify that the commercial animal establishment has been inspected and is in compliance with all zoning requirements and ordinances of Washoe County, the City of Reno or the City of Sparks. A certificate of occupancy for the appropriate jurisdiction or approved business license may be accepted as evidence that the commercial animal establishment is in compliance with the local jurisdiction.

- a) Regional Animal Services is hereby authorized to create an internal permit application process with rules, records requirements and retention including, but not limited to, proof of insurance, health records, and any other conditions deemed necessary to preserve the health and safety of the animals and the public.
- b) The records required by 3(a) shall be maintained at the commercial animal establishment for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat addressed by the record, and shall be readily available for inspection by any animal control officer.

4. Except as otherwise established, a permit is renewable annually upon inspection.

5. Commercial permits granted to circus, performing animal exhibitions, or animal exhibits are valid for the duration of the event not to exceed thirty (30) days from the date of issuance.

6. Circuses, performing animal exhibitions, or animal exhibits may request limited permission to possess prohibited animals within the jurisdiction of Regional Animal Services for the duration of the commercial permit.

**Comment [a1]:** For discussion

Suggested language provided by Beverise McGrath  
Legislative Liaison for NV Animal Groups

"Prohibiting the sale of Commercially bred dogs,  
cats and rabbits in pet stores."

**Comment [a2]:** This is a new section to address  
the issues with pet stores and exotic animal shows.

Wording is a collaboration between the County,  
Reno and Sparks

- a) Possession of a prohibited animal under this section is exempt from the provisions of 55.650. Regional Animal Services is hereby authorized to create internal permit application rules including, but not limited to, proof of insurance, health records, USDA exhibitors permit and any other conditions deemed necessary to preserve the health and safety of the public. Each prohibited animal possessed is required to be separately permitted."

7. In accordance with the provisions of NRS 574 duties of Operators, the Board hereby adopts NRS 574.360 thru 574.510 inclusive. In addition to the requirements in subsection 7 an Operator shall ensure:

- a) the walls and floors of enclosures shall be constructed of nonabsorbent, nonporous materials impervious to moisture. If wire or grid flooring is used it must be made of powder coated or plastic coated wire and be of adequate gauge to support the animal(s) without sagging and to prevent the animals' feet from passing through the openings.
- b) All dogs and cats received for resale shall be kept in an isolation room for a minimum of 120 hours before being released to a purchaser. Each animal shall be observed daily by the licensee or his representative in order to recognize general symptoms of injury, illness or disease.
- c) Any dog or cat that exhibits symptoms of injury, illness or disease shall be kept in an isolation area or isolation room and treated as prescribed by a veterinarian. Any such dog or cat shall be verified by a veterinarian to be healthy before such dog or cat can be offered for sale.
- d) Facilities which do not have a full-time attending veterinarian must have a written Program of Veterinary Care (PVC). The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate oversight of the facility's care and use of animals. The PVC must include the method(s) of euthanasia for the animals, which should be consistent with the current AVMA Guidelines on Euthanasia (<https://www.avma.org/KB/Policies/Documents/euthanasia.pdf>).
- e) To reduce the risks of the transmission of diseases, all commercial animal establishment that allow for the handling of animals by the public must provide a hand sanitizer for the public and require hand sanitizing prior to and after handling the animals.
- f) Disposal of animal carcasses shall be followed in accordance with NRS 571.200 and NAC 571.200.

8. A commercial animal establishment is prohibited from the selling dogs or cats obtained from a source other than an acceptable procurement source. Acceptable Procurement Sources are:

- a) Humane groups organized as legal entities in accordance with NRS 574.010 thru 574.040 inclusive.
- b) USDA licensed dealers.

9. Revocation of Permit for commercial animal establishment. Any single violation of this section or violation of any other law of the State of Nevada or violation of any other Washoe County ordinance shall constitute a violation of the commercial animal permit and permit shall be subject to revocation by the Regional Animal Services.

- a). Any commercial animal establishment residing within the boundaries of the City of Reno shall maintain a City of Reno business license. If at any time the City suspends or revokes the business license, the City shall notify Regional Animal Services and the Commercial animal permit shall be suspended or revoked as applicable.

b). Any commercial animal establishment residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. If at any time the City suspends or revokes the business license, the City shall notify Regional Animal Services and the commercial animal permit shall be suspended or revoked as applicable.

c) Operators who have been denied a permit or whose permit has been revoked may, by default or otherwise, may, in accordance with 55.800, seek judicial review, thereof by filing a petition for judicial review in the district court within 10 days of the denial or revocation and said petition must be personally served upon respondent within 30 days of filing.

**Commercial Animal Establishment** means any pet store, circus, performing animal exhibitions, animal exhibits, zoological park and kennels or boarding facilities, used for the business of buying, selling, housing or boarding or exhibiting of animals.

Comment [8A3]: For new code section 55.455

**Isolation** means the separation, for the period of communicability, of infected animals from others in such place and under such conditions as to prevent the direct or indirect conveyance of the infectious agent from those infected to those which are susceptible or which may spread the agent to others.

Comment [84]: New reference 55.455

**Isolation room** means a separate room located where conditions can be established to adequately control or contain modes of transmission of disease such as (but not limited to) contamination with feces and bodily secretions, mites, and arthropod vector and . having a separate air environment exhausting outside with no admixture in the general circulation

Comment [85]: New reference 55.455

The attached document was submitted to the **Washoe  
County Board of Commissioners** during the meeting

held on 9/13/14

by Bobby Smith

for Agenda Item No. 19

and included here pursuant to NRS 241.020(7) as

amended by AB65 of the 2013 Legislative Session.



# **Request to Amend Chapter 55 Related to Exotic animals, Kennel Permits and the Animal Control Board**





# Animal Control Board (ACB)

- **On April 12, 2016**
  - Staff received direction from the Board to evaluate the continued value of the ACB and report back with a recommendation to modify or disband the ACB.





# ACB

Staff has determined the current Kennel/Cattery permit process can be modified by creating a Variance Permit.

- Application
- Inspection
- Conditions
- Approval/Denial
- Appeal





# ACB

Staff is requesting direction to proceed with code amendments, to streamline the kennel/cattery permitting process to:

- Create a variance permit for persons with more than 3 dogs or 7 cats to be administered by WCRAS; and disband the ACB



# Private Ownership of Exotic Animals

On June 28, 2016 Staff received direction from the Board on:

- Snake size to require a permit
- Spay or neuter
- Hybrids
- Prohibited species
- Liability Insurance



# Private Ownership of Exotic Animals

## Proposal 1

**“Tier 1 exotic animal”** means an exotic animal for which an exotic animal permit is not required.

**“Tier 2 exotic animal”** means an exotic animal that may be allowed within all areas of Washoe County with an exotic animal permit.

**“Tier 3 exotic animal”** means an exotic animal that is prohibited in the congested areas of Washoe County, but may be allowed in the non-congested areas of Washoe County with an exotic animal permit and a special use permit.



# Private Ownership of Exotic Animals

## Tier 2 and Tier 3 exotic animal process

- Application
- Inspection
- Conditions
- Approval/Denial
- Appeal

A “Tier 3” exotic animal if approved by WCRAS the applicant would then apply for a special use permit with CSD.





# Private Ownership of Exotic Animals

## Proposal 2

In the alternative, WCRAS proposes utilizing the 3 tiered system outlined above, but prohibiting private exotic animal ownership of all Tier 3 exotic animals throughout Washoe County.



# Private Ownership of Exotic Animals

Benefits of this proposal include:

- No additional public health / safety protection concerns
- No additional invasive species concerns
- No additional animal welfare concerns
- Savings of staff time and resources
- No required code change for CSD
- No non-conforming use concerns



# Private Ownership of Exotic Animals

WCRRAS staff is requesting further direction from the Board to modify the code provisions related to the private ownership of exotic animals. Specifically, WCRRAS requests direction on the following questions:

1. Does the Board approve the proposed break-down of species into Tier 1, Tier 2 and Tier 3 exotic animals?



# Private Ownership of Exotic Animals

2. Which proposal would the Board like to advance?
  - Proposal 1:
    - Tier 1 exotic animal—no permit required
    - Tier 2 exotic animal—permit required throughout Washoe County
    - Tier 3 exotic animal—prohibited in congested area; permitted in non-congested area
  - Proposal 2:
    - Tier 1 exotic animal—no permit required
    - Tier 2 exotic animal—permit required throughout Washoe County
    - Tier 3 exotic animal—prohibited throughout Washoe County





## Private Ownership of Exotic Animals

3. What liability insurance should be required?
  - WCRAS staff recommends liability insurance in the amount of \$25,000 for a “Tier 2 exotic animal” and \$250,000 for a “Tier 3 exotic animal”, if permitted.



# Exhibitor Permit

The proposed exhibitor permit is designed to address public safety and animal welfare concerns within circuses, performing animal shows, animal demonstrations, traveling animal businesses and zoological parks.



# Exhibitor Permit

- Application process
  - Inspection
  - Conditions
  - Approval/Denial
  - Appeal
- 
- staff is requesting direction from the Board to proceed with the proposed addition of an animal exhibitor's permit