

NYE COUNTY ORDINANCE NO. 614

SUMMARY: An Ordinance Amending Title 6 of the Nye County Code By Amending Chapter 6.04 General Provisions; Amending Chapter 6.05 Enforcement; Removing Chapter 6.06 Licensing, Vaccinations, Limits on Number, Running at Large, Impoundment, Rabies Prevention; Adding Chapter 6.06 Vaccinations, Adding Chapter 6.07 Limits on Dogs and Cats; Adding Chapter 6.08 Permits, Limits; Adding Chapter 6.09 Animals Running at Large; Adding Chapter 6.10 Impoundment for Violations of This Code; Adding Chapter 6.11 Animal Bites, Reports Required; Adding Chapter 6.12 Reporting of Found Animals; Adding Chapter 6.13 Animal Waste and Odor; Adding Chapter 6.14 Cruelty to Animals; Adding Chapter 6.15 Animal Facility Regulations; Amending Chapter 6.20 Miscellaneous Animal Regulations; Removing Chapter 6.30 Ownership and Possession of Special Conditions Animals; Amending Chapter 6.40 Appeals to Board of County Commissioners; And Providing For the Severability, Constitutionality, And Effective Date Thereof; and Other Matters Properly Relating Thereto.

TITLE: AN ORDINANCE AMENDING TITLE 6 OF THE NYE COUNTY CODE BY AMENDING CHAPTER 6.04 GENERAL PROVISIONS; AMENDING CHAPTER 6.05 ENFORCEMENT; REMOVING CHAPTER 6.06 LICENSING, VACCINATIONS, LIMITS ON NUMBER, RUNNING AT LARGE, IMPOUNDMENT, RABIES PREVENTION; ADDING CHAPTER 6.06 VACCINATIONS, ADDING CHAPTER 6.07 LIMITS ON DOGS AND CATS; ADDING CHAPTER 6.08 PERMITS, LIMITS; ADDING CHAPTER 6.09 ANIMALS RUNNING AT LARGE; ADDING CHAPTER 6.10 IMPOUNDMENT FOR VIOLATIONS OF THIS CODE; ADDING CHAPTER 6.11 ANIMAL BITES, REPORTS REQUIRED; ADDING CHAPTER 6.12 REPORTING OF FOUND ANIMALS; ADDING CHAPTER 6.13 ANIMAL WASTE AND ODOR; ADDING CHAPTER 6.14 CRUELTY TO ANIMALS; ADDING CHAPTER 6.15 ANIMAL FACILITY REGULATIONS; AMENDING CHAPTER 6.20 MISCELLANEOUS ANIMAL REGULATIONS; REMOVING CHAPTER 6.30 OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS; AMENDING CHAPTER 6.40 APPEALS TO BOARD OF COUNTY COMMISSIONERS; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Nye County Board of Commissioners (Board) has a duty to protect the public health, safety and welfare of the residents of Nye County;

WHEREAS, the Board is empowered, pursuant to the provisions of Chapter 244.195 of the Nevada Revised Statutes, to perform all acts necessary to discharge its duties toward the residents of Nye County;

WHEREAS, the Board is authorized, pursuant to the provisions of Chapter 244.095 through 244.119 of the Nevada Revised Statutes to enact ordinances and to amend the Nye County Code; and

WHEREAS, the Board believes it is in the best interest of the people of Nye County that the County's animal control ordinance, Nye County Code Title 6, be amended;

Chapter 6.04 GENERAL PROVISIONS

6.04.010: TITLE:

This title shall be known as the *ANIMAL CONTROL ORDINANCE*.

6.04.020: ADOPTED BY REFERENCE:

Nevada Revised Statute 574 Cruelty to Animals: Prevention and Penalties, inclusive, is included in the Chapter by reference, where not consistent with the intent of a particular section.

6.04.030: DEFINITION OF TERMS:

Except as specifically defined herein or where it is plainly evident from the context that a different meaning is intended, all words and phrases in this title shall have their customary dictionary definitions. All words used in the singular shall include the plural and the plural the singular. Each gender shall include the other; and tense shall include all other tenses. The word "shall" is mandatory and the word "may" is permissive.

6.04.040: DEFINITIONS:

AMBIENT TEMPERATURE: The temperature directly and immediately affecting the animal.

ANIMAL: Does not include the human race but includes every other living creature.

ANIMAL CONTROL OFFICER: Any person employed by Nye County as an Animal Control Officer and responsible for the enforcement of this title, and applicable state statutes pertaining to animals.

ANIMAL FACILITY: A place where animals are kept for profit or nonprofit, for selling, breeding, adoption, boarding, short- or long-term care.

ANIMAL PACK: More than two (2) uncontrolled animals.

ANIMAL RESCUE: An establishment owned or operated by a licensed profit or nonprofit organization whose primary function is to provide temporary care and comfort to animals.

ANIMAL SANCTUARY: A long-term or permanent housing facility where animals are brought to live and to be protected for the rest of their lives, and shall not be bought, sold, or traded, nor is the animal used for animal testing.

ANIMAL SERVICES: Enforces County and State codes, rules, and regulations and to investigate animal neglect and cruelty cases for the purpose of protecting the health and safety of Nye County's human and animal residents and the education of proper and responsible pet ownership.

ANIMAL SHELTER: (1) A facility for receiving and holding animals, and (2) designated by a local government for receiving and holding animals, or (3) operated by a society for the prevention of cruelty to animals, which is in compliance with the provisions of NRS 547.010 to 547.040, inclusive, for receiving and holding animals.

APPLICANT: A person, corporation, partnership, or other legal entity that applies for a permit under this chapter.

AT LARGE: Animals off the property of the owner and off the leash, cord, chain or outside the containment fence barrier.

BITE: A puncture or tear of the skin inflicted by the teeth of an animal.

BOARD: Nye County Board of County Commissioners.

BREEDER: A dealer, operator or other person who is engaged in the breeding of dogs or cats for sale or trade. One who sells, trades, or gives away, any number of cats or dogs in one (1) year, born and raised on his or her premises.

CANINE CORE VACCINATIONS: Vaccinations which include Distemper, Adenovirus Type 2 (Hepatitis), Parvo, and Parainfluenza (DA2PP).

CAT: Any domestic cat (*Felis silvestris catus*).

COMMERCIAL KENNEL: A place where any numbers of dogs or cats are boarded and kept for commercial purposes, including breeding, boarding, or training. This term does not include state inspected veterinary hospitals, or an Animal Shelter designated by local government.

COUNTY: Those areas of Nye County exclusive of incorporated areas.

DEALER: A person who, for compensation or profit, buys, sells, breeds, adopts, grades or imports animals for resale.

DOG: Any male or female dog (*Canis familiaris*).

EUTHANASIA TECHNICIAN: An employee of a law enforcement agency, an animal control agency, or of a society for the prevention of cruelty to animals that is in compliance with the provisions of chapter 574 of NRS, who is licensed by the Nevada State Board of Veterinary Medical Examiners and trained to administer sodium pentobarbital to euthanize injured, sick, homeless or unwanted domestic pets and other animals.

FELINE CORE VACCINATIONS: Vaccinations which include Feline Viral Rhinotracheitis (FHV-1), Feline Calicivirus (FCV), and Feline Panleukopenia (FPL) (collectively referred to as FVRCP).

FERRET: Any domestic ferret (*Mustela furo*).

GRANDFATHERING: A lawful nonconforming use that complies with Nye County Code 17.04.905 and has previously met the conditions under Nye County Code Title 6 as adopted in 2016.

HOUSING FACILITY: A building, room or other area which contains one or more animal enclosures.

IMPOUNDMENT: The act of taking or receiving into custody by the animal control officer any animal for the purpose of confinement in an animal shelter consistent with the provisions of this title.

LICENSED VETERINARIAN: A person who is licensed by the Nevada State Board of Veterinary Medical Examiners and is on active status to practice veterinary medicine in this State of Nevada.

LICENSED VETERINARY PERSONNEL: Any person holding a current and valid license issued by the Nevada State Board of Veterinary Medical Examiners.

LICENSED VETERINARY TECHNICIAN: a person who is:

1. Licensed by the Nevada State Board of Veterinary Medical Examiners pursuant to NRS 638.122; and
2. Formally trained for the specific purpose of assisting a licensed veterinarian in the performance of professional or technical services in the field of veterinary medicine.

LIVESTOCK: All cattle or animals of the bovine species; all horses, mules, burros and asses or animals of the equine species; all swine or animals of the porcine species; all goats or animals of the caprine species; all sheep or animals of the ovine species; all poultry or domesticated fowl or birds; and all alternative livestock.

MICROCHIP IDENTIFICATION: A nationally recognized microchip device implanted for the identification of an animal.

MULTIPET PERMIT: A Residential Property where a total of eleven (11) dogs and/or cats are kept for personal pleasure; the animals are not kept for commercial purposes. Dogs trained for search and rescue or Service Animals shall not be counted toward the number of dogs and cats for the purposes of Multipet Permit.

OPERATOR: A person responsible for the operation of a for profit or nonprofit Animal Shelter, a kennel, Animal Sanctuary, Animal Rescue, Breeder or commercial establishment engaged in the business of selling or adopting animals.

OWNER: Any person owning, keeping, harboring, or having care, custody and control over any animal, or allowing any animal to be or remain on, or be lodged or fed within such person's house, yard or premises or furnishing a medical record, bill of sale, or other indication of ownership or possession.

PAHRUMP REGIONAL PLANNING DISTRICT: The boundaries of the Pahrump Regional Planning District shall be as set forth in Nye County Code Title 16.24.010.

PERMIT: A document issued by Animal Services which authorizes a Permittee to possess and maintain the specific animals identified on the permit.

PERMITTEE: A person, corporation, partnership, or other legal entity that applies for and is granted a permit under this chapter.

PRIMARY ENCLOSURE: A permanent structure used to restrict the immediate movement of an animal to a limited amount of space, such as a room, pen, run, cage, compartmented unit or hutch and in which an animal is regularly so restricted for more than seven (7) hours during a twenty-four (24) hour period. Inclusive of enclosures designed to be attached one on top of another.

PROTECTIVE CUSTODY: The confiscating of an animal to protect it from cruelty or neglect. This includes protecting animals when a person is removed from his/her home due to a medical reason or death, because a person is incarcerated, and/or abandoned animals. Animals in protective custody shall only be released by the owner or authorized designee in writing. In case of death of the owner, the owner shall be either the Public Administrator or executor who shall act as the releasing agent.

QUARANTINE: Isolation of an animal from humans or other animals for means to monitor or prevent the spread of infection or disease.

RESIDENTIAL PROPERTY: Any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

RESTRAINT OR RESTRAINED: An animal secured by a leash, cable, cord, chain or similar device or confined within the property limits of its owner or keeper by way of a fence, cage or other device.

RETAILER: A person who acquires pets for resale.

SERVICE ANIMAL: An animal that has been trained to assist or accommodate a person with a disability in accordance with State and Federal laws.

SHERIFF: The Sheriff of Nye County or his or her designee.

SPECIAL CONDITIONS ANIMALS APPROVED FOR NYE COUNTY: Animals that, due to unique husbandry, handling, recapture and enclosure requirements, consist of the following: Cheetahs (*Acinonyx jubatus*), clouded leopards (*Neofelis nebulosa*), cougars, panthers (*Puma concolor*), jaguars (*Panthera onca*), leopards (*Panthera pardus*), lions (*Panthera leo*), snow leopards (*Panthera uncia*), tigers (*Panthera tigris*), African wild dogs (*Lycaon pictus*), dingoes (*Ganus dingo*), jackals (4 species: *Ganus aureus*, *mesomelas*, *simensis*, *adustus*), maned wolf (*Chysocyon brachyurus*), wolves (*Ganus lupus*, *Ganus rufus*), wolf hybrids, bears (family *Ursidae*), elephants (family *Eliphantidae*), hyenas (family *Hyaenidae*), wolverines (*Gulo gulo*), wild hybrids of those listed.

STRAY ANIMAL: Any animal running At Large upon public or private land whose Owner is unknown in the area where the animal is found.

SUBSTANTIAL BODILY HARM: Unless the context otherwise requires, substantial bodily harm means: Bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain.

TORTURE OR CRUELTY: Every act or omission whereby unjustifiable physical pain, suffering or death is caused or permitted to an animal.

VETERINARY FACILITY: Any establishment operated by a veterinarian to provide dental, medical or surgical treatment, boarding, care and grooming for large and small animals. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, indoor and outdoor pens, stalls, cages, or kennels for quarantine or observation.

VICIOUS ANIMAL: Any animal which Bites, attempts to Bite, attacks, attempts to attack, or otherwise constitutes a physical threat to humans or domestic animals, except an animal which Bites, attempts to Bite, attacks, attempts to attack or otherwise threatens a person or animal unlawfully upon the premises of its Owner, or a person or animal which has provoked or teased that animal. The exception is only a dog in use by any federal, state, or local law enforcement agency in the regular course of the agency's duty.

WILD ANIMAL: As defined by the United States Department of Agriculture: as any animal which is now or historically has been found in the wild, or in the wild state, within the boundaries of the United States, its territories, or possessions. This term includes, but is not

limited to, animals such as: deer, skunk, opossum, raccoon, mink, badger, armadillo, coyote, squirrel, fox, wolf, cougar/mountain lion, and lynx/bobcat.

6.04.050: PROMULGATION OF REGULATIONS AND FEE SCHEDULE:

- A. The Board shall promulgate regulations to carry out and effect the provisions of this title and, from time to time as deemed necessary or advisable, may amend those regulations. Such regulations or amendments thereto, shall not become effective until the resolution adopting such regulations is published at least one time in a newspaper of general circulation in Nye County, and the public is so noticed of the place where a copy of the regulations or amended regulations may be reviewed or obtained.
- B. The Board, by resolution, shall promulgate a schedule of the fees and penalties required by this title; and, from time to time as deemed necessary or advisable, the board by resolution may amend that schedule of fees and penalties. The resolution adopting the fee or penalty schedule, or any amendments thereto, must be published at least one time in a newspaper of general circulation in Nye County prior to the fees or penalties going into effect.

Chapter 6.05 ENFORCEMENT

6.05.010: ENFORCEMENT AUTHORITY:

Animal Services and the Sheriff's Office have the authority to enforce the provisions of this title relating to the safety and health of animals and the public safety of the communities. Pursuant to such authority the officers designated having authority may:

- A. Issue citations, tickets, summons and any other legal notices;
- B. Investigate suspected or alleged violations thereof;
- C. Perform such other duties reasonably necessary to the above or as Nye County may provide.

6.05.020: RESISTING AUTHORIZED PERSONNEL UNLAWFUL:

No person shall oppose, resist or interfere with Animal Services or Sheriff's Office engaged in the performance of any duties related to the enforcement of this title.

6.05.025: FALSE REPORTING:

It is unlawful for any person to deliberately report to Animal Services or Sheriff's Office which causes any officer or deputy to conduct an investigation, knowing such report to be false. The fine for this violation is in accordance with 6.05.040 of this Title.

6.05.030: APPEAL OF ANIMAL SERVICES DECISIONS:

Contested decisions made by Animal Services related to the enforcement of sections 6.08.010, 6.08.020, 6.08.070, 6.08.120, 6.15.020, 6.15.190 and 6.20.020 of this title, or have failed inspection of facilities, may be appealed to the Board in accordance with section 6.40.010 of this title.

6.05.040: VIOLATION OF THIS TITLE; MISDEMEANOR:

Unless otherwise provided herein, any person who violates any of the provisions of this title shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than six (6) months, or both fine and imprisonment.

Chapter 6.06 VACCINATIONS

6.06.010: VACCINATIONS

- A. Rabies control regulations are addressed in Title 8, Chapter 8.30, "Rabies Control", of this code.
- B. Canine Core Vaccinations shall be administered, as recommended by a licensed veterinarian, for all dogs with an unknown vaccination history.
- C. Feline Core Vaccinations shall be administered, as recommended by a licensed veterinarian, for all cats with an unknown vaccination history.

Chapter 6.07 LIMITS ON DOGS AND CATS

- A. Except as otherwise provided in sections 6.08.010 and 6.08.020 of this chapter, no person shall keep more than a combined total of ten (10) dogs and/or cats, over the age of three (3) months at any one location, residence, or residential property located within the Pahrump Regional Planning District.
- B. It is unlawful for any person to possess, own or keep more than two (2) unspayed or unneutered dogs and/or cats over the age of six (6) months at any one time at any location, residence, or residential property located within the Pahrump Regional Planning District.
- C. An owner shall not separate a dog or cat from its mother until it is 8 weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

Chapter 6.08 PERMITS; LIMITS: Multipet, Commercial Kennel, and Special Conditions Permits

Within the area of the Pahrump Regional Planning District, the current maximum number of permits at the effective date of this Ordinance shall be forty-eight (48). The number of

current permits shall diminish as permits expire to a final maximum number of twenty-five (25) within the Pahrump Regional Planning District.

6.08.010: MULTIPET PERMITS

A. Multipet Permit:

1. A person may keep on residential property with a permit a combined total of no more than eleven (11) dogs and/or cats total. Any combination of dogs or cats must not exceed the eleven (11) animal limit provided that:
 - a. Keeps such animals for the purpose of personal pleasure and are not kept for commercial purposes; and
 - b. Obtains a Multipet Permit and a Conditional Use Permit, if applicable; and
 - c. Pays an annual fee pursuant to section 6.04.050 of this title;; and
 - d. The animals must live in a residential setting which has been inspected by Animal Services to be free of safety hazards and is able to accommodate the number of animals owned; and
 - e. Each animal must be photographed, logged and a short medical history provided to satisfy the permit requirements; and
 - f. The residence will be inspected periodically to ensure the permit is being met.
2. The granting of a Multipet Permit is at the discretion of Animal Services for the purposes described above and may be conditioned to address health and safety concerns, local zoning requirements or to prevent the animals from becoming unlawful. Multipet Permits are site specific and nontransferable.
3. A Multipet Permit may be denied by Animal Services. If Animal Services denies a Multipet Permit, the Owner shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.
4. A Multipet Permit may be suspended or revoked by Animal Services for a violation of this title or a violation of any condition(s) imposed on the Permittee.
5. If Animal Services suspends or revokes the permit, the Permittee shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.

6.08.020: COMMERCIAL KENNEL PERMITS

- A. A person may keep any number of dogs or cats at any one location, residence, residential property, or commercial property (commercial property is the preferred location) provided that such person:
1. Keeps such animals for the purpose of providing an Animal Rescue or Animal Sanctuary facility or for commercial purposes, including breeding, boarding or training;
 2. Obtains a Commercial Kennel permit;
 3. Pays an annual fee pursuant to section 6.04.050 of this title; and
 4. All animals maintained in these facilities, except those animals meant for resale which are less than six (6) months old, must be vaccinated against rabies in accordance with Nye County Code, Chapter 8.30, titled "Rabies Control" and this chapter.
- B. The granting of a Commercial Kennel permit is at the discretion of Animal Services for the purposes described above and may be conditioned to address grandfathering, as defined in this title, of existing facilities, health and safety concerns, local zoning requirements or to prevent the animals from becoming unlawful. Animal Services will conduct an initial inspection of the facility and will periodically conduct follow-up inspections to assure the facility continues to meet the standard. Commercial Kennel permits are site specific and nontransferable.
1. The applicant must complete the Commercial Kennel Permit Application and submit the following required items:
 - a. One photograph of the Owner and facility manager; and
 - b. Conditional Use Permit, if applicable, obtained from the Nye County Planning Department pursuant to Nye County Code, Title 17; and
 - c. Copy of current USDA, USDI, NDOW Certificates or other applicable certificates i.e. animal husbandry and so on; and
 - d. Copy of the facility emergency management plan(s) i.e. recapture, destruction, evacuation; and
 - e. Current Animal Inventory with photographs of each animal; and
 - f. Copy of the Applicant(s) Driver's License; and
 - g. Fingerprints; and
 - h. Photographs of the kennel and kennel site; and
 - i. Copy of the Town Business License (as applicable); and
 - j. Copy of filing of the Fictitious Firm Name with the Nye County Clerk's Office; and

- k. Completed and notarized application; and
 - l. Payment of License Fees.
- C. A Commercial Kennel permit may be denied by Animal Services. If Animal Services denies a Commercial Kennel permit, the Owner shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.
 - 1. A Commercial Kennel permit may be denied, suspended or revoked by Animal Services for the following reasons including but not limited to the completion of a Kennel Permit Application:
 - a. Animal cruelty
 - b. Animals maintained in crates or cages too small to accommodate easy standing, sitting, lying down or turning around within the cage or confined area.
 - c. Unclean or unsanitary conditions.
 - d. Animals deprived of medical services
 - e. Unsafe conditions.
 - f. Lack of food and water
 - g. No rabies certificate prior to selling/transferring/giving the animal to another person.
 - h. Providing ineffective protection from the elements and/or not meeting the cold or heat temperature requirements.
 - i. Or any special conditions the Owner has agreed to in order to obtain the Permit.
 - j. Applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within ten (10) years of the date of application, or any offense involving cruelty to animals.
- D. A Commercial Kennel permit may be suspended or revoked by Animal Services for a violation of this title, or a violation of any condition(s) imposed on the Permittee.
- E. If Animal Services suspends or revokes the permit, the Permittee shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.

6.08.030: OWNERSHIP AND POSSESSION OF SPECIAL CONDITIONS ANIMALS:

- A. It is unlawful for any person, corporation, partnership, or other legal entity to import, transfer, sell, purchase, or possess an animal classified as a Special Conditions Animal within Nye County unless that person, corporation, partnership, or other legal entity holds a permit or is exempt from holding a permit under this chapter and under the provisions of Nevada Revised Statutes 571 and 503 and Nevada Administrative Code 441A, 503, and 504.
- B. It is unlawful for any person, corporation, partnership, or other legal entity who holds a Special Conditions Animal Permit to sell, transfer, deliver or give an animal classified as a Special Conditions Animal to any other person, corporation, partnership, or other legal entity within Nye County unless the other person, corporation, partnership, or other legal entity also holds a permit or is exempt from holding a permit under this chapter and under the provisions of Nevada Revised Statutes 571 and 503 and Nevada Administrative Code 441A, 503, and 504.

6.08.040: SPECIAL CONDITIONS ANIMAL PERMIT APPLICANT QUALIFICATIONS:

The granting of a Special Conditions Animal Permit is at the discretion of Animal Services for the purposes described above and Applicants for a permit to possess a Special Conditions Animal permit shall meet the following minimum qualifications, subject to any grandfathering criteria, as defined in this title. If the Applicant is a corporation, partnership or other legal entity, the Applicant must designate an individual who represents the organization and meets the following minimum qualifications:

- A. Applicant or designee must be at least eighteen (18) years of age.
- B. Applicant or designee must have experience in the care and handling of the Special Conditions Animal for which the Applicant is applying, or Special Conditions Animals that Applicant or designee may care or handle in the future. The Owner or Operator must have a Higher National Diploma (HND) in animal management behavior and welfare or possess a degree level qualification in a zoological related science, or equivalent experience. Have extensive knowledge and expertise in animal husbandry and management of carnivore species.
- C. Applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within ten (10) years of the date of application, or any offense involving cruelty to animals.
- D. Location of facility shall be in compliance with all local zoning and planning department requirements.
- E. Special Conditions Animal Permits are site specific and nontransferable.

6.08.050: SPECIAL CONDITIONS ANIMAL PERMIT APPLICATION:

The Applicant shall submit the following to Animal Services for each permit, permit amendment, or permit renewal. Any false statements made by Applicant on the permit application will render such application null and void.

A. The Applicant must complete the Permit Application and the Animal Services Checklist. A copy of the checklist is as follows:

1. One photograph of the Owner and facility manager; and
2. Copy of Applicant's Driver's License; and
3. Conditional Use Permit, if applicable, obtained from the Nye County Planning Department pursuant to Nye County Code, Title 17; and
4. Copy of current USDA, USDI, NDOW Certificates or other applicable certificates i.e. animal husbandry and so on; and
5. Current Animal Inventory with photographs of each animal; and
6. Fingerprints; and
7. Photographs of the Special Conditions Animal site; and
8. Copy of the Health Certificate; and
9. Copy of the Town Business License (as applicable); and
10. Copy of filing of the Fictitious Firm Name with the Nye County Clerk's Office; and
11. Copy of the Deed, Mortgage, Lease or Rental papers for the property; and
12. Original Notarized Emergency Destruction Waiver; and
13. Completed and notarized application; and
14. Payment of License Fees; and
15. A copy of the current Emergency Recapture or Destruction Plan; and
16. A copy of the current Emergency Evacuation Plan; and
17. A copy of the Emergency Release Plan; and

B. Name, complete street address, and phone number. If the Applicant is a corporation, partnership, or other legal entity, the individual designated to represent the organization

must also provide this information. The Applicant, Permittee or designee must notify Animal Services in writing of any change of address or designee fourteen (14) days prior to the change.

- C. Location where the Special Conditions Animal(s) will be housed. Facilities for holding permitted Special Conditions Animal(s) must be located on the premises on which the Permittee resides or shall have a full-time caretaker to supervise the care and security of the facilities.
- D. Current animal inventory, including the common and scientific name, sex, age and source of each animal, any permanent identification on the animal, photographs of each animal and identification of animals that have injured or killed a human being. The Permittee must agree to notify Animal Services in writing and verbally within twenty-four (24) hours of the addition of an animal and the addition of the animal to the listing or the death of a Special Conditions Animal which is listed on the current inventory. The Applicant must agree to provide the identity of the animal along with corroborating photographs and that information will be included in the notice.
- E. A copy of current United States Department of Agriculture (USDA), United States Department of Interior (USDI), Nevada Department of Wildlife (NDOW) or other permits if applicable approving the possession of species listed on the animal inventory.
- F. A written plan must accompany the application for the quick and safe recapture of the animal(s), or if recapture is impossible, for the destruction of any animal held under the permit. The application will not be accepted without this document.
- G. A written plan for the emergency evacuation of the facility holding the Special Conditions Animals must be submitted with the application. The document must be updated within thirty (30) days of any structural changes to the facility. The updated written plan will be submitted with each renewal request.
- H. A written plan for the emergency release from the facility holding the special condition animals which specifically outlines the facility name and individual(s) licensed to remove and house such animals, shall be submitted with the initial application. The emergency release plan will be maintained with all updates submitted to Animal Services within forty-eight hours of the change. A revised plan will be submitted with the renewal request.
- I. The application must be complete and additional information must be submitted in a timely manner when requested. When additional information is not provided within six months of the application submission date the Applicant must reapply.
- J. No wild animal or Special Conditions Animal shall be housed or exhibited in Nye County until the Owner or person having care, custody or control thereof obtains a Nye County Special Conditions Animal Permit from Animal Services to do so. The granting of said permit is at the discretion of Animal Services for the purposes described herein and shall be conditioned to address health and safety concerns and local zoning requirements. Nye

County Special Conditions Animal Permits are site specific and nontransferable. Provisions of this chapter inclusive do not apply to any livestock.

6.08.060: PERMIT FEE:

- A. The permit application and renewal fee shall be in accordance with section 6.04.050 of this title.
- B. Permit fees shall be established by the Board pursuant to section 6.04.050 of this title.

6.08.070: TERM OF PERMIT:

Permits issued by Animal Services under the provisions of this chapter shall be valid for a term of one year from the date of issuance unless otherwise suspended or revoked for violations of this chapter. If Animal Services suspends or revokes a permit, the Permittee shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.

6.08.080: INSPECTION OF FACILITIES:

- A. Before any permit is issued by Animal Services for the possession of a Special Conditions Animal, an inspection of all animal facilities and records related to such animals shall be conducted by Animal Services for the purpose of ensuring compliance with the provisions of this chapter.
- B. Any person, corporation, partnership, or other legal entity possessing an animal restricted under this chapter shall during normal business hours and at all reasonable times allow Animal Services to conduct inspections annually with periodic follow-up inspections conducted throughout the year with all animals, facilities and records relating to such animals for the purpose of ensuring compliance with the provisions of this chapter.

6.08.090: CARE AND HOUSING REQUIREMENTS FOR ALL SPECIAL CONDITIONS ANIMALS:

Domestic Care of all Special Conditions Animals shall meet or exceed United States Department of Agriculture (USDA), United States Department of Interior (USDI) and Nevada Department of Wildlife (NDOW) standards for species.

6.08.100: BIG CAT HOUSING REQUIREMENTS:

- A. Fencing material shall be no less than nine (9) gauge steel wire or equivalent strength material. All metal fence tension bands shall be closed ended. Stretch clamps are not authorized without the addition of closed clamps.
- B. Metal clamps shall be used on all sides of each panel to prevent escape.
- C. Fencing material shall not have holes or spaces that exceed four (4) inches in diameter.

- D. There must be a minimum dimension of 300 square feet per big cat housed in a single enclosure. For each additional big cat housed together, the enclosure size shall be 150 square feet larger. As an example, if there are two big cats housed in the same enclosure, that enclosure must have a minimum of 450 square feet of floor space or if there are three large cats housed in the same enclosure that enclosure must have a minimum of 600 square feet of floor space.
- E. Minimum fence height for an enclosure without a roof or ceiling is twelve (12) feet high with a three-foot (3) angled kick-in fence (turned inward toward the enclosure at a 45-degree angle.)
- F. Minimum fence height for an enclosure with a roof or ceiling eight (8) feet.
- G. A ceiling or roof of an enclosure shall be of chain link fencing material no less than twelve (12) gauge steel wire or equivalent strength material.
- H. Gates on the enclosure shall have a minimum of two (2) latches and a metal chain with a lock for the chain. The chain material shall be no less than nine (9) gauge steel wire.
- I. All fencing will be anchored in the ground to prevent escape, moving or shifting and will be identified during inspection.
- J. All big cats shall have access at all times to an area sheltered from adverse climatic conditions.

6.08.110: BIG CAT TRANSPORT:

- A. Animal Services shall be notified twenty-four (24) hours prior of all big cats departing or within twenty-four (24) hours prior to the arrival at the facility. The departure or arrival shall be documented in accordance with all applicable federal, state and Nye County Codes.
- B. Transport crates should have no space that allows big cats to reach out of the crates with their paws. Crates should be padlocked and should be made from a solid material to prevent escape. The crate should be metal lined on the inside. The opening gate of the crate should have bars spaced no more than one inch apart to be able to view the big cat feeding if necessary. Crates designed for veterinarian use must meet their standard. The crate used shall be a humane size for the big cat being transported, with proper ventilation.
- C. A sturdier carrier that is large enough for the cat to move around, has ventilation, and can fit a small water bowl. It is also recommended to restrain the cat and use a natural pheromone if it becomes anxious.
- D. Big cats transported in extreme temperatures must be provided with a heating or cooling system. Big cat transportation shall be done according to the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) [hereinafter the Animal Welfare Act]; the regulations and

standards issued under the Animal Welfare Act (9 C.F.R. §§ 1.1-3.142) [hereinafter the Regulations and Standards].

6.08.120: GENERAL RESTRICTIONS, CONDITIONS, AND REQUIREMENTS:

- A. If an application for a permit renewal is not submitted to Animal Services on or before the expiration date, animals possessed pursuant to the expired permit shall be deemed to be possessed unlawfully. If an application for a permit renewal, with no changes in the current permit is submitted ten (10) calendar days prior to expiration date, the current permit remains in effect while the application is being reviewed by Animal Services.
- B. A Special Conditions Animal Permit may be denied by Animal Services. If Animal Services denies a Special Conditions Animal Permit, the Applicant shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.
- C. A Special Conditions Animal Permit may be suspended or revoked by Animal Services for a violation of this title or a violation of any condition(s) imposed on the Permittee during the permit process.
- D. If Animal Services suspends or revokes the permit, the Permittee shall be advised in writing of the reasons. The Owner may appeal the decision to the Board pursuant to section 6.40.010 of this title.
- E. A permit does not authorize the sale, barter, or trade of Special Conditions Animal. The Permittee must notify animal control within twenty-four (24) hours of the addition or death of animal.
- F. Owner shall maintain liability insurance of no less than fifty thousand dollars (\$50,000.00) for each Special Conditions Animals.
- G. Special Conditions Animal Permits will require a background criminal check, including previous criminal history.

Chapter 6.09 ANIMALS RUNNING AT LARGE

- A. It is unlawful for any person owning or possessing any animal to permit the same to run at large or trespass on any public or private property.
- B. Any animal running at large or not restrained as required by this title shall be impounded and kept at the Animal Shelter for a period of at least three (3) business days prior to becoming the property of Nye County. During the three (3) business daytime period, the Owner may retrieve his/her animal during the Animal Shelter's working hours and must show proof of Rabies Vaccination, proof of ownership and pay applicable fees.

Chapter 6.10 IMPOUNDMENT FOR VIOLATIONS OF THIS CODE:

- A. An animal may be impounded by Animal Services or the Sheriff's Office when such officers or deputies have probable cause to believe that the Owner or person possessing such animal is in violation of this title.
- B. Any animal impounded pursuant to this section shall be released to its Owner or person lawfully possessing it upon final disposition of all criminal charges or citations relating to the impoundment, unless otherwise ordered by a court of law.

6.10.010: IMPOUNDMENT OF ANIMAL FOR PROTECTIVE CUSTODY:

- A. An animal or animals may be impounded for the welfare of the animal due to the reluctance of the person owning the animal to properly care for the animal, unavailability of the person owning or possessing the animal to care for such animal or animals due to hospitalization, incarceration or other circumstances or events.
- B. Upon notification to the person owning or possessing the animal or animals, or next of kin, if applicable, that the animal or animals are impounded for protective custody, the person owning or possessing the animal or animals, or next of kin, if applicable shall have five (5) business days to make arrangements to have the animal or animals removed from protective custody at the Animal Shelter.
- C. Animals impounded at the Animal Shelter during the course of a civil or criminal investigation will be cared for at the cost of Nye County.

6.10.020: RELEASE OF IMPOUNDED ANIMALS:

- A. No animal impounded pursuant to the provisions of this title shall be released until the Owner or person lawfully possessing such animal is in compliance with all applicable provisions of this title.
- B. Prior to the release of any animal impounded pursuant to the provisions of this title, the location where the animal resides may be subject to inspection to ensure that the animal is properly restrained and cared for.
- C. Any livestock surrendered to Animal Services or deemed abandoned after posting of legal notice by Animal Services and impounded pursuant to the provisions of this title, which are not claimed by its Owner within three (3) business days may be made available for auction, adoption or destroyed. In the case of animals falling under the Department of Agriculture Brand Inspector, animals will be brand inspected prior to disposition of any kind.
- D. Livestock or animals impounded during the course of a civil or criminal investigation will be released by court order, plea bargain or denial.

Chapter 6.11 ANIMAL BITES; REPORTS REQUIRED

It shall be the duty of any person with knowledge thereof to report any animal Bite to Animal Services or the Sheriff's Office, and to provide all information requested within twenty-four (24) hours of the Bite incident.

Chapter 6.12 REPORTING OF FOUND ANIMALS

It is unlawful for any person who takes custody of any lost or abandoned animal, or any animal Running At Large, to fail to report the animal as such to Animal Services within twenty-four (24) hours after taking custody thereof. Animal Services will notify the Department of Agriculture Brand Inspector of all animals falling under their jurisdiction within twenty-four (24) hours of impound.

Chapter 6.13 ANIMAL WASTE AND ODOR

- A. No person having, owning or possessing an animal shall permit, either willfully or through failure to exercise due care, such animal to excrete any solid waste upon any public or private property unless such private property is under the ownership or control of said person. No violation of this section shall occur if the owner or person having custody of the offending animal properly and voluntarily removes and promptly disposes of the solid waste.
- B. Every person having, owning or possessing an animal shall keep said animal's living area free from offensive odors.

Chapter 6.14 CRUELTY TO ANIMALS

Nevada Revised Statutes Chapter 574, titled Cruelty to Animals, is hereby adopted by reference.

6.14.010: ABANDONING ANIMALS:

It is unlawful for any person owning, possessing or having the care, custody or control of an animal, whether injured or not, to abandon the same, or leave it to die in a public street, road, alley, or other public place, or upon the private property of himself or another.

6.14.020: POISONING OR ATTEMPTING TO POISON ANIMALS:

It is unlawful for any person to unjustifiably administer any poisonous drug or substance to any animal, or unjustifiably expose any such drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another. Nothing in this section or chapter shall be construed to:

- A. Prevent or restrict Animal Services or the Sheriff's Office in the exercise and performance of the powers and duties in this title;
- B. Prevent the eradication by poisoning of animals commonly considered pests which are harmful or destructive to man, other animals or property;
- C. Prevent the eradication by poisoning of "vertebrate pests" as that term is defined by Nevada Revised Statutes 555.005;
- D. Prevent scientific experiments or investigations on animals performed by an accredited medical college or research institution.

6.14.030: ENDANGERING ANIMALS:

It is unlawful for any person to throw, drop or place upon any road or public place any material, substance or device intended to wound, disable or injure an animal.

6.14.040: HUMANE CARE BY OWNER:

Animal Services may take possession of such animal for protective care and/or medical evaluation. The animal may be evaluated by Animal Services or licensed veterinary personnel, and if found to be suffering from severe illness or injury, the animal may be humanely euthanized if it is deemed within the animal's best interest. Euthanasia may be performed by those issued the proper licensure by the Nevada State Board of Veterinary Medical Examiners, including licensed veterinarians, licensed euthanasia technicians, or licensed veterinary technicians.

6.14.050: TRANSPORTING OF ANIMALS:

- A. It is unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle, device, or otherwise, any animal in a cruel or inhumane or dangerous manner, or so as to produce torture.
- B. It is unlawful for any person to transport any animal in the bed of an open truck or similar vehicle on any public roadway or on premises to which the public has access without taking reasonable measures to prevent the animal from jumping or being thrown from the vehicle.
- C. It is unlawful for any person to confine an animal in an unattended motor vehicle under conditions or for such period of time as may endanger the health of such animal due to heat, cold, lack of food or water or other circumstances that could reasonably be expected to cause suffering.

6.14.060: HORSE TRIPPING:

No person shall intentionally trip or cause to fall, or lasso or rope the legs of, any equine animal by the legs or by any means whatsoever for the purpose of entertainment, sport, practice, or contest in conjunction with, but not limited to, rodeos, charreadas, animal racing, or pulling contests.

Chapter 6.15 ANIMAL FACILITY REGULATIONS

6.15.010: BREEDER:

A Breeder shall comply with section 6.08.020 of this title and Nye County Code Title 17 relating to Commercial Kennel Permits.

A Breeder shall not:

- A. Sell a dog or cat:
 - 1. Unless the dog or cat has had:
 - a. A registered microchip subcutaneously inserted into the dog or cat; and
 - b. All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; or
 - 2. Without providing a written sales contract to the purchaser; or
- B. Breed a female dog:
 - 1. Before she is eighteen (18) months old; or
 - 2. More than once a year.

6.15.020: BREEDER PERMIT:

- A. A Breeder shall obtain an annual permit issued by Animal Services to act as a Breeder.
- B. A permit shall be issued and assigned a permit number to each Breeder who:
 - 1. Submits an application on a form provided by Animal Services;
 - 2. Pays an annual fee pursuant to section 6.04.050 of this title; and
 - 3. Complies with all applicable requirements prescribed by this title.

4. The application requirements are noted below:

- a. Breeder permit may be denied by Animal Services for the following reasons including but not limited to the completion of a Breeder Permit Application. The following items are required:
 - i. One photograph of the Owner and facility manager; and
 - ii. Conditional Use Permit, if applicable, obtained from the Nye County Planning Department per title 17.04.110; and
 - iii. Copy of current USDA, USDI, NDOW Certificates or other applicable certificates i.e. animal husbandry and so on; and
 - iv. Copy of the facility emergency management plan(s) i.e. recapture, destruction, evacuation; and
 - v. Current Animal Inventory with photographs of each animal; and
 - vi. Copy of the Applicant(s) Driver's License; and
 - vii. Fingerprints; and
 - viii. Photographs of the Breeder site; and
 - ix. Copy of the Breeder Health Certificate; and
 - x. Copy of the Town Business License (as applicable); and
 - xi. Copy of filing of the Fictitious Firm Name with the Nye County Clerk's Office; and
 - xii. Completed and notarized application; and
 - xiii. Payment of License Fees; and
- b. In addition, operating Breeder Permits may be revoked for the following:
 - i. Animal cruelty
 - ii. Animals maintained in crates or cages too small to accommodate easy standing, sitting, lying down or turning around within the cage or confined area.
 - iii. Unclean or unsanitary conditions.

- iv. Animals deprived of medical services
 - v. Unsafe conditions.
 - vi. Lack of food and water
 - vii. No rabies certificate prior to selling/transferring/giving the animal to another person.
 - viii. Providing ineffective protection from the elements and/or not meeting the cold or heat temperature requirements.
 - ix. Or any special conditions the Owner has agreed to obtain the Permit.
 - x. Applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within ten (10) years of the date of application, or any offense involving cruelty to animals. (should not be able to get a permit)
- C. A permit shall contain the address of the premises at which the person may act as a Breeder.
- D. The number of the permit assigned to the Breeder shall be displayed in all advertising in which the Breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the Breeder.
- E. Animal Services may enter and inspect the premises specified on a Breeder permit at any reasonable hour to inspect the premises.
- F. A Breeder's permit may be suspended, revoked or denied by Animal Services for a violation of Nye County Code Title 6 Animals, or Nye County Code Title 17 Commercial Kennels or applicable NRS.
- G. When Animal Services denies a Breeder permit, the Breeder shall be advised in writing of the reasons. The owner may appeal the decision to the Board of County Commissioners pursuant to section 6.40.010 of this title.
- H. When Animal Services suspends or revokes the permit, the Permittee shall be advised in writing of the reasons. The Permittee may appeal the decision to the Board of County Commissioners pursuant to section 6.40.010 of this title.

6.15.030: BUILDINGS AND GROUNDS; HOUSING FACILITIES:

Nevada Revised Statutes Chapter 574, titled Cruelty to Animals, is hereby adopted by reference.

6.15.040: ANIMAL RESCUES, ANIMAL SANCTUARIES:

Every Animal Rescue or Animal Sanctuary must maintain records containing information of each rescue animal received that indicates:

- A. The date and time each animal arrived;
- B. The gender, age, breed, color, and brief physical description of each animal;
- C. Whether the animal is sterilized or unsterilized;
- D. The expiration date of the rabies vaccination of each animal;
- E. A health certificate, pursuant to NRS 571.210, and name of the issuing veterinarian, if applicable;
- F. The origin of each animal;
- G. The disposition of each animal, for example, adopted, released to another rescue organization, releasing agency, euthanized, or other disposition. At no time shall an animal be euthanized unless found to be suffering from severe illness or injury, or severe behavior, and determined to be in the animal's best interest, as determined by a licensed veterinarian.;
- H. The disposition location of each animal, for example, adopters, rescue organization, releasing agency, veterinarian, or other location.
- I. The records must be produced for review by Animal Services upon request to verify compliance with this title;
- J. Shall microchip all dogs and cats over four (4) months of age and register the microchip with a national registry. Animal Control Officers have microchip scanners in their vehicles and check lost animals for microchips and other identification in an effort to take the lost pet(s) back home.

6.15.050: ENCLOSURE GENERALLY:

An Operator shall:

- A. Provide all animals with enclosures located indoors, except animals that are acclimated to the outdoor environment.

- B. Ensure that the interior of a Housing Facility for indoor enclosures is constructed and maintained in such a manner as to be substantially impervious to moisture as required by species and to facilitate regular cleaning.
- C. Provide a suitable method to eliminate excessive water from the interior of a Housing Facility for indoor enclosures. All drains must be constructed and maintained in such a manner as to avoid foul odors. Any closed system for drainage must be equipped with traps that prevent the release of sewage into the Housing Facility.
- D. Ensure that indoor enclosures are constructed and maintained in such a manner as to protect the animals inside from excessive illumination while providing an amount of light, by natural or artificial means or both, of a sufficient distribution and intensity to allow for routine inspection and cleaning.
- E. Provide a sufficient amount of heat when necessary to protect the animals inside from cold and to maintain their health and comfort. The Ambient Temperature of an indoor enclosure in which one or more animals are kept must not be allowed to fall below fifty degrees Fahrenheit (50°F), unless each animal is acclimated to a lower temperature.
- F. Provide adequate ventilation at all times to maintain the health and comfort of the animal (s) inside as required by species. The system of ventilation must provide fresh air by means of windows, doors, vents or air conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the Ambient Temperature reaches eighty-five degrees Fahrenheit (85°F) or greater, air conditioning, exhaust fans and vents, or other auxiliary ventilation must be installed and operated, unless each animal is acclimated to a higher temperature.

6.15.060: DOGS AND CATS KEPT OUTDOORS:

If dogs and cats are kept outdoors, an Operator shall:

- A. Provide a suitable method for the rapid drainage of surface water from the area where each dog or cat is kept.
- B. Provide each dog or cat with a sufficient amount of shelter to:
 - 1. Remain dry from rain and snow; and protected from wind when a high wind warning has been issued by the national weather service or which creates a wind chill of less than fifty degrees Fahrenheit (50°F).
 - 2. Have enough shade to protect itself from any direct sunlight that is likely to cause overheating or discomfort.
 - 3. Remain cool during a period for which the national weather service has issued a heat advisory.

4. Remain warm when the atmospheric temperature falls below the fifty degrees Fahrenheit (50°F). If the Ambient Temperature falls below fifty degrees Fahrenheit (50° F), the operator shall provide such an additional amount of clean bedding material or other protection as necessary for the animal to remain warm.
5. After considering the Ambient Temperature, provide each animal with a sufficient amount of food and water necessary to sustain it in a healthy condition at that temperature.

6.15.070: PRIMARY ENCLOSURES GENERALLY:

An Operator shall ensure that a Primary Enclosure:

- A. Has a solid floor;
- B. Is constructed and maintained in such a manner as to:
 1. Protect the dogs or cats inside from injury;
 2. Prevent the dogs or cats inside from escaping;
 3. Keep other dogs or cats out;
 4. Allow the dogs or cats inside convenient access to food and water;
 5. Enable dogs or cats inside to remain clean and dry;
 6. Provide sufficient space for each dog or cat inside to turn about freely and to stand, sit and lie in a comfortable, normal position; and
 7. Prevent the dogs or cats inside from biting or otherwise harming an animal or person outside of the Primary Enclosure.
- C. The provisions of subsection A of this section does not apply to any Animal Shelter.

6.15.080: FLOOR SPACE OR PRIMARY ENCLOSURE FOR ANIMALS:

Persons keeping Livestock shall ensure that a Primary Enclosure in which each animal is kept is provided sufficient space for each animal to turn about freely and to stand, sit and lie in a comfortable normal position as appropriate for the species.

6.15.090: ANIMALS KEPT IN ENCLOSURES TOGETHER:

If animals are kept in enclosures together, an Operator shall ensure that:

- A. Animals placed with other animals are compatible.
- B. An animal that displays a vicious disposition is not placed together with any other animal.
- C. A female animal is not placed together with any intact male animal during periods of estrus, except for supervised breeding.

6.15.100: FOOD AND WATER:

An Operator shall ensure that:

- A. Clean potable water is accessible to the animal at all times or except as directed by a veterinarian to provide adequate care.
- B. Each animal is fed at least once each day, except as otherwise required to provide adequate care.
- C. The food provided to an animal is wholesome, palatable, free from contamination, and of sufficient quality and nutritive value to meet the normal daily requirements for the animal, based upon its condition and size.
- D. Supplies of perishable food are to be adequately refrigerated or properly stored to prevent spoilage.
- E. Containers of food are:
 - 1. Durable, except that disposable receptacles may be used if they are discarded after each feeding; and
 - 2. Located so as to be accessible to the animals while reducing to a minimum any contamination from excreta.
- F. Containers of food and water are kept clean. Self-feeders must not be used for the feeding of dry food unless they are cleaned regularly to prevent molding, deterioration and the caking of food.

6.15.110: SANITATION:

An Operator shall ensure that:

- A. Insects, ectoparasites and avian, mammalian and reptilian pests are kept under control.
- B. Supplies of food and bedding material are stored in facilities that afford adequate protection from infestation or contamination by vermin.
- C. For Primary Enclosures used to restrict the immediate movement of a dog or cat:
 - 1. Excreta are removed at least once daily to prevent contamination and to reduce to a minimum odor and the risk of disease.
 - 2. Each such Primary Enclosure is disinfected at least once daily and before placing another dog or cat in the enclosure. If a hosing or flushing method of cleaning is used, all dogs or cats must be removed from the enclosure and adequate measures must be taken to protect the animals in other enclosures from being contaminated with water and other wastes.
- D. Pens or runs with hard surfaces, and cages and rooms, are sanitized at least once every two (2) weeks by:
 - 1. Washing them with water of a temperature not less than one hundred twenty degrees Fahrenheit (120°F) and with soap or detergent; or
 - 2. Washing all soiled surfaces with a safe and effective disinfectant; or
 - 3. Cleaning all soiled surfaces with live steam.
- E. Pens or runs with gravel, sand or dirt surfaces are cleaned as often as necessary by removing and replacing the soiled gravel, sand or dirt.
- F. Sewage, solid wastes, soiled bedding, dead animals and debris are removed from Housing Facilities regularly during the business day and disposed of in accordance with applicable laws.
 - 1. Return to the Owner or estate;
 - 2. Send to the crematory;
 - 3. Dispose in the Dead Animal Pit.
- G. Primary Enclosures used to restrict the immediate movement of an animal other than a dog or cat are cleaned, washed and disinfected at least once every two (2)

weeks to prevent any accumulation of debris or excreta and to reduce to a practical minimum substances and organisms injurious to the health of animals or humans.

- H. Facilities for disposal are maintained in such a manner as to reduce to a minimum odor and the risk of disease or infestation by vermin.
- I. Adequate facilities, such as washrooms, basins or sinks, are provided for the cleanliness of persons handling animals.

6.15.120: PROGRAM TO CONTROL DISEASE AND CARE FOR HEALTH:

An Operator shall, with the approval of a veterinarian, establish and maintain a program to control disease and care for the health of animals. As part of this program, an Operator shall ensure that:

- A. Each animal is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.
- B. Blind, lame, injured, ill or diseased animals are provided with the appropriate veterinary care that is consistent with the purposes for which an animal is being kept or humanely euthanized.
- C. Any animals under Quarantine or being treated for a communicable disease are kept separate from other animals.

6.15.130: EXAMINATION BY VETERINARIAN; NOTICE OF TREATMENT OR MEDICATION TO PURCHASER; SALE OF AN ANIMAL THAT REQUIRES IMMEDIATE TREATMENT PROHIBITED:

- A. A Retailer or Dealer shall, after the acquisition of a cat or dog for resale or adoption, cause the animal to be examined by a veterinarian. The Retailer or Dealer shall not sell or adopt the animal before it is initially examined by a veterinarian.
- B. A Retailer or Dealer shall cause a cat or dog acquired for resale to be reexamined by a veterinarian:
 - 1. Fourteen (14) calendar days after the date of its initial examination; and
 - 2. Every thirty (30) calendar days after until sold.
- C. If a veterinarian conducting an examination pursuant to this section finds that a dog or cat has no illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, he shall provide a written statement setting forth his findings to the Retailer or Dealer.

- D. A Retailer or Dealer shall provide to the purchaser of a cat or dog, at the time of sale, written notice of any veterinary treatment or medication received by the cat or dog after it was acquired by the Retailer or Dealer, including a copy of any statement provided by a veterinarian pursuant to subsection C of this section. The notice must be signed by the Retailer or Dealer, dated and include the dates on which the animal was examined and on which the animal received medication or a vaccination.
- E. A Retailer or Dealer shall not knowingly sell a cat or dog if it has an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention.
- F. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention unless the animal is clinically ill as a result of the parasite.

6.15.140: PROVISION OF WRITTEN STATEMENT TO PURCHASER OF CAT OR DOG; REQUIRED DISCLOSURES; SIGNATURE OF SELLER AND PURCHASER:

- A. A Retailer or Dealer shall, before selling a cat or dog, provide the purchaser of the cat or dog with a written statement that discloses:
 - 1. The name, address and telephone number of the Retailer or Dealer.
 - 2. The date the cat or dog was born, if known.
 - 3. The name and address of the person from whom the Retailer or Dealer obtained the cat or dog and, if the person holds a license issued by the United States department of agriculture, the person's federal identification number.
 - 4. The name and address of the Breeder of the cat or dog, if any, and, if the Breeder holds a license issued by the United States department of agriculture, the Breeder's federal identification number.
 - 5. The registration numbers, if any, of the cat's or dog's sire and dam with the appropriate breed registry or any health certifications from a health certification organization such as the Orthopedic Foundation For Animals or its successor organization, if any.
 - 6. A record of any immunizations administered to the cat or dog before the time of sale, including the type of vaccine, date of administration and name and address of the veterinarian who prescribed the vaccine.
 - 7. The medical history of the cat or dog, including, without limitation:

- a. The date that a veterinarian examined and, if applicable, reexamined the cat or dog pursuant to subsections 1 and 2 of Nevada Revised Statutes 574.450 and determined that the cat or dog did not have any illness, disease or other condition that is terminal or required immediate hospitalization or immediate surgical intervention. For the purposes of this subparagraph, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention, unless the cat or dog is clinically ill as a result of the parasite.
 - b. Whether any treatment or medication has been administered by the veterinarian who examined or, if applicable, reexamined the cat or dog pursuant to subsections 1 and 2 of Nevada Revised Statutes 574.450 and if such treatment or medication was administered, a statement indicating on what date it was administered and for what illness, disease or condition.
 - c. The name and address of the veterinarian who performed the examinations or reexaminations or administered any treatments or medications.
8. That a copy of the veterinarian's evaluation of the health of the cat or dog made pursuant to Nevada Revised Statutes 574.450 is available to the purchaser.
 9. The written statement must be signed and dated by the Retailer or Dealer and contain a space for the purchaser to sign and date the statement as an attestation that he has read and understands the disclosures contained in the statement.

6.15.150: NOTICE OF AVAILABILITY OF INFORMATION CONCERNING DOGS AND CATS:

A Retailer or Dealer shall conspicuously post within close proximity to the Primary Enclosure of a dog or cat offered for sale the following notice at least 100-point type:

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF BIRTH, SOURCE, LINEAGE AND MEDICAL HISTORY OF DOGS OR CATS BE PROVIDED TO THE PURCHASER BEFORE COMPLETION OF ANY SALE

6.15.160: DUTIES UPON DETERMINATION THAT PET WAS SOLD WITH CONDITION THAT REQUIRES IMMEDIATE TREATMENT:

If a person purchases a dog or cat from a Retailer or Dealer and, within ten (10) days after the sale, a veterinarian determines that the dog or cat has an illness, disease or

other condition that is terminal or requires immediate hospitalization or immediate surgical intervention and that was in existence on the date of the sale, the Retailer or Dealer shall, at the option of the purchaser, either:

- A. Refund the purchase price of the dog or cat if the dog or cat is returned or provide the purchaser with another dog or cat of equal value; or
- B. Reimburse the purchaser, in an amount not to exceed the purchase price of the dog or cat, for expenses incurred by the purchaser in obtaining a diagnosis and treatment for the pet from a veterinarian chosen by the Retailer or Dealer.

6.15.170: SEPARATING DOG OR CAT FROM MOTHER:

A Retailer, Dealer or Operator shall not separate a dog or cat from its mother until it is eight (8) weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

6.15.180: KNOWINGLY SELLING AN ANIMAL WITH CONDITION REQUIRING IMMEDIATE TREATMENT PROHIBITED; PENALTIES:

- A. A Retailer or Dealer shall not sell a dog or cat that he knows has any illness, disease or other condition that is terminal or requires immediate hospitalization or immediate surgical intervention at the time of sale.
- B. For the purposes of this section, the presence of internal or external parasites does not constitute an illness, disease or other condition that is terminal or requires clinically immediate hospitalization or immediate surgical intervention unless the dog or cat is clinically ill as a result of the parasite.

6.15.190: ANNUAL INSPECTION OF PREMISES REQUIRED:

- A. Any Retailer, Dealer or Operator which is required to obtain and/or maintain a business license shall have their premises inspected annually with periodic follow-up inspections conducted throughout the year by Animal Services to ensure compliance with the provisions of this chapter.
- B. If it is determined by Animal Services that the premises failed inspection, the Retailer, Dealer or Operator shall be advised in writing of the reasons. The Retailer, Dealer or Operator may appeal the decision to the Board of County Commissioners pursuant to section 6.40.010 of this title.

Chapter 6.20 MISCELLANEOUS ANIMAL REGULATIONS

6.20.010: EXCESSIVE NOISE UNLAWFUL:

Excessive noise regulations as set forth in Nye County Code Title 17, Section 17.04.860, "Nuisances Prohibited", are adopted herein by reference.

- A. It is unlawful for any person to keep, harbor or possess any animal which by loud, frequent or consistent barking, yelping, howling, or other noise causes annoyance to or disturbs the peace and quiet of the neighborhood or to any person in the vicinity.
- B. In determining whether an animal's noise violates this section, factors to be considered include, but are not limited to, the time of day the sounds occur, the intensity and duration of the noise, whether the sound is recurrent, intermittent or constant, the circumstances which might cause the animal to make noise, and the proximity of the noise to others.

6.20.020: VICIOUS AND DANGEROUS ANIMALS:

- A. Nevada Revised Statutes Chapter 202 Crimes Against Public Health and Safety NRS 202.500 Dangerous or vicious dogs: Unlawful acts; penalties is hereby adopted by reference.
- B. It is unlawful for any person to keep, harbor or own a Dangerous Animal as defined by this title, unless the provisions in 6.20.050 are implemented.
- C. When Animal Services classifies any animal as a Vicious or Dangerous Animal under this chapter, Animal Services shall notify the animal Owner of such classification. The notice to the Owner shall meet the following requirements:
 - 1. The notice shall be in writing and mailed by certified mail to the Owner's last known address.
 - 2. The notice shall include a summary of Animal Services' findings that form the basis for the animal classification as a Vicious or Dangerous Animal. If the determination that the animal classification is a Vicious or Dangerous Animal, the notice shall specify the date upon which the determination is effective.

The notice shall be dated and shall state that the Owner has a right to request a hearing before the Board no later than ten (10) business days of the date of the notice on the classification pursuant to section 6.40.010 of this title.

The notice shall state that if the Owner does not request a hearing pursuant to section 6.40.010 of this title, then the classification of the animal as a Vicious or Dangerous Animal shall be final and conclusive for all purposes.

- 3. If a Vicious or Dangerous Animal has more than one Owner, notice to one Owner shall be sufficient for purposes of this chapter.

If a hearing is requested pursuant to section 6.40.010 of this title and unless the Board determines that a later date is appropriate in a particular case, the effective date of the

determination pursuant to subsection C2 of this section shall be the date of Animal Services classification.

- D. If the identity of the Owner of an animal which Animal Services has classified as a Vicious or Dangerous Animal cannot be determined, the animal shall be immediately confiscated. If the Owner claims such animal, the animal shall be released to its Owner, together with a copy of the notice specified in subsection C1 of this section. If the animal remains unclaimed for seven (7) business days, the animal shall be destroyed in an expeditious and humane manner. Under no circumstances shall such animal be placed for adoption.

A decision by the Board overturning Animal Services' determination shall not affect Animal Services' right to later declare the same animal to be a Vicious or Dangerous Animal or to determine that the same animal poses a threat to public safety, for the animal's subsequent behavior.

Other remedies. The Board may order that the Owner and the Dangerous Animal complete a course of obedience training as approved by Animal Services.

6.20.030: EXCEPTIONS:

No animal shall be declared a Vicious or Dangerous Animal if:

- A. The animals were used by a law enforcement official for legitimate law enforcement purposes.
- B. Guard or security animals, trained for such purpose and maintained under conditions designed to guarantee the safety of the public.
- C. The threat, injury or damage was sustained by a person:
 - 1. Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the animal;
 - 2. Who was provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the animal; or
 - 3. Who was committing or attempting to commit a crime; or
- D. The animal was:
 - 1. Responding to pain or injury, or was protecting itself, its offspring; or

2. Protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. Animals acting under this provision will not be subject to the Bite provision set forth in this ordinance.
3. Playing and caused an accidental Bite should not be classified as a true Bite because there was no intent to cause physical damage to the victim.

6.20.040: POSSESSION OF A VICIOUS OR DANGEROUS ANIMAL:

- A. Any Owner of a Vicious or Dangerous Animal shall be jointly and severally responsible with all other Owners of such animal for compliance with the requirements of this chapter.
- B. No person shall knowingly own or keep a vicious dog for more than seven (7) days after the person has actual notice that the dog is vicious; or transfer ownership of a vicious dog after the person has actual notice that the dog is vicious.
- C. No person shall keep, harbor, or own a Dangerous Animal except in compliance with all of the following requirements:
 1. A Dangerous Animal shall not be permitted to remain in Nye County unless it is properly registered as provided in section 6.20.050 of this chapter.
 2. Except under the circumstances otherwise specifically permitted by this chapter, a Dangerous Animal shall at all times be maintained inside a secure enclosure.
 3. The premises where a Dangerous Animal is kept shall be posted with a clearly visible sign warning that there is an animal on the premises which presents a danger to human beings. Such sign shall include a symbol sufficient to convey without words the message that there is an animal on the premises which presents a danger to human beings.
- D. It shall be unlawful for the Owner of a Dangerous Animal to permit the animal to be outside a secure enclosure unless the animal is properly muzzled and restrained by a substantial chain or leash and is under the physical restraint of a legally responsible person at all times.

If there have been no further incidents for a period of five (5) years after Animal Services classifies an animal as dangerous pursuant to subsection 6.20.020 of this chapter and the Owner can provide proof of obedience training at a reputable club or business, Owner may petition via written request to the Board of County Commissioners for removal of the designation.

6.20.050: REGISTRATION OF DANGEROUS ANIMAL:

- A. No Dangerous Animal shall be permitted to remain within Nye County unless it is registered with Animal Services. The Owner of a Dangerous Animal shall register such Owner's animal according to the classification and determination previously made pursuant to section 6.20.020 of this chapter. No Dangerous Animal shall be registered unless the Owner can provide sufficient evidence that all of the provisions of this chapter have been and are being met and Animal Services has inspected the property and containment facility.
- B. The registration provided by this section shall be nontransferable. Any transfer of ownership, transfer of possession of the animal or change in the location of the animal's Primary Enclosure shall require approval from Animal Services, prior to any change taking place.

6.20.060: CONFISCATION AND DISPOSITION OF A DANGEROUS ANIMAL:

- A. A Dangerous Animal shall be immediately confiscated by Animal Services or a Sheriff's deputy, upon the determination that one of the following circumstances exists
 - 1. The Dangerous Animal is not validly and currently registered as required by section 6.20.050 of this chapter.
 - 2. The Dangerous Animal is not maintained in a secure enclosure.
 - 3. The Dangerous Animal is outside a secure enclosure but not under the restraints required by section 6.20.040 of this chapter, whether or not such Dangerous Animal is in the custody or possession of its owner.
- B. A Vicious Animal that inflicts substantial bodily harm may be ordered by a court to be humanely destroyed.
- C. Any animal which has been confiscated under subsection A of this section may be returned to its Owner upon the Owner's compliance with the provisions of this section, and Nevada Revised Statute 202.500, and upon the payment of costs and fees pursuant to section 6.04.050 of this title. If the Owner has not complied with the provisions of this section and paid costs and fees within twenty (20) calendar days of the date of confiscation, the Dangerous Animal may be destroyed in an expeditious and humane manner unless the court mandates other requirements.

6.20.070: ANIMALS IN PUBLIC PLACES:

Animals in public places shall be restricted by a leash, except for the following:

- A. Service Animals;

- B. Specially permitted events;
- C. Dog Shows Participants;
- D. Demonstrations;
- E. Dogs in Exhibits

A person having custody of an animal in a public place shall be responsible for picking up feces deposited by his animal in accordance with Chapter 6.13 of this Title.

6.20.080: PACKS OF ANIMALS:

It shall be the duty of Animal Services or Sheriff's Office upon notification of an Animal Pack Running At Large, or upon notification of a wild animal threatening the safety of the public, to take any steps to ensure the control or securing such animals.

6.20.090: RELEASING ANIMAL OF ANOTHER:

It is unlawful for any person to release from a barn, corral, cage, pen, enclosure of any type, enclosed pasture, yard or property, an animal belonging to another person.

6.20.100: PERMITTING ANIMAL TO ATTACK ANIMAL OF ANOTHER:

It is unlawful for any person having care, custody, control, or ownership of an animal to permit or create a condition for his or her animal to attack, injure, maim, or kill the animal of another.

6.20.110: PERMITTING OR CREATING A CONDITION RESULTING IN AN ANIMAL ATTACKING A HUMAN BEING:

It is unlawful for any person having care, custody, control, or ownership of an animal to permit or create a condition for his or her animal to attack, injure, maim, or kill a human being.

Chapter 6.40 APPEALS

6.40.010: APPEALS TO BOARD OF COUNTY COMMISSIONERS:

- A. Any person or Permittee who is entitled to a hearing before the Board pursuant to sections 6.08.010, 6.08.020, 6.08.070, 6.08.120, 6.15.020, 6.15.190 and 6.20.020 of this title or has failed inspection of facilities, shall be notified by personal service or by certified mail, return receipt requested, sent to the last known address of the person or Permittee. Within ten (10) business days after notice has been served personally or deposited in the mail, the person or Permittee may file with Animal Services a written request for hearing before the Board.

- B. If a hearing is requested within the specified time period, the Board shall hear the appeal no later than thirty (30) business days after receipt of the written request for hearing. Animal Services shall notify the person or Permittee in writing by certified mail, return receipt requested, of the date, time and place of the hearing. Such notice shall be made to the person or Permittee at least ten (10) calendar days prior to the date of the hearing. The Board shall act expeditiously to decide the matter and may:
 - 1. Uphold, overturn or modify the decision made by Animal Services;
 - 2. Make recommendation(s) to safeguard the health, safety and welfare of the public and of the animal(s).

6.40.020: HEARING PROCEDURES:

At all hearings before the Board, the following procedure shall apply:

- A. Oral testimony may be taken.
- B. The parties to the hearing have the right to:
 - 1. Call witnesses.
 - 2. Introduce exhibits relevant to the issues of the case.
 - 3. Offer rebuttal evidence.
- C. If the person or Permittee entitled to a hearing does not testify in his or her own behalf, he/she may be called and examined.
- D. The hearing need not be conducted according to technical rules relating to evidence and witnesses. Any relevant evidence may be admitted.
- E. The parties or their counsel may by written stipulation agree that certain specified evidence may be admitted even though such evidence might otherwise be subject to objection.
- F. Consider all evidence and testimony in support of and in opposition to the charges.
- G. Enter in the minutes of the Board, the findings, conclusions, decision and action taken by the Board.
- H. Within ten (10) calendar days of the date of the hearing, Animal Services shall notify the person or Permittee in writing by certified mail, return receipt requested, of the Board's determination in the matter.
- I. The decision of the Board is a final decision for the purpose of judicial review.

6.40.030: APPEALS OF DECISIONS OF THE BOARD:

Any party who is aggrieved by a final decision of the Board may appeal that decision to the district court by filing a petition for judicial review.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after the 13th day of January, 2025.

Proposed on the 15th day of October, 2024

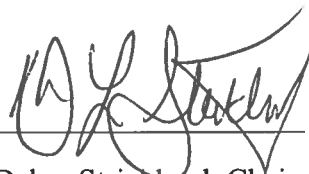
Proposed by: Commissioner Jabbour.

Adopted on the 17th day of December, 2024

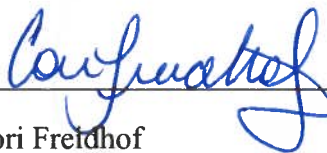
Vote: Ayes: Commissioners: Strickland, Boskovich, Cox, Carbone, Jabbour

Nays: Commissioners: 0

Absent: Commissioners: 0

BY: 
Debra Strickland, Chair

Nye County Board of
County Commissioners

ATTEST: 
Cori Freidhof

Clerk and Ex-Officio
Clerk of the Board