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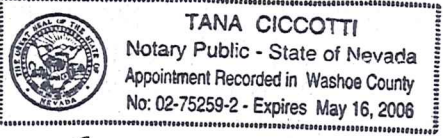
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STATE OF NEVADA
 COUNTY OF WASHOE

ss: Julia Ketcham

Being first duly sworn, deposes and says: That as the legal clerk of the Reno Gazette-Journal, a daily newspaper published in Reno, Washoe County, State of Nevada, that the notice referenced below has published in each regular and entire issue of said newspaper between the dates: **06/17/2005 - 06/24/2005**, for exact publication dates please see last line of Proof of Publication below.

Signed: *Julia Ketcham*
JUN 29 2005

Subscribed and sworn to before me

Tana Ciccotti

Proof of Publication

NOTICE OF ADOPTION WASHOE COUNTY ORDINANCE NO. 1269 NOTICE IS HEREBY GIVEN THAT: Bill No. 1448, Ordinance No.1269 entitled "An Ordinance amending Washoe County Code by amending Chapter 55 relating to animals and fowl and enacting provisions regarding animal control in Washoe County to include the incorporated City of Reno; establishing congested areas of Washoe County to include the incorporated City of Reno for purposes of animal control, enacting provisions establishing a consolidated animal services center, promulgating rules regarding impounded animals, enacting requirements and specifications for catteries, establishing cattery permit application procedures, providing for the adoption of unclaimed animals, adding to the powers and duties of animal control officers, establishing a maximum number of cats a person may keep without a permit and related changes, establishing the provisions for permits and other fees, amending the liability insurance requirements for owners of dangerous dogs, amending the keeping of noisy animals, amending the definition of "kennel" to include a residence, amending the kennel requirements for more than three dogs and for dangerous dogs, adding to the jurisdiction of the Washoe County Animal Control Board and its procedures, and providing for other matters properly relating thereto." was adopted on June 14, 2005 by Commissioners Galloway, Humke, Larkin, and Sferrazza, with

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1269

Commissioner Weber absent. This ordinance shall be in full force and effect from and after June 24, 2005. Typewritten copies of the ordinance are available for inspection by all interested persons at the office of the County Clerk, 350 South Center Street, Suite 100, Reno, Nevada. AMY HARVEY, Washoe County Clerk and Clerk of the Board of County Commissioners No. 62840 June 17, 24, 2005

SUMMARY: An ordinance amending Washoe County Code by amending Chapter 55 relating to animals and fowl and enacting provisions regarding animal control in Washoe County to include the incorporated City of Reno; establishing congested areas of Washoe County to include the incorporated City of Reno, for purposes of animal control, enacting provisions establishing a consolidated animal services center, promulgating rules regarding impounded animals, enacting requirements and specifications for catteries, establishing cattery permit application procedures, providing for the adoption of unclaimed animals, adding to the powers and duties of animal control officers, establishing a maximum number of cats a person may keep without a permit and related changes, establishing the provisions for permits and other fees, amending the liability insurance requirements for owners of dangerous dogs, amending the keeping of noisy animals, amending the definition of "kennel" to include a residence, amending the kennel requirements for more than three dogs and for dangerous dogs, adding to the jurisdiction of the Washoe County Animal Control Board and its procedures, and providing for other matters properly relating thereto.

BILL NO. 1448

ORDINANCE NO. 1269

AN ORDINANCE AMENDING WASHOE COUNTY CODE BY AMENDING CHAPTER 55 RELATING TO ANIMALS AND FOWL AND ENACTING PROVISIONS REGARDING ANIMAL CONTROL IN WASHOE COUNTY TO INCLUDE THE INCORPORATED CITY OF RENO; ESTABLISHING CONGESTED AREAS OF WASHOE COUNTY TO INCLUDE THE INCORPORATED CITY OF RENO, FOR PURPOSES OF ANIMAL CONTROL, ENACTING PROVISIONS ESTABLISHING A CONSOLIDATED ANIMAL SERVICES CENTER, PROMULGATING RULES REGARDING IMPOUNDED ANIMALS, ENACTING REQUIREMENTS AND SPECIFICATIONS FOR CATTERIES, ESTABLISHING CATTERY PERMIT APPLICATION PROCEDURES, PROVIDING FOR THE ADOPTION OF UNCLAIMED ANIMALS, ADDING TO THE POWERS AND DUTIES OF ANIMAL CONTROL OFFICERS, ESTABLISHING A MAXIMUM NUMBER OF CATS A PERSON MAY KEEP WITHOUT A PERMIT AND RELATED CHANGES, ESTABLISHING THE PROVISIONS FOR PERMITS AND OTHER FEES, AMENDING THE LIABILITY INSURANCE REQUIREMENTS FOR OWNERS OF DANGEROUS DOGS, AMENDING THE KEEPING OF NOISY ANIMALS, AMENDING THE DEFINITION OF "KENNEL" TO

INCLUDE A RESIDENCE, AMENDING THE KENNEL REQUIREMENTS FOR MORE THAN THREE DOGS AND FOR DANGEROUS DOGS, ADDING TO THE JURISDICTION OF THE WASHOE COUNTY ANIMAL CONTROL BOARD AND ITS PROCEDURES, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

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

SECTION 1. Purpose and intent; amendment of section 1 of Washoe County Ordinance No. 1207.

1. NRS 244.189 provides that the board of county commissioners may exercise such powers and may enact such ordinances not in conflict with Nevada statutes for, inter alia, the control and protection of animals. NRS 244.359 provides that the board of county commissioners may enact and enforce ordinances fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid; regulating or prohibiting the running at large and disposal of all kinds of animals; establishing a pound, appointing a poundkeeper and prescribing his duties; prohibiting cruelty to animals; and designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners. Any such ordinances may apply throughout the entire county or govern only a limited area within the county.

2. Pursuant to said authority, the board of county commissioners of Washoe County, the city councils of the City of Reno and City of Sparks, began the process of consolidating animal control functions in Washoe County through the adoption of ordinances approving an interlocal agreement between the cities of Reno and Sparks and Washoe County. The county's ordinance, Ordinance No. 1206 adopted June 10, 2003, effective July 1, 2003, adopted the Interlocal Agreement and set forth the two phases of consolidation. The first phase of the consolidation was further effected by the county's adoption of Ordinance No. 1207 through which the county assumed jurisdiction for animal control in the City of Sparks and designated the City of Reno as the entity responsible for maintenance of the facility for the care, custody and disposition of impounded animals until such time as the county assumes control for all animal control functions.

3. The purpose and intent of this ordinance is to amend chapter 55 of the Washoe County Code to extend its provisions regarding the control and protection of animals to the City of Reno so that all of chapter 55 applies throughout Washoe County including the incorporated Cities of Reno and Sparks. This ordinance effects phase two of the consolidation. Within the goal of regionalization and consolidation of animal control, the county recognizes that both the cities of Reno and Sparks are more highly urbanized than other areas of the Washoe County necessitating stricter animal control regulations in certain instances to better serve the public health, safety and welfare of its citizens.

4. Section 1 of Washoe County Ordinance No. 1207 is hereby amended to reflect the purpose and intent of consolidation as set forth herein and to remove the designation of the City of Reno as the entity responsible for maintenance of the facility for the care, custody and disposition of impounded animals. From and after the effective date of this ordinance and as set forth in the Interlocal Agreement adopted by county Ordinance No. 1206, Washoe County also assumes responsibility for operation and control of the Regional Animal Services Shelter, referred to herein as the "animal services center."

SECTION 2. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the provisions set forth as sections 3 to 18, inclusive of this ordinance.

SECTION 3.

55.020 Animal services center established; functions.

1. There is hereby established an animal services center which is and shall be maintained in such place as is provided for from time to time by the board of county commissioners.

2. The animal services center provides for the receipt, impoundment, care and disposal of animals. Operation, direction, supervision and necessary control of the animal services center shall be under the board of county commissioners and its duly authorized representatives by July 1, 2005.

3. In carrying out the functions of the animal services center, the board may enter into written agreements upon such terms and conditions as the board deems appropriate and in compliance with all applicable laws.

SECTION 4.

55.245 Incorporated City of Reno: Congested areas. The land within the incorporated City of Reno is hereby determined to be a congested area for purposes of this chapter. Any land annexed to the city is presumptively determined to be within the congested area pursuant to this section.

SECTION 5.

55.251 Area 1 - Woodland Village: Congested area. The Woodland Village area is determined to be a congested area and is specifically described as: The W $\frac{1}{2}$ of section 15, T.21N., R.18E., M.D.B. & M.

SECTION 6.

55.252 Area 2 - Pebble Creek: Congested area. The Pebble Creek area is determined to be a congested area and is specifically described as: Tract Map #3990, Pebble Creek Unit 1 lying in sections 11 and 14, T. 21N., R.20E., M.D.B.&M.

SECTION 7.

55.253 Area 3 - Eagles Nest: Congested area. The Eagles Nest area is determined to be a congested area and is specifically described as: All of Countryside Subdivision, TM #2226, except therefrom Lot 10 of Block B of said Countryside Subdivision, and all of government Lot 2 of Section 6, T.20N., R.21.E., M.D.B. & M.

SECTION 8.

55.254 Area 4 - Spring Ridge: Congested area. The Spring Ridge area is determined to be a congested area and is specifically described as: The N $\frac{1}{2}$ of section 21, T.20N., R.20E., M.D.B. & M.

SECTION 9.

55.255 Area 5 - Arrow Creek/Southwest Vistas: Congested area. The Arrow Creek/Southwest Vistas area is determined to be a congested area and is specifically described as: The E $\frac{1}{2}$ of sections 15 and 22, T.18N., R.19E., M.D.B. & M.; the W $\frac{1}{2}$ of section 14, T.18N., R.19E., M.D.B. & M.; all of section 23, T.18N.,

R.19E., M.D.B. & M.; the W $\frac{1}{2}$ of section 24, T.18N., R.19E., M.D.B. & M.; the W $\frac{1}{2}$ of the SE $\frac{1}{4}$ of section 24, T.18N., R.19E., M.D.B. & M.

SECTION 10.

55.256 Area 6 - Timberline: Congested area. The Timberline area is determined to be a congested area and is specifically described as: The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 3, T.17N., R.19E., M.D.B. & M.; and the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of section 34, T.18N., R.19E., M.D.B. & M.

SECTION 11.

55.257 Area 7 - Pleasant Valley: Congested area. The Pleasant Valley area is determined to be a congested area and is specifically described as: The SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 6, T.17N., R.20E., M.D.B. & M.; the S $\frac{1}{2}$ of the SW $\frac{1}{4}$ of section 5, T.17N., R.20E., M.D.B. & M.; the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 5, T.17N., R.20E., M.D.B. & M.; the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of section 5, T.17N., R.20E., M.D.B. & M.; the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of section 4, T.17N., R.20E., M.D.B. & M.; and the NW $\frac{1}{4}$ of section 4, T.17N., R.20E., M.D.B. & M.

SECTION 12.

55.258 Area 8 - Sunridge/Reindeer: Congested area. The Sunridge/Reindeer area is determined to be a congested area and is specifically described as: The NW $\frac{1}{4}$ of the NW $\frac{1}{4}$ of section 16, T.17N., R.19E., M.D.B. & M.; and all of section 17, T.17N., R.19E., M.D.B. & M.

SECTION 13.

55.259 Area 9 - Saint James Village: Congested area. The Saint James Village area is determined to be a congested area and is specifically described as: The E $\frac{1}{2}$ of section 15, T.17N., R.19E., M.D.B. & M.; and all of section 14, T.17N., R.19E., M.D.B. & M.

SECTION 14.

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.

SECTION 15.

55.485 Promulgation of rules regarding impounded animals.

1. The board of county commissioners hereby designates the Washoe County Director of Public Works or his designee to promulgate reasonable rules which may include, but are not limited to:

(a) Charging owners or persons having the care, custody or possession of animals impounded pursuant to this chapter, for all costs and maintenance incurred by the animal services center, including special assessments.

(b) Destruction of impounded animals in a humane manner where the animals have been left unredeemed at the shelter beyond the specified impoundment period.

(c) Destruction of impounded animals which are unfit for further keeping due to dangerous propensities, disease, age or injury.

(d) Disposition by way of transfer of impounded, unredeemed animals.

(e) Rescue and redemption of animals upon payment of all costs as outlined herein and upon licensing or relicensing and vaccination of such animals.

(f) To provide for the periodic inspection of the entire Animal Services Center.

SECTION 16.

55.490 Period of impoundment; notice of impoundment; disposition of unclaimed animals.

1. Except in the case of livestock, an animal impounded at the animal services center will be kept there for a period of five days.

2. If the identity of the owner of an impounded animal is known or discovered by the animal services center, the animal control officer shall attempt to provide notice to the owner of the impoundment of the animal. If the identity of the owner is ascertained and notice is given, the owner may redeem the animal

in accordance with section 55.500. If the owner does not redeem the animal within the time period specified by the animal services center, the impounded animal may be destroyed as provided in subsection 3 below.

3. An impounded animal may be destroyed in a humane manner under direction of the animal control officer after the end of the five day impoundment period, but any such unredeemed animal authorized for destruction may be transferred to any person in accordance with the rules promulgated pursuant to section 55.480.

SECTION 17.

55.500 Redeeming impounded animals. The owner or person entitled to the custody or possession of any impounded animal, except livestock, may redeem such animal by:

1. Presenting a current license to the county animal services center, if the animal is of a type that must be licensed;
2. Payment of a license fee, if the animal is a dog and was unlicensed;
3. Payment of fees for the impoundment, care and any medical treatment provided to the animal by the animal services center;
4. Provide proof of rabies vaccination if the animal is a type that can be vaccinated, or if such animal has not been vaccinated, post an amount equal to the cost of vaccination which will be returned upon providing proof of vaccination; and
5. Meet the conditions of any rules that have been promulgated in accordance with section 55.485.

SECTION 18.

55.510 Adoption of unclaimed animals; deposit for sterilization of animal; exception.

1. Animals left unclaimed or unredeemed at the animal services center may be adopted. If the animal to be adopted is to be kept as a pet (as that term is defined in NRS 574.615), the new owner, (as that term is defined in NRS 574.610), must, prior to adopting, sign an adoption contract containing the provisions set forth in NRS 574.645 agreeing to, among other things, sterilization (as that term is defined in NRS 574.625) of the animal, on or before a date certain as provided in the contract.
2. Every person seeking to adopt an animal as a pet from the animal services center must, prior to adopting the animal, deposit with the animal services center the current fee to sterilize that type of pet as set by the board of county

commissioners which equates to the prevailing cost to sterilize that type of animal.

3. If the animal cannot be sterilized because it is exotic or for another legitimate reason, as determined by a veterinarian, the deposit for sterilization need not be paid.

4. Pursuant to section 55.020, the board of county commissioners may contract for adoption services. In such event, the entity providing the adoption services may establish such procedures for the adoption of animals that are consistent with state law and the terms of any agreement entered into between the county and such entity.

SECTION 19. Section 55.010 of the Washoe County Code is hereby amended to read as follows:

55.010 Definitions. As used in sections 55.010 to 55.790, inclusive, unless the context otherwise requires, the terms as defined herein shall have the meaning ascribed to them.

"Animal" means every living creature, except members of the human race.

"Animal bite" means breaking of the skin by the teeth of an animal.

"Animal control board" means the board created pursuant to section 55.030.

"Animal services center" means the facility designated by the board of county commissioners for receiving, impounding, care and disposal of animals.

"Animal control officer" means those employees of the county who have been designated by the county: to enforce the provisions of chapter 55 and state law; to possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10); and to perform functions in connection with the operation of the animal services center.

"At large" means every instance in which a domestic animal is found to be beyond the custody and control of its owner or other person responsible therefor. Within the congested areas designated in sections 55.240 and 55.245, a dog is deemed to be "at large" when it is found off the premises of its owner or other person responsible therefor and not under control by physical restraint such as a leash, cord or chain. In all other areas, a dog is deemed to be "at large" when it is found off the premises of its owner or other person responsible therefor and

not accompanied and under immediate control by physical restraint or by signal or voice.

"Attack" means the deliberate action of a dog, whether or not in response to a command by a person, to bite, to seize with its teeth or to pursue any human or animal with the intent to kill, wound, injure or otherwise harm the object of its actions.

"Board" means the board of county commissioners of Washoe County, unless the context otherwise requires.

"Canine" includes any member of the dog family not customarily domesticated by man.

"Cat" means any domestic feline animal, male or female, sexed or neutered.

"Cattery" means a building, residence, room or area used to house cats where more than 7 cats over the age of 4 months of age are kept and maintained.

"Confined" means the animal is restricted to the property of the owner by leash, cord, chain, wall or fence barrier.

"Congested area" includes any area of the county so designated by the board of county commissioners and described in sections 55.240 to 55.330, inclusive.

"County" means all of Washoe County including the areas comprising the incorporated City of Sparks and incorporated City of Reno.

"Cruelty" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. Cruelty has the same meaning as "torture".

"Dangerous dog" means a dog determined to be dangerous under section 55.750.

"District health officer" means the Washoe County district health officer and his authorized representatives.

"Dog" means any domestic canine animal, male or female, sexed or neutered.

"Domestic animal" includes, but is not limited to, the following: any dog, cat, equine animal, bovine animal, sheep, goat or porcine animal.

"Exotic animal" includes any bear, canine, feline, hoofed animal, marsupial, primate, raptor and reptile.

"Feline" includes any member of the cat family not customarily domesticated by man.

"Game warden" has the meaning ascribed to it in NRS 501.047.

"Guide dog" has the meaning ascribed to it in NRS 426.075.

"Health authority" has the meaning ascribed to it in NRS 441A.050.

"Hearing dog" has the meaning ascribed to it in NRS 426.081.

"Helping dog" has the meaning ascribed to it in NRS 426.083.

"High-risk species" refers to such species as the striped skunk, spotted skunk, raccoon, fox, bat, coyote, bobcat, badger, weasel and such other high-risk transmitters of rabies as may from time to time be defined by the district health officer.

"Hoofed animal" includes any ungulate animal not customarily domesticated by man.

"Immediate supervision" means there is an adult within sight who can both monitor and control the behavior and actions of an animal.

"Kennel" means an enclosure including a residence where more than three dogs over 4 months of age are kept and maintained.

"Livestock" means:

- (a) All cattle or animals of the bovine species.
- (b) All horses, mules, burros, asses or animals of the equine species.
- (c) All swine or animals of the porcine species.
- (d) All goats or animals of the caprine species.
- (e) All sheep or animals of the ovine species.
- (f) All poultry or domesticated fowl or birds.

"Low-risk species" refers to the gopher, mouse, hamster, various squirrels, rat (wild and pet), rabbit (wild and domestic) and all poultry (wild or domestic) and other such low risk transmitters of rabies as may from time to time be defined by the district health officer.

"Marsupial" includes kangaroos, wombats, bandicoots, opossums and related animals.

"Medium-risk species" refers to the dog and cat and such other medium-risk transmitters of rabies as may from time to time be defined by the district health officer.

"Nuisance" means any act, conduct or circumstance, which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property of others. As used in this ordinance, nuisance shall also have the meaning described in and as limited by, NRS 40.140.

"Own" shall mean unless otherwise specified, to keep, harbor or have control, charge or custody of any animal. "Own" does not apply to animals owned by others that are temporarily maintained on the premises of a veterinarian or boarding kennel operator for a period of less than 30 days.

"Owner" means any person keeping, harboring or having charge of or having the care, custody or control of an animal, or permitting any animal to be or remain on, or be lodged or fed

within, such person's house, yard or premises. "Owner" does not apply to veterinarians or boarding kennel operators temporarily maintaining on their premises animals owned by others for a period of less than 30 days.

"Primate" includes any mammal having more than four digits with nails on hands and feet, binocular vision, a large brainpan and other such characteristics. "Primate" does not include any homo sapien.

"Proper authority" means an animal control officer, humane officer authorized to make arrests pursuant to NRS 574.040, game warden or other peace officer having specific responsibilities in animal control.

"Proper enclosure of a dangerous dog" means the secure confinement of a dangerous dog either indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top and shall also provide protection from the elements for the dog. If the pen or structure has no bottom secured to the sides, the sides must be embedded at least two feet into the ground.

"Quarantine" means placement of a biting animal or an animal exposed to a rabid animal or to a high-risk species in isolation at a veterinary hospital, animal shelter or other approved facility in a manner such that the animal can be carefully observed for signs of illness or abnormal behavior.

"Rabies control authority" means the district health officer or any person authorized by him to act and under his supervision.

"Raptor" includes any bird of prey.

"Releasing agency" means:

(a) A society incorporated pursuant to NRS 574.010 to prevent cruelty to animals;

(b) A nonprofit entity that provides for the temporary shelter, care or placement of pets; or

(c) An organization that takes into custody pets which have been abandoned, abused or neglected and places those pets with new owners.

"Reptile" includes any venomous member of the family reptilia and any other member of that family which, when fully grown, is greater than 5½ feet in length or weighs 10 or more pounds.

"Residence" means a totally enclosed structure which is the primary place where a person resides, sleeps and eats their meals.

"Special event" includes, but is not limited to:

(a) Any activity involving entertainment and/or amplified sound, food, beverage, merchandise sales or any activity promoted as a festival, trade show open to the public, craft show, public dance, special event, concert or performance;

(b) Any activity that substantially increases or disrupts the normal flow of traffic on any street or highway;

(c) Any activity which involves the use of public facilities; or

(d) Any activity which involves the use of any county or city services that would not be necessary in the absence of such an event.

"Stray" means any animal running at large upon public or private lands in the county whose owner is unknown in the places where such animal is found.

"Substantial bodily harm" has the meaning set forth in NRS 0.060.

"Torture" includes every act, omission or neglect, whereby unjustifiable physical pain, suffering or death is caused or permitted. Torture has the same meaning as "cruelty".

"Vaccination against rabies" means the inoculation of a dog, cat or ferret with rabies vaccine licensed by the United States Department of Agriculture and included in the latest Compendium of Animal Rabies Vaccines of the Public Health Service of the United States Department of Health and Human Services. Such vaccination must be performed by a licensed veterinarian.

"Veterinarian" means a member of the profession of veterinary medicine as described in chapter 638 of NRS, or the term as defined by the applicable veterinary practice act in any state of the United States.

"Wildlife" means any wild mammal, wild bird, fish, reptile, amphibian, mollusk or crustacean found naturally in a wild state, whether indigenous to Nevada or not and whether raised in captivity or not.

SECTION 20. Section 55.030 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 21. Section 55.040 of the Washoe County Code is hereby amended to read as follows:

55.040 Animal control officer; powers and duties. An animal control officer of the county shall have the following powers and duties:

1. To enforce all provisions of this chapter and all laws of the state relating to the care, treatment, impoundment and disposal of animals.
2. To possess and administer a controlled substance in accordance with applicable regulations of the state board of pharmacy as specified in NRS 453.375(10).
3. To maintain and keep the animal services center or other place where all animals which are subject to be impounded may be kept, safely held and provided with sufficient food, water and shelter.
4. To take up, impound and safely keep any animal found to be in violation of the provisions of this chapter.
5. To collect any costs or charges hereinafter provided in this chapter for the impounding and keeping of any animal; to account for all money received and disbursed; and to keep an accurate record of all animals impounded.
6. To dispose of animals, including by destruction, lawfully impounded in accordance with rules promulgated pursuant to section 55.485.
7. In the performance of his duties, the animal control officer shall have the authority to employ the use of the tranquilizer gun and all other animal control equipment commonly used by other animal control agencies within the state.

SECTION 22. Section 55.120 of the Washoe County Code is hereby amended to read as follows:

55.120 Nuisance. It is unlawful for the owner or person having the care, custody or control of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance, as defined herein, upon any public property or any other property under the control of or in possession of any other person, whether or not open to the public.

SECTION 23. Section 55.125 of the Washoe County Code is hereby amended to read as follows:

55.125 Keeping of noisy animals. Except as provided in NRS 40.140, it is unlawful for any person to keep, harbor or own any animal which by making loud and frequent noises causes annoyance to the neighborhood or to any persons in the vicinity.

SECTION 24. Section 55.130 of the Washoe County Code is hereby amended to read as follows:

55.130 Animal waste disposal.

1. Except as provided in subsection 3, within the congested areas designated in sections 55.240 and 55.245 it is unlawful for any person owning or having control or custody of any animal to permit the animal to defecate upon the public property of the county or upon the private property of another unless the person immediately removes the feces and properly disposes of it; provided however, that nothing herein contained authorizes such person to enter upon the private property of another without permission.

2. Except as provided in subsection 3, within the congested areas designated in sections 55.240 and 55.245 it is unlawful for any person to walk a dog on public property of the county or upon the private property of another without carrying at all times a suitable container or other suitable instrument for the removal and disposal of dog feces.

3. Handicapped persons who use guide dogs, helping dogs or hearing dogs are exempt from this section. Persons whose dogs are participating in dog shows or direct command obedience classes are exempt from this section while their animal is actually participating in such shows or classes, but all feces must be removed and disposed of immediately upon the conclusion of the show or class.

SECTION 25. Section 55.390 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 26. Section 55.400 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 27. Section 55.410 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 28. Section 55.420 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 29. Section 55.430 of the Washoe County Code is hereby amended to read as follows:

55.430 Kennel or cattery permit not required; circumstances.

1. A permit to keep more than three adult dogs 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 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.

SECTION 30. Section 55.440 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 31. Section 55.450 of the Washoe County Code is hereby amended to read as follows.

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.

SECTION 32. Section 55.460 of the Washoe County Code is hereby amended to read as follows:

55.460 Unlawful for animal, except cats, to be at large in congested areas; damage by animals; capture and impoundment by individuals.

1. It is unlawful for any animal, except cats, to be at large within the congested areas as designated herein.

2. It is unlawful for any animal, to endanger property, public safety, itself or any other animal.

3. A violation of subsection 1 or 2 is committed by the owner or person having custody, control or possession of the animal.

4. An animal control officer or any other person may take up and impound at the animal services center:

(a) Any animal, except cats, which is found at large within a congested area;

(b) Any animal which is trespassing on that person's property; and

(c) Any animal, which is endangering property, public safety, itself or any other animal.

5. The provisions of this section do not apply to livestock, which are governed by section 55.540.

Section 33. Section 55.465 of the Washoe Count Code is hereby amended to read as follows:

55.465 Impoundment of unspayed female dogs or cats running at large. It is unlawful for the owner or any person having the control or possession of any unspayed female dog or cat to suffer or permit the dog or cat to run at large within any area of the county while the dog or cat is in the copulating season and the owner or person in charge of such female dog or cat shall keep the same secured upon his premises or in a boarding kennel so that other dogs or cats shall not have access thereto. Every female dog or cat that is not kept in conformance with this section shall be immediately seized and impounded at the animal services center.

SECTION 34. Section 55.480 of the Washoe County Code is hereby amended to read as follows:

55.480 Impounded animals.

1. Every animal kept or found under conditions which constitute a violation of this chapter may be impounded by an

animal control officer. Upon denial, revocation or suspension of a permit, or when the owner refuses to apply for a permit, an animal control officer may also impound the animal.

2. The board of county commissioners hereby designates the animal services center as the facility in the county responsible for the care, custody and disposition of impounded animals.

SECTION 35. Section 55.530 of the Washoe County Code is hereby amended to read as follows:

55.530 Estrays: Applicability of state law. If any livestock impounded pursuant to this chapter is an estray within the meaning of NRS 569.0075, then the provisions of NRS 569.005 to 569.130, inclusive, take precedence over any provisions of this chapter regarding the impoundment of animals, and take precedence over any rules promulgated or adopted pursuant to section 55.500.

SECTION 36. Section 55.580 of the Washoe County Code is hereby amended to read as follows:

55.580 Rabies vaccination of dogs, cats, and ferrets required.

1. An owner of a dog, cat or ferret shall maintain the dog, cat or ferret currently vaccinated against rabies in accordance with the provisions of this section and the recommendations set forth in the then current "Compendium of Animal Rabies Control", published by the National Association of State Public Health Veterinarians, Inc., which is hereby adopted by reference. The publication is available, free of charge, from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402-9325. Telephone (202) 512-1800.

2. A licensed veterinarian may exempt a dog, cat or ferret from vaccination for health reasons. The veterinarian shall record the reasons for exemption and a specific description of the dog, cat or ferret, including the name, age, sex, breed and color on a certificate which must bear the owner's name and address. The veterinarian shall record whether the reason for the exemption is permanent, and if not, the date the exemption expires.

3. A dog, cat or ferret that is exempted from or too young for vaccination against rabies must be confined to the premises of the owner or kept under physical restraint by the owner.

4. The owner shall not allow a dog, cat or ferret over 3 months of age to enter this county unless the owner has in his immediate possession written proof that the dog, cat or ferret is

currently vaccinated against rabies or has an exemption for health reasons.

5. If the owner of a dog, cat or ferret violates any provision of this section, the dog, cat or ferret may be impounded.

SECTION 37. Section 55.640 of the Washoe County Code is hereby amended to read as follows:

55.640 Management of animals that have been in close contact with animal suspected or known to have rabies; responsibility of owner for costs of quarantine, veterinary care and examination.

1. Except as otherwise provided in this section, a wild or exotic animal suspected or known to have rabies must be euthanized immediately. The rabies control authority may exempt a rare or valuable animal from the provisions of this section.

2. Unless the owner of the animal objects, a dog, cat or ferret which has not been vaccinated pursuant to section 55.580 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be euthanized immediately. If the owner of the animal objects, the dog, cat or ferret must be quarantined within an enclosure or with restraints deemed adequate by the rabies control authority to prevent direct contact with a person or an animal for such period of time as designated in the most current Compendium of Animal Rabies Prevention and Control, and under the supervision of a licensed veterinarian or any other person designated by the rabies control authority. The dog, cat or ferret must be vaccinated 1 month before release.

3. A dog, cat or ferret which has been vaccinated pursuant to section 55.580 and which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be:

(a) Immediately revaccinated and confined for such period of time as designated in the most current Compendium of Animal Rabies Prevention and Control, in a manner prescribed by the rabies control authority; or

(b) Upon the request of the owner of the dog, cat or ferret, euthanized.

4. A domesticated animal of a rabies-susceptible species, other than a dog, cat or ferret, which is considered by the rabies control authority to have been in close contact with an animal suspected or known to have rabies must be managed according to the discretion of the rabies control authority.

5. The owner of an animal confined pursuant to the provisions of this section is responsible for all costs of confinement and veterinary care and examination.

6. As used in this section, "in close contact with an animal suspected or known to have rabies" means, within the past 180 days, to have been bitten, mouthed or mauled by, or closely confined on the same premises with, an animal suspected to have rabies.

SECTION 38. Section 55.650 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 39. Section 55.740 of the Washoe County Code is hereby amended to read as follows:

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.

SECTION 40. Section 55.760 of the Washoe County Code is hereby amended to read as follows:

55.760 Dangerous dog; registration.

1. The owner of a dog that has been certified to be dangerous pursuant to section 55.750 must:

(a) Demonstrate that he has provided a proper enclosure to confine the dog and posted on his premises a clearly visible warning sign (containing letter at least 2 inches high) that there is a dangerous dog on the property. In addition, the owner shall display conspicuously a sign with a warning symbol that informs children of the presence of a dangerous dog.

(b) A proper enclosure includes, but is not limited to:

(1) An enclosure constructed of not less than 11 gauge chain link fencing or other material of equal strength as approved by animal control. The floor(s) need not be concrete provided that 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 at least 6 inches wide and not less than 12 inches deep. The enclosure fencing shall be securely fixed to the pad or footing. A roof over the entire enclosure shall be constructed of not less than 11 gauge chain link fencing and securely fixed to all sides of the enclosure. All fencing and

gate(s) shall be at least 6 feet in height. All animals shall at all times have access to an area sheltered from adverse climatic conditions. All sheltered areas must be located inside the enclosure. All entrances to the enclosure must be secured by a padlock at all times. The size of such enclosure shall be determined by the size of the dog as follows:

(i) Small breeds (20 pounds or less): 4 feet in width by 6 feet in length for one dog. An additional 2 feet in width for each additional dog.

(ii) Medium breeds (under 40 pounds and over 20 pounds): 6 feet in width by 12 feet in length for one dog. An additional 4 feet in width for each additional dog.

(iii) Large breeds (40 pounds or more): 12 feet in width by 18 feet in length for one dog. An additional 6 feet in width for each additional dog.

Enclosures of other dimensions may be approved by an animal control officer on a case-by-case basis.

2. The owner of a dangerous dog must:

(a) Post a surety bond with the county in an amount of \$50,000.00 issued by an insurer authorized to do business in the State of Nevada, payable to any person(s) injured by the dangerous dog; or

(b) Provide evidence of a policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business in the State of Nevada in the amount of at least \$50,000.00, insuring the owner for any personal injuries inflicted by the dangerous dog.

3. The owner of the dangerous dog shall also provide a signed statement attesting that the owner:

(a) Shall maintain and not voluntarily cancel the liability insurance policy or surety bond required herein during the period covered by the registration unless the owner ceases to own or have custody of the dangerous dog during the registration period; and

(b) Shall immediately notify an animal control officer once the owner has knowledge that the dangerous dog is at large, is unconfined, has attacked another animal, has attacked a human being, has died or has been sold or given away. If the dangerous dog has been sold or given away, the owner shall provide an animal control officer with the name, address and telephone number of the new owner of the dangerous dog.

4. The owner of a dangerous dog shall pay a registration fee for the dog in an amount set by the board of county

commissioners. The registration fee shall be in addition to any other fees payable under this chapter.

5. The owner of a dangerous dog shall comply with the provisions of this section within 30 days of receipt of notification of the court's determination of a dangerous dog. Upon compliance with this section, the county shall issue a certificate of registration to the owner of the dangerous dog.

6. As a condition to the issuance of a certificate of registration for a dangerous dog, the owner of the dog shall allow an animal control officer upon the premises where the animal is maintained at any reasonable hour for inspection of such premises.

SECTION 41. Section 55.780 of the Washoe County Code is hereby amended to read as follows:

55.780 Impoundment of dangerous dog.

1. A dangerous dog shall be immediately confiscated and impounded by an animal control officer or law enforcement officer upon the occurrence of any of the following:

- (a) The dog is not validly registered under section 55.760;
- (b) The owner of the dangerous dog does not secure and maintain the surety bond or insurance required under section 55.760;
- (c) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the required physical restraint of the owner.

2. If a dog determined to be dangerous pursuant to section 55.750, through the intentional, reckless or negligent conduct of the dog's owner attacks a person or attacks another domestic animal, and in addition to the criminal penalty provided in section 55.770, the dog shall be immediately confiscated and impounded, placed in quarantine if required for rabies control, and thereafter may be destroyed in an expeditious and humane manner, with the costs of quarantine and destruction to be borne by the dog's owner.

3. All known incidents of dog attacks in the county shall be reported to the county animal services staff. An animal control officer shall conduct an investigation of the incident and take the appropriate steps as provided herein if a dog has been determined to be dangerous.

[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 24th day of MAY, 2005.

Proposed by Commissioner GALLOWAY.

Passed on the 14th day of JUNE, 2005.

Vote:

Ayes: GALLOWAY, HUNKE, LARKIN & SPERAZZA

Nays: (NONE)

Absent: WEBER

Robert M. Larkin

Chairman
Washoe County Commission

ATTEST:

Amy Hawey
County Clerk)

This ordinance shall be in force and effect from and after the 24th day of JUNE, 2005.

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