

SUMMARY: An ordinance amending Washoe County Code Chapter 55 by vacating the animal control board; and by amending provisions related to a variance permit to keep more than three dogs and/or seven cats over four months of age within a congested area of Washoe County.

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

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY VACATING THE ANIMAL CONTROL BOARD; BY LABELING THE EXISTING PERMIT TO KEEP MORE THAN THREE ADULT DOGS AND/OR SEVEN ADULT CATS WITHIN THE CONGESTED AREAS OF THE COUNTY A "VARIANCE PERMIT"; BY AMENDING PROVISIONS RELATED TO THE APPLICATION FOR A VARIANCE PERMIT, THE PROCESSING OF A VARIANCE PERMIT, THE REQUIREMENTS OF AND CONDITIONS IMPOSED UPON A VARIANCE PERMIT, THE APPROVAL OR DENIAL OF A VARIANCE PERMIT, THE REVOCATION OF A VARIANCE PERMIT, AND THE APPEAL PROCESS; AND BY MODIFYING CONTAINMENT REQUIREMENTS FOR KEEPING MORE THAN THREE ADULT DOGS AND/OR SEVEN ADULT CATS.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Section 55.030 is hereby repealed.

SECTION 2. Section 55.390 of the Washoe County Code is hereby amended as follows:

55.390 **Variance permit:** ~~Permit to keep more than three dogs over 4 months of age and/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~~ **and/or** more than seven cats over 4 months of age, for more than 30 days **in a six month period**, at any place or residence within a congested area without a permit issued in accordance with sections 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~~ **or** cat over 4 months of age shall be deemed an adult ~~cat~~.

SECTION 3. Section 55.400 of the Washoe County Code is hereby amended as follows:

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

1. ~~An~~ Application for a **variance** permit to keep more than

three adult dogs **and/or** seven adult cats must be ~~made~~ **submitted** to the **regional** animal services ~~staff~~. The application for a permit to keep more than three adult dogs must:

(a) Specify the number and breed(**s**) ~~or breeds~~ of dogs **and/or cats** for which the permit is requested;

(b) Be accompanied by ~~construction~~ drawings showing the proposed design and location of the **layout of the property and type of fencing, containment or** kennel required under sections 55.410 **and/or 55.415**. 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 emergency preparedness plan for evacuation of any and all animals on the property; and**

(d) 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.~~

~~32. Upon receipt of the application to keep more than three adult dogs **and/or seven adult cats**, an animal control officer shall review the drawings of the kennel **submitted materials** and inspect the premises for which the application for a **variance** permit is made to determine that:~~

~~(a) Keeping the dogs **and/or cats** at the location specified in the application will not violate any state or local **animal welfare** laws or regulations;~~

~~(b) The **fencing, containment or** kennel **located on the premises** will meet the requirements contained in sections 55.410 **and/or 55.415**;~~

~~(c) Maintenance of the dogs **and/or cats** ~~will not~~ **is not likely to** endanger the peace, health or safety of persons residing in the county; **and**~~

~~(d) The premises are capable of being maintained in a clean~~

and sanitary condition, and any dog **or cat** therein ~~will is~~ **not likely to** 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.~~

SECTION 4. Section 55.410 of the Washoe County Code is hereby amended as follows:

55.410 **Kennel Containment** requirements for keeping more than three adult dogs.

1. The dogs which are the subject of ~~the a~~ **a variance** permit to keep more than three adult dogs must be kept:

**(a) In a yard with a secure perimeter fence, of appropriate height for the largest breed of dog being kept;**

~~(b) Inside the residence in a kennel or under the immediate supervision of a responsible adult, except when inside the residence.; or~~

**(c) In a secure kennel, of appropriate size based on the requirements for the largest breed of dog being kept (if a kennel is required by regional animal services). If more than four dogs are kept in the kennel, the width of the kennel must be increased by the size requirements for the largest breed of dog being kept in that kennel.**

2. **Kennel specifications.** Except as provided in subsection 4, ~~new~~ kennels must:

(a) Be not less than 6 feet in width by 10~~2~~ feet in length by 6 feet in height ~~(540 cubic feet)~~ for four small size dogs **under 30 pounds**, such as Toy Poodles, Pekinese and Chihuahuas. The width of the kennel must be increased by 2 feet for each additional dog **of similar size**.

(b) Be not less than 142 feet in width by 125 feet in length

by 6 feet in height ~~(1,008 cubic feet)~~ for four medium size dogs **between 30 pounds and up to 60 pounds** ~~such as Labrador Retrievers, German Shepherds and Collies.~~ The width of the kennel must be increased by 4 feet for each additional dog **of similar size.**

(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 **between 61 pounds and up to 90 pounds** ~~such as Saint Bernards and Great Danes.~~ The width of the kennel must be increased by 6 feet for each additional dog **of similar size.**

(d) **Be not less than 20 feet in width by 25 feet in length by 6 feet in height for four extra-large size dogs, over 91 pounds. The width of the kennel must be increased by 8 feet for each additional dog of similar size.**

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 **or greater** strength ~~upon approval of the animal control officer~~ **as specified by regional animal services;**

(b) **Meet the following flooring requirements:**

(1) Have a concrete floor; ~~or~~

(2) ~~Have a~~ Wood, gravel or dirt flooring ~~is permitted if:~~

(i) the posts supporting the kennel walls have concrete footings not less than 24 inches in depth; and

(ii) 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;

(c) ~~The~~ **Have** walls ~~of the kennel shall be~~ **which are** securely fixed to the concrete floor or footings;

(d) 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

(e) 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~~ **square** foot size requirements specified in subsection 1(c) **and subsection 2** are met for the ~~types~~ **size** 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 **recommend and** specify alterations

to be made to an existing kennel to ~~meet~~ **come into compliance with** the requirements of this section.

SECTION 5. Section 55.415 of the Washoe County Code is hereby amended as follows:

55.415 ~~Permit: Cattery requirements;~~  
specifications**Containment requirements for keeping more than seven adult cats.**

1. The cats which are the subject of ~~the a variance~~ 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.~~ **to keep more than seven adult cats must be kept in a containment which:**

- (a) Is structurally sound and maintained in good repair;
- (b) Ensures that the cats are not allowed to be at large in the congested areas of the county;
- (c) Prevents the entrance of other animals;
- (d) Maintains an ambient temperature sufficient to protect the cats from excessive heat and cold; and
- (e) Contains an area sheltered from adverse climatic conditions to which the cats have access at all times.

2. The enclosure shall provide a minimum space of 500 cubic feet for eight cats. An additional space of 100 cubic feet is required for each additional cat.

3. The enclosure shall be constructed and maintained so that the cats have access to clean water, food, resting perches and litter.

4. Nothing in this section prevents a cat owner from using his or her residence to house the cats.

SECTION 6. Section 55.420 of the Washoe County Code is hereby amended as follows:

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

1. In addition to the required premises inspection, the animal control officer shall conduct an investigation and shall consider:

- (a) Any animal related complaints pertaining to the premises; and
- (b) Whether the applicant has received a notice of civil

penalty or citation for more than one violation of Washoe County Code Chapter 55 within one year immediately preceding the application.

~~2. 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, The animal control officer shall notify and/or contact each persons residing within 200 feet of the location at which the dogs or cats will be kept or maintained and each persons residing on property adjacent to the property for which the variance permit application has been filed submitted that an kennel or cattery permit application has been filed and the street address of the applicant. Such persons may submit written objections to the application to regional animal services within 15 days of the notification. 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.~~

3. Upon completion of the animal control officer's review, inspection and investigation, the animal control officer shall submit his or her written recommendation to approve or deny the variance permit, along with all supporting documentation, to the director of regional animal services. The animal control officer shall not authorize the issuance of a permit to keep more than three adult dogs or seven adult cats recommend approval of the permit unless the officer can make the findings set forth in section 55.400(32) for a kennel permit, or section 55.400(4) for a cattery permit. In addition, tThe animal control officer may specify also recommend 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.~~

4. The director of regional animal services or the director's designee shall review the animal control officer's recommendation, and approve or deny the permit application within 90 days of receiving the completed application. If approved, the director may specify conditions on the permit deemed necessary for the health of the involved animals and/or public safety.

5. As a requirement of the variance permit, the applicant must ensure that:

- (a) All dogs are licensed in accordance with section 55.340;
- (b) All dogs and/or cats are microchipped; and
- (c) Animal control officers are granted access to inspect the premises where the dogs and/or cats are located upon reasonable notice at a reasonable time. Inspections shall be performed before a permit is issued, upon receipt of a complaint and during the required annual renewal. Failure to comply with a reasonable request for inspection shall constitute a violation of this section.

56. If the **director of regional animal services determines that the applicant is required to must** construct or remodel the kennel or the cattery a dog or cat containment to comport with **sections 55.410 and/or 55.415,** ~~he the applicant~~ must apply to the building department **in of the local 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 director's notification that the variance permit has been approved.** The ~~kennel or cattery must be constructed~~ **ion or remodeling must be completed** 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 **permit's approval.** In case of demonstrated hardship or for other good cause, ~~the animal control officer~~ **regional animal services** may permit a longer period of time in which to construct or remodel the kennel or cattery **enclosure.**

~~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.~~

~~87. If the animal control board~~ **director of regional animal services** ~~denies the appeal an application for a variance permit,~~ thereby prohibiting the keeping of more than three adult dogs **and/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~~ **director's decision.** ~~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. The~~ **director shall provide the applicant with a written reason(s) for denying the permit.**

~~98. The~~ **director's** ~~decision of the animal control board is a final and decision.~~ ~~a~~ **A** person aggrieved by the **director's** decision may **file an appeal with the administrative hearing office not later than 14 days after receiving the director's notification that the application for a variance permit has been denied. A failure to appeal the decision within 14 days precludes further administrative or judicial review.**

~~9. The administrative hearing office shall hold a hearing on the appeal as soon as practicable. If the administrative hearing officer affirms the director's decision, the applicant may seek file a petition for judicial review thereof and must file a petition for writ of mandamus in the district court 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.~~

SECTION 7. Section 55.430 of the Washoe County Code is hereby amended as follows:

55.430 ~~Kennel or cattery~~**Variance** permit not required; circumstances.

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

(a) ~~Kennels or catteries~~ **Commercial animal establishments** used to board animals owned by other persons and operated pursuant to a **commercial animal welfare permit and 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~~ **in a six month period;**

(e) ~~Dogs or cats brought into 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 128 months; and~~

(g) ~~Service animals~~ **as defined in section 55.010.**

SECTION 8. Section 55.440 of the Washoe County Code is hereby amended as follows:

55.440 **Variance** Ppermit fees; exemptions.

~~1. A person owning or operating a kennel pursuant to a~~ **holding a variance** 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~~ **upon renewal.**

~~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.~~

SECTION 9. Section 55.450 of the Washoe County Code is hereby amended as follows:

55.450 ~~Suspension;~~**Variance permit:** revocation of permit; appeal to animal control board; hearing.

1. The holder of a ~~kennel or cattery~~ **variance** permit is subject to continued compliance with the provisions of sections 55.400 to 55.420, inclusive, and to any condition(s) imposed on the ~~kennel or cattery~~ permit. A ~~kennel or cattery~~ **variance**

~~permit issued under sections 55.400 to 55.420, inclusive, may be suspended or revoked for failure of if:~~

(a) ~~the permittee receives more than one notice of civil penalty or citation for violating the provisions of Washoe County Code Chapter 55 within the permit year;~~

(b) ~~the permittee receives a notice of civil penalty or citation for cruelty to animals, as described in section 55.140, or state law;~~

(c) ~~the permittee fails to comply with the provisions of sections 55.400 to 55.420, inclusive, or~~

(d) ~~the permittee fails to comply with any condition(s) imposed on the permit.~~

2. ~~If an animal control officer becomes aware~~ **determines** that a permittee ~~in~~ **has engaged in activity in violation of section 55.450(1)(a) or (b), or is** not complying with the provisions of sections 55.400 to 55.420, inclusive, or with any condition(s) imposed on the permit, the animal control officer ~~may suspend or~~ **submit his or her recommendation to revoke the kennel or cattery variance permit, along with supporting documentation, to the director of regional animal services.** If the ~~animal control officer suspends or~~ **director** revokes a ~~kennel or cattery variance~~ permit, the permittee shall be advised in writing of the reason(s) ~~or reasons therefor~~ **for the revocation** and may ~~file an appeal of that decision to the animal control board~~ **administrative hearing office** 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.~~

63. ~~The~~A permittee aggrieved by the **administrative hearing officer's** decision of the animal control board may ~~seek~~ **file a petition for** judicial review thereof and ~~must file a petition for writ of mandamus in the district court~~ within 30 days ~~of the animal control board's decision at its meeting.~~ During the course of judicial review, the ~~kennel or cattery~~ **variance** permit shall be continued until a decision is rendered by the district court.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Proposed by Commissioner \_\_\_\_\_.

Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Chairman  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2018.