

ORDINANCE NO. 2908
(Amending Henderson Municipal Code Title 7, Chapters 7.04 and 7.08)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, AMENDING HENDERSON MUNICIPAL CODE TITLE 7 OF THE
ANIMAL CONTROL ORDINANCE

WHEREAS, on August 3, 2010, the City Council enacted HMC 7.04.095 through Bill 2564. HMC 7.04.095 allows for dog or cat owners to apply for a Breeder's Permit as an exception to the spay/neuter ordinance; and

WHEREAS, it is the goal to maintain consistency throughout Title 7 relative to the maximum number of animals allowed; and

WHEREAS, it is the goal of Animal Control to clarify Title 7 regarding required permits for certain business that impact the care and welfare of animals; and

WHEREAS, Title 7 does not provide proper provisions for enforcement of violations for animals that are not properly cared for by businesses who deal with animals; and

WHEREAS, the current Title 7 does not clearly state the standards for businesses housing and caring for animals. The reorganization of the applicable sections into 07.08 will clearly define the minimum requirements. This will result in better animal care as well as provide objective standards for enforcement; and

WHEREAS, it is the goal of Animal Control is to provide objective standards for enforcement of business handling animals; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Title 7, Chapter 7.04.010, is hereby amended to read as follows:

As used in this title, unless the context otherwise requires, the following definitions shall be in effect:

"Adequate feed" means the provision at suitable intervals, but in no event less than once every twenty-four hours, of a quantity of wholesome food-stuff suitable for the animal's physical condition and age, sufficient to maintain an adequate level of nutrition in the animal, such foodstuff to be served in a clean receptacle, dish or container.

"Adequate water" means the access to a sufficient supply of clean, fresh, potable water provided at suitable intervals for the animal's physical needs and the climatic conditions.

"Animal" shall be defined for the purposes of this title to be dogs, cats, horses, mammals, reptiles, birds and other wild, domestic or farm animals that may be found in the care, custody, control or ownership of human beings.

"Animal control officer" means any duly authorized person in the employ of the city responsible for the enforcement of this title and regulations promulgated thereunder.

"Animal establishment" means any grooming school, grooming parlor, commercial kennel, commercial cattery, pet shop, pet massage facility, commercial stable, animal shelter, petting zoo, or any animal menagerie or business that will keep or possess animals in its care on its premises.

"Animal establishment permit" means a permit recognized and accepted by the Chief of Police or Designee which has been issued to the owner or owners of an animal establishment. The permit is required in order to operate or carry on an animal establishment for profit.

"Animal handler permit" means a permit recognized and accepted by the Chief of Police or Designee which has been issued to the owner or owners of a pet training service, pet care services, or any animal related home-based business or service that will not be housing or possessing animals in its care or on its premises, rather providing services to clients at an owner's home or property. The permit is required in order to operate or carry on the above business for profit.

"Animal shelter" means any establishment authorized by the city for the confinement, maintenance, safekeeping and control of all animals that come into the custody of any animal control officer in the performance of his/her official duties.

"Animal vaccination certificate" means that every veterinarian who vaccinates any animal with rabies vaccine shall issue to the owner of such animal, a certificate approved by the Clark County district health officer, which is signed by the veterinarian and which states thereon the name and description of the animal, the date of such vaccination and the expiration date of vaccine used.

"At large" means not confined; any animal which is not directly controlled and contained by an owner is an animal "at large."

"Bite" means a puncture or tear of the skin inflicted by teeth of an animal.

"Board" means the district board of health of Clark County.

"Breeder" means a person who must acquire a breeder permit prior to breeding any dog or cat.

"Breeder's Permit" means a permit recognized and accepted by the Chief of Police which has been issued to a Breeder. The permit is required in order to sell puppies or kittens for profit.

["Cat fancier" means any person owning, keeping or possessing on his property, provided they have safe, adequate cages in a completely enclosed building on the property, at one location, up to six adult cats for the purpose of showing, in recognized cat shows, or for improving the variety of breed in temperament or conformation with a view to exhibiting in shows or feline events, said cats shall be registered with at least one association recognized by the senior animal control officer.]

"Cattery" means an enclosed area for the total confinement of one or more cats.

"City" means the city of Henderson, Nevada.

"Commercial cattery" means any licensed establishment in the city of Henderson at which cats are bred, raised for sale, trained, rented, boarded, cared for or quarantined, for profit, excluding dental, medical or surgical care. All commercial catteries shall be maintained within a completely enclosed building. [This definition shall not apply to the premises of a private cat fancier and the animals raised thereon.]

"Commercial kennel" means any licensed establishment in the city of Henderson at which dogs are bred, raised for sale, trained, rented, boarded (hourly or daily), cared for or quarantined, for profit, excluding dental, medical or surgical care. [This definition shall not apply to the premises of a private dog fancier and the animal raised thereon.]

"Commercial stables" means any licensed establishment in the city of Henderson at which horses are bred, raised for sale, boarded, cared for, quarantined, trained, sold, or rented, [on a commercial basis,] excluding dental, medical or surgical care.

"Confined" means a condition whereby an animal is restricted to the property of the owner by enclosed lot, leash, cord or chain of suitable length for the type of animal, as determined by the senior animal control officer from specifications furnished to him by the Clark County veterinary medical association, and so placed that the animal has free access to his feed, water and shelter and, further, so affixed as to preclude the animal becoming entangled on any obstruction; and the cage, coop, stable, leash, cord, chain or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the senior animal control officer from specifications furnished to him by the Clark County veterinary medical association to allow the animal comfort and safety.

"Cruelty or torture" means every act, omission or commission whereby unjustifiable physical pain, suffering or death is caused to any animal.

["Dog fancier" means any person owning, keeping or possessing on his property, provided they have safe, adequate cages in a completely enclosed building on the property, at one location, up to six adult dogs for the purpose of showing in recognized dog shows, field trials or obedience trials, for working or hunting, or for improving the variety of breed in temperament or conformation with a view to exhibition in shows or trials or for use as working dogs in hunting; said dogs shall be registered with at least one association recognized by the senior animal control officer.]

"Dog license" means the actual paper receipt which evidences the fact that a party has purchased a dog license. The license must contain certain information concerning a specific animal (breed, color, sex, tag number and rabies vaccination date) and information concerning the owner of said animal (name, address and telephone number).

"Dog tag" means the number stamped metal marker which is to be attached to the dog's collar or harness as evidence of the purchase of a dog license.

"Enclosed lot" means a parcel of land or portion thereof around the perimeter of which a fence or wall adequate to contain any animal kept therein has been constructed.

"Fees" means moneys collected by the city of Henderson, as established by the city council and amended from time to time for the impounding, maintenance, sale or destruction of animals at the animal shelter.

"Fowl" means any edible bird.

"Grooming parlor" means any establishment which is stationary or mobile, or part thereof, or premises, maintained for the purpose of offering animal cosmetological services for profit.

"Grooming school" means any establishment, or part thereof, or premises, maintained for the purpose of teaching students to perform cosmetological services on animals.

"Guide dog" means a dog specifically trained and used to guide a blind/deaf person.

"Health officer" means the Clark County district health officer or his designated and duly authorized representative.

"Impound" means the act of taking or receiving into custody by any animal control officer any animal for the purpose of confinement in an animal shelter consistent with the provisions of this chapter.

"Kennel" means a house for a dog or dogs; an establishment where dogs are bred or boarded.

"Leash" means any rope, leather strap, chain or other material not exceeding six feet in length, being held in the hand of a person capable of controlling and actually controlling the animal to which it is attached. Electronically operated devices are not recognized as a leash.

"License fee" means the fee paid for each animal license, as established by the city council.

"Motor vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

"Owner" means any person owning, keeping, possessing, harboring, or having the care, custody or control of any animal.

"Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

"Pet Care Service" any business providing in-home client animal services including, but not limited to, dog walking, pet sitting, or pet waste removal for profit.

"Pet fancier" means any person owning, keeping or possessing on his property, provided they have safe, adequate cages in a completely enclosed building on the property, at one location, up to and not to exceed five, spayed/neutered dogs and/or cats over the age of three months.

"Pet license" means the actual receipt issued by the animal control bureau which evidences the fact that a party has purchased a pet license for his dog, cat or ferret. The license must contain information concerning the type of pet, the breed, color, sex and rabies vaccination date, and the name, address and telephone number of the pet's owner.

"Pet Massage Facility" means any business providing therapeutic pet massage therapy for profit.

"Pet shop" means any business intended as a profit-making or commercial establishment, premises or part thereof, maintained for the purchase, sale, exchange or hire of animals of any type; except that the term shall not include livestock auctions.

"Pet tag" means the number stamped metal marker which is attached to the dog, cat or ferret's collar or harness as evidence of purchase of the pet license.

"Pet Training Service" any business providing pet behavior, obedience, or training lessons through classes, either individually or in a group, for profit.

"Petting Zoo" means a collection of domesticated animals that are rented or displayed for people to pet and or feed. All animals must be in compliance with this Chapter.

["Professional animal handler permit" means a permit recognized and accepted by the senior animal control officer which has been issued to the owner or owners of a commercial grooming parlor, grooming school, kennel, pet shop, or dog training facility which issuance means that minimum animal confinement standards have been met or surpassed by the business. The permit is required in order to operate or carry on the above business for profit.]

"Rabies quarantine area" means any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

"Research facility" means any place at which scientific tests, experiments, or investigations involving the use of any animal are conducted, attempted, or carried out.

"Senior animal control officer" means the person appointed by the chief of police to operate, oversee and accept responsibility of the entire animal control section of the city of Henderson.

"Shelter" means protection from the elements as hereinafter provided.

"Stray animal" means any animal of which the ownership is unknown.

"Vaccination" means administration of an anti-rabies vaccine to any animal by a veterinarian.

"Vaccine" means an anti-rabies medication in a dosage as designated by the State Veterinarian.

"Veterinarian," unless otherwise indicated, means any person licensed to practice veterinary medicine by any State Board of Veterinary Medical Examiners.

"Veterinary clinic" means any establishment operated by a veterinarian to provide dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine or observation, in a completely enclosed building.

"Wild animal" means any animal found naturally in an undomesticated state, whether indigenous to this state or not. It includes, but is not limited to the following: badger, bear, bobcat, coyote, fox, mink, mountain lion, raccoon, skunk, weasel, wolf, wild-hybrid, jaguar, lynx, ocelot, jaguarundi, coydog, wolverine, opossum, squirrel, kinkajou, monkey, non-human primates, tiger, boar, javelina, coatimundi, panther, muskrat, ringtailed cat, llama, pachydermy, prairie dog, deer, elk, armadillo, kangaroo, and wallaby.

SECTION 2. Title 7, Chapter 7.04.060, is hereby amended to read as follows:

7.04.060 - Fee schedule.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

The following fees shall apply to the following services and permits:

SERVICE PROVIDED	FEE
Adoptions—cats or ferrets	\$ 55.00
Adoptions—dogs	\$ 65.00
Adoptions—gerbils or hamsters	\$ 5.00
Adoptions—rabbits	\$ 10.00
Return to Owner—1st impound	\$ 25.00
Return to Owner—2nd impound	\$ 50.00
Return to Owner—3rd impound	\$ 75.00
Return to Owner—4th impound	\$ 100.00
Return to Owner—all additional impounds	\$ 100.00
Board per day after the first 24 hours	\$ 10.00
Euthanasia	\$ 10.00
Disposal	\$ 10.00
Inspection—Initial	\$ 25.00
Inspection—follow-up	\$ 15.00
Microchip	\$ 25.00
License for unsterilized pets	\$ 20.00
License fee for sterilized pets	\$ 6.00
Breeder's Permit (per year)	\$50.00
<u>Pet Fancier's Permit</u>	<u>\$50.00</u>
<u>Animal Establishment Permit (semi-annually)</u>	<u>\$20.00</u>
<u>Animal Handler Permit</u>	<u>\$25.00</u>

SECTION 3. Title 7, Chapter 7.04.090, is hereby amended to read as follows:

7.04.090 – **[Dog or cat fancier's permit]** Pet fancier's permit

[A dog or cat fancier, as defined in Section 7.04.010R and J, respectively, may keep and maintain on his property not to exceed six adult dogs or cats over the age of three months, provided that such person has first obtained from the senior animal control officer a dog or cat fancier's permit for said dogs or cats and has paid the annual fee as established in the fee schedule by the city council. Any such permit, if granted, shall be subject to such conditions as may be prescribed by the senior animal control officer or the county health officer, in the exercise of sound discretion, to prevent the keeping of the dogs or cats from becoming a nuisance. Any person who meets the provisions of this section and has in his or her possession, with respect to said dogs or cats, a valid dog or cat fancier's permit as issued by the senior animal control officer, as described herein, need not have the property where the dogs or cats are maintained rezoned in order to be allowed to keep and maintain such dogs or cats thereon. All adult dogs or cats must be licensed in accordance with this chapter.]

A pet fancier, as defined in Section 7.04.010, may keep and maintain on his property not to exceed five adult spayed/neutered dogs and or cats over the age of three months, provided that such person has first obtained from the Chief of Police or Designee a pet fancier's permit for said dogs or cats and has paid the annual fee as established in the fee schedule by the city council. Any such permit, if granted, shall be subject to such conditions as may be prescribed by the Chief of Police or Designee, in the exercise of sound discretion, to prevent the keeping of the dogs or cats from becoming a nuisance. Any person who meets the provisions of this section and has in his or her possession, with respect to said dogs or cats, a valid pet fanciers permit as issued by the Chief of Police or Designee, as described herein, need not have the property where the dogs or cats are maintained rezoned in order to be allowed to keep and maintain such dogs or cats thereon. All adult dogs or cats must be licensed in accordance with this chapter.

SECTION 4. Title 7, Chapter 7.04.095, is hereby amended to read as follows:

A breeder, as defined in Section 7.04.010, may keep and maintain no more than five dogs, one year of age or older, or five cats, eight months of age or older, that have not been spayed or neutered pursuant to Section 7.04.101, provided that such person has first obtained from the Chief of Police or Designee, a breeder's permit, [a dog fancier permit, or a cat fancier permit] for said dog(s) or cat(s) and has paid the annual fee as established in the fee schedule set by the city council. A dog breeder cannot breed a female dog until she is eighteen months old and shall only allow a female dog to have one litter per year. Any such permit, if granted, shall be subject to such conditions as may be prescribed by the chief of police or the county health officer, in the exercise of sound discretion, to prevent the breeding of the dogs or cats from becoming a nuisance.

SECTION 5. Title 7, Chapter 7.04.100 is hereby deleted.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

SECTION 6. Title 7, Chapter 7.04.350, is hereby amended to read as follows:

7.04.350 – ~~[Professional]~~ [a]Animal handler permit.

[Persons operating or owning a commercial grooming school, grooming parlor, kennel, pet shop, dog training facility, or any other commercial establishment which sells animals, or any noncommercial kennel excluding those of a dog or cat fancier, as defined in this chapter must, in order to operate or carry on the above businesses obtain a professional animal handler permit. Businesses which currently fall within the requirements of this chapter and are currently licensed with the city of Henderson must obtain a professional animal handler permit within the second business licensing renewal period after the adoption of the ordinance codified in this chapter by the Henderson city council. The city animal shelter shall be exempt from this section.]

Persons operating or owning a business or service as an animal handler, as defined in this chapter, must, in order to operate or carry on the said business, obtain an Animal handler permit. Businesses which currently fall within the requirements of this chapter and are currently licensed with the city of Henderson must obtain an animal handler permit within the second business licensing renewal period after the adoption of the ordinance codified in this chapter by the Henderson city council

SECTION 7. Title 7, Chapter 7.04.351, is hereby amended to read as follows:

7.04.351- Fee—Inspection—Issuance of an [professional] animal handler permit.

[When an application for a professional animal handler permit is made, a fee, as set forth by the city council, shall be paid to the city for an inspection of the commercial grooming school, grooming parlor, kennel, pet shop, dog training facility, or other commercial establishment which sells animals, or other noncommercial kennel excluding those of a dog or cat fancier as defined in this chapter. The inspection shall be conducted by the senior animal control officer of the city animal shelter to determine compliance with this chapter; and if compliance is met, the permit shall be issued. If inspection reveals that this chapter or other applicable laws, or regulations have not been complied with, the professional animal handler permit shall be withheld, with the person so applying having ninety days to request a reinspection without charge.]

When an application for an animal handler permit is made, a fee, as set forth by the city council, shall be paid to the city for the application review. The application review shall be conducted by the Chief of Police or designee to determine compliance with this chapter; and if compliance is met, the permit shall be issued. If the application review reveals that this chapter or other applicable laws, or regulations have not been complied with, the animal handler permit shall be withheld, with the person so applying having ninety days to request an application review without charge.

SECTION 8. Title 7, Chapter 7.04.352, is hereby added to read as follows:

7.04.352 - Denial or revocation of permit; Appeal process.

The city of Henderson through the Chief of Police or designee may deny or revoke any permit issued pursuant to this chapter in the following situations:

- (a) Whenever it has reason to believe that the applicant or permit holder has wilfully withheld or falsified any information required for a permit;
- (b) If the applicant or permit holder has been convicted by a court of law of more than two violations in a twelve-month period of this chapter, or state laws relating to animals or public nuisance caused by animals or has been convicted of cruelty to animals in this state or any other state within the previous five years. For the purpose of this section, a bail forfeiture shall be deemed to be a conviction of the offense charged;
- (c) Upon a denial or revocation of an animal handlers permit, the licensing department shall notify the applicant in writing of the intent to deny or revoke the permit, the reasons for such denial or revocation, and that the applicant may make a written request for a hearing before the city council within five days after receipt of such notice if he wishes to challenge the denial or revocation. The city clerk shall set the time and place for the hearing and cause notice of such hearing at least five days before the date of the hearing. The hearing shall be conducted according to N.R.S. 233B.

SECTION 9. Title 7, Chapter 7.04.353, is hereby amended to read as follows:

7.04.353 – Nontransferability [—Posting].

[Professional animal handler permits are not transferable. A current permit shall be posted in a conspicuous place in every commercial grooming parlor, grooming school, kennel, pet shop and dog training facility.]

An animal handler permit is not transferable.

SECTION 10. Title 7, Chapter 7.04.354, is hereby amended to read as follows:

7.04.354 - Renewal.

[A professional animal handler permit shall expire one year after date of issue and shall be renewed upon payment of the applicable fee and inspection by the senior animal control officer. Said professional animal handler permit renewal will be due concurrently with each second renewal of the city business license.]

An animal handler permit shall expire one year after date of issue and shall be renewed annually upon payment of the applicable fee and inspection by the Chief of Police or designee.

SECTION 11. Title 7, Chapter 7.04.355, is hereby amended to read as follows:

7.04.355 - Change notice to city.

[A professional animal handler permit holder shall notify the senior animal control officer of any change in his/her operation which affects the status of the permit, including any change in name or location of his/her business.]

An animal handler permit holder shall notify the Chief of Police, or designee, of any change in his/her operation which affects the status of the permit, including any change in name or location of his/her business.

SECTION 12. Title 7, Chapter 7.04.357, is hereby deleted.

SECTION 13. Title 7, Chapter 7.04.358, is hereby amended to read as follows:

7.04.358 - Violation—[Notice] Generally

[Upon the inspection of a facility requiring a professional animal handler permit by any animal control officer, notification of any violations will be made to the permit holder or manager by written inspection report form or other written notice within five calendar days of the inspection.]

Each day a person is in violation of any provision of this Title shall be considered a separate violation and subject to the penalties as set forth under H.M.C. 7.04.460.

SECTION 14. Title 7, Chapter 7.04.359, is hereby deleted.

SECTION 15. Title 7, Chapter 7.08.010, is hereby amended to read as follows:

7.08.010 – Permit required

[No person shall conduct, operate or keep any pet shop, commercial kennel, private kennel, pet grooming parlor, animal menagerie, animal shelter or horse establishment without first obtaining an appropriate permit from the licensing department. The annual permit fee for the above animal facilities shall be twenty (\$20.00) dollars semi-annually. No permit shall be issued unless all zoning, planning and building ordinances and regulations are complied with or until conditions imposed by the council pursuant Henderson Municipal Code Title 19.]

No person shall conduct, operate or keep any animal establishment without first obtaining an appropriate Animal Establishment Permit from Chief of Police or designee. The semi-annual permit fee for the above animal facilities shall be as established in the fee schedule by the city council. The city animal shelter and licensed veterinary clinics shall be exempt from this section. No permit shall be issued unless all zoning, planning and building ordinances and regulations are complied with or until conditions imposed by the council pursuant to Henderson Municipal Code Title 19 are met.

SECTION 16. Title 7, Chapter 7.08.020, is hereby amended to read as follows:

7.08.020– Application for permit

- (a) [An application for a permit to operate and keep a pet shop, commercial kennel, private kennel, pet grooming parlor, animal menagerie, animal shelter, horse establishment or dangerous animal shall be in writing on a form approved by the licensing department. The applicant shall furnish a list of the types of animals to be maintained or used for any purpose together with the approximate number of animals of each type.]

An application for a permit to operate and keep any animal establishment, shall be in writing on a form approved by the Chief of Police or Designee. The applicant shall furnish a list of the types of animals to be maintained or used for any purpose together with the approximate number of animals of each type.

- (b) The city of Henderson through its city council, may establish regulations and standards relating to:
- (1) The maximum number and species of animals to be kept or maintained on the premises;
 - (2) The construction, sanitation and maintenance of facilities; and
 - (3) Any other regulations and standards in conformity with and for the purpose of carrying out the intent of this chapter.

Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any permit provided pursuant to this chapter.

- (c) [Permittee shall maintain a record of the names and addresses of persons from whom animals are received and to whom the animals are sold, traded or given. This shall be available to the licensing department upon requests]

Permittee shall maintain a record of the names, addresses, contact telephone numbers, and Breeder's Permit number of persons from whom animals are received and the names addresses, to whom animals are sold, traded or given. This shall be available to any City of Henderson Animal Control Officer upon request.

SECTION 17. Title 7, Chapter 7.08.030 is hereby amended to read as follows:

7.08.030 - Conditions relating to animal facilities.

Every person who owns, conducts, manages or operates any animal establishment [commercial kennel, private kennel, animal menagerie or animal shelter] shall comply with each of the following conditions:

(a) Housing.

- (1) Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of animals so contained therein.
- (2) Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors; heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of the animals.
- (3) All animal rooms, cages, kennels, runs, stalls, and corrals shall be of sufficient size to provide adequate and proper accommodation and protection from the weather for the animals kept therein.
- (4) All animal facilities shall be constructed and operated in a manner that reasonably protects public health and safety and the safety of the animals.

(b) Sanitation. All animal facilities shall be maintained and operated at all times in a clean and sanitary condition and in a manner that avoids causing odors or attraction of insects and vermin and excessive noise.

(c) Care of Animals.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

- (1) All animals shall be supplied with a quantity of wholesome food suitable for the species and age of the respective animals, as often as the feeding habits of such animals require, sufficient to maintain a reasonable level of nutrition. All animals shall have available to them sufficient potable water. Food and water shall be served in separate, clean receptacles.
 - (2) No animal, except those animal(s) in a pasture provided with adequate feed and water, shall be without attention for more than twenty-four consecutive hours. The name, address and telephone number of a person responsible for the animal shall be posted in a conspicuous place, visible from outside the facility or at the main gate of a pasture where animals are kept, unless the owner or attendant of the animal(s) is immediately available on the premises.
 - (3) All sick, diseased or injured animals shall be isolated from healthy animals at all times and shall be given proper medical treatment. Any enforcement officer of the city of Henderson may order the operator of the facility to immediately seek licensed veterinarian treatment for any animal.
 - (4) All animals shall be treated in a humane manner.
- (d) Compliance.
- (1) Any licensing department inspector, deputy humane officer, police officer or other authorized representative of the city shall have the authority to enter the animal facility except by means of force when he has reason to believe that the provisions of the permit or this division, applicable state law or the rules and regulations of the city are being violated. The failure of the operator to consent to the entry shall be deemed just cause for the revocation of the permit.
 - (2) Failure of an applicant or a permit holder to comply with any of the provisions of the permit, this chapter, applicable state law or the appurtenant rules and regulations shall be deemed just cause for the denial of any permit, either original or renewal or for revocation of a permit.

SECTION 18. Title 7, Chapter 7.08.040 is hereby amended to read as follows:

7.08.040 – Already existing animal establishments, race track kenneling.

- (a) [If any animal kennel, as defined under this chapter, already exists at the time of passage of the ordinance codified in this chapter, such establishment may continue to operate so long as the city council finds it to be substantially in compliance with the provisions of this title.]

An animal establishment licensed on the date of passage of the ordinance codified in this section that does not meet the operating requirements or facility requirements in accordance with this chapter shall have six months from the date of passage to come into compliance with this chapter.

- (b) Notwithstanding subsection (a) of this section, any ~~[kennel]~~animal establishment continuing to operate shall still be required to obtain a permit pursuant to section 7.08.010 et seq.
- (c) All kenneling at the race track shall be exempt from the provisions of Henderson Municipal Code title 7 except as to inspection.

SECTION 19. Title 7, Chapter 7.08.050 is hereby amended to read as follows:

7.08.050 – Inspection - right of entry.

- (a) As a condition to the issuance of a permit under this chapter, any licensing department inspector, deputy humane officer, police officer or other authorized representative of the city shall have the authority to inspect the animal facility at any reasonable time.
- (b) Any animal control officer, upon showing proper identification, shall be permitted to enter, at any reasonable time, any animal establishment as defined in this chapter, for the purposes of making inspections to determine compliance with this chapter. Any animal control officer shall make as many inspections as necessary for the enforcement of this chapter, except that the time period between inspections shall not exceed one year.

SECTION 20. Title 7, Chapter 7.08.090 is hereby amended to read as follows:

7.08.090 – ~~[Permit not transferable]~~ Nontransferability—Posting.

~~[Permits issued pursuant to the provisions of this chapter shall not be transferable.]~~

Animal Establishment Permits are not transferable. A current permit shall be posted in a conspicuous place in every animal establishment.

SECTION 21. Title 7, Chapter 7.08.100 is hereby amended to read as follows:

7.08.100 - General

- (a) ~~[Housing. The facilities shall be structurally sound and maintained in good repair to prevent injury to animals, to contain the animals and to restrict the entrance of other animals. Animals must have adequate shelter from the~~

elements, and space shall provide sufficient room for animals to comfortably stand and make postural changes.】

Housing. Facilities shall be constructed of nontoxic materials and of a structurally sound design and maintained in good repair to prevent injury to animals, to contain the animals and to restrict the entrance of other animals. Interior floors shall be constructed to allow easy cleaning and be impervious to animal wastes. The housing facility shall be kept in good order and repair and be kept clean and sanitary at all times.

- (b) Water and Electrical Power. Reliable and adequate electric power and potable hot and cold running water shall be available.
- (c) Isolation. Facilities for isolating animals under quarantine or treatment for disease shall be in a room that is separated from healthy animals.
- (d) Storage. Facilities shall be provided for the storage of food and bedding in covered containers and protected against infestation or contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items normally requiring refrigeration.
- (e) **[Waste Disposal. Provision shall be made for the removal and disposal of excreta, bedding, dead animals and debris. Disposal facilities shall be so constructed and operated as to eliminate vermin infestation, offensive odors and disease hazards.]**

Waste Disposal. Provisions shall be made for the proper removal and disposal of food waste, excreta, bedding, dead animals and debris. Disposal facilities shall be so constructed and operated as to eliminate vermin infestation, offensive odors and disease hazards

- (f) Washrooms and Sinks. Facilities such as washrooms, basins, sinks, showers, shall be provided to maintain cleanliness of personnel and for cleaning and sanitizing equipment and premises.
- (g) **[Heating. Facilities shall be heated when necessary to protect the animals from cold and to provide for their health and comfort.]**

Heating. Facilities shall be adequately heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient

temperature shall not be allowed to fall below fifty degrees Fahrenheit for animals not acclimated to lower temperatures.

- (h) [Ventilation. Facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms shall be provided with fresh air. They shall be ventilated so as to minimize drafts, offensive odors and moisture condensation.]

Ventilation. Facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms shall be provided with fresh air either by means of windows, doors, vents, coolers or air conditioning. Auxiliary ventilation, such as exhaust fans, vents, coolers, or air conditioning shall be provided when the ambient temperature is eighty-five degrees Fahrenheit or higher. They shall be ventilated so as to minimize drafts, offensive odors and moisture condensation.

- (i) Interior Surfaces. The interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized.
- (j) [Drainage. A suitable method shall be provided to rapidly eliminate excess water. Rooms shall be provided with drains and sloped for adequate flushing. If closed drainage systems are used, they shall be equipped with traps.]

Drainage. A suitable method shall be provided to rapidly eliminate water from the area of the building within which the animal is kept. If drains are used, they shall be properly constructed and kept in good repair to avoid clogging and foul odors there from. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

- (k) Lighting. The area of the building within which the animal is kept shall have ample light by natural or artificial means or both. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection of animals and facilities and the cleaning of the same.

These standards are not meant to supersede or in any way interfere with other city or county ordinances dealing with building standards, zoning or animal control. Information on regulations of the building codes, zoning ordinances and animal control regulations should be consulted and complied with, before applying for permits.

SECTION 22. Title 7, Chapter 7.08.110 is hereby amended as follows:

7.08.110 - Animal housing enclosures. Cage construction and size

- (a) Enclosures shall be constructed so as to enable the animals to remain dry and clean. Containers for food and water shall be cleaned and sanitized daily.
- (b) Provisions shall be made for convenient access to clean food and water.
- (c) Floors and enclosures shall be constructed to prevent injuries to the animals. Wire or mesh floors which permit the feet of the animals to pass through shall not be used.
- (d) An animal shall not be housed in a cage unless the interior height of such cage is six inches or more in excess of the height of the dog as measured from the floor to the apex of its shoulders while in a standing position, and the width and depth are six inches or more in excess of the length of the animal as measured from the end of its nose to the base of its tail.
- (e) The height, length, or width of all cages shall, notwithstanding the minimum specifications set out in this Chapter, be large enough so that the animal may sit, stand, lie down, or turn in a normal, comfortable manner or position. Animals shall not be placed in cages over other animals unless each cage is fitted with a floor of material which prevents animal excretion from entering the lower cages.
- (f) Cages shall be constructed of fiberglass, metal, wood or wire or any combination thereof which is impervious to animal waste and can be kept sanitary.
- (g) Size of cages, floor space, shall be no less than as follows: an operator shall ensure that a primary enclosure in which each mammal that is at least six weeks old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of six inches plus the length of the animal measured from the tip of its nose to the base of its tail, and dividing that amount by one hundred forty-four, to arrive at the minimum amount of square footage required for the floor space per animal.

SECTION 23. Title 7, Chapter 7.08.115 is hereby added as follows:

7.08.115 – Outdoor Shelter –Sun and Elements

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

- A. Sufficient shelter shall be provided to allow all animals kept outdoors to be protected from the direct rays of the sun.
- B. Animals kept outdoors shall be provided with adequate shelter from wind, rain, hail or snow.

SECTION 24. Title 7, Chapter 7.08.120 is hereby amended to read as follows:

7.08.120 - Veterinary care.

- (a) [Programs of disease control and prevention, euthanasia and adequate veterinary care shall be established and maintained under the supervision and assistance of a Doctor of Veterinary Medicine.]

Written programs of disease control and prevention, euthanasia, deceased animal disposal and adequate veterinary care shall be established and maintained under the supervision and assistance of a Doctor of Veterinary Medicine.

- (b) [Each animal shall be observed daily by the animal caretaker. Sick or diseased, injured, lame or otherwise disabled animals shall be provided with veterinary care or humanely disposed of.]

Each animal kept or temporarily located at an Animal Establishment Facility shall be observed daily by the animal caretaker in charge. Sick or diseased, injured, lame or otherwise disabled animals shall be provided with proper veterinary care immediately.

SECTION 25. Title 7, Chapter 7.08.125 is hereby added as follows:

7.08.125 - Feeding and Watering.

Except where indicated for the health or welfare of the animal, the animal shall be provided with adequate, clean, fresh, and wholesome food and water. There shall be made available to all animals on the premises fresh, wholesome, nutritious food, suitable for the species and supplied at least once every twenty-four hours. There shall be made available at all times to all animals on the premises potable water. Food and water containers shall be kept clean.

SECTION 26. Title 7, Chapter 7.08.140 is hereby amended as follows:

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

7.08.140 - Minimum requirements for dog runs, run-out pens for Greyhounds.

- (a) If dogs are housed in rooms, pens or runs, a minimum of eight square feet of floor space shall be provided for each dog measuring two feet or less in length; a minimum of twelve square feet of floor space for each dog measuring more than two feet in length. [No more than five dogs may be housed in one pen or run].
- (b) In addition, kennels wherein Greyhounds are kept, must have a run-out pen that provides at least thirty square feet of area for each Greyhound.

Such run-out pens and any open exercise areas must be enclosed with fences at least six feet high. Every gate to these pens and areas must be equipped with a lock.

- (c) Runs shall be of construction hardened cement with one-fourth inch per foot drop to gutter outside wire. Solid partitions at least three feet high shall be provided between runs, chain-link construction shall be provided for all areas above the solid partitions with tops covering runs. A flushing system shall be available to all runs.
- (d) Size of runs shall be as follows, or its equivalent in square feet.

<u>Dog Size</u>	<u>Width (feet)</u>	<u>Height (feet)</u>	<u>Length (feet)</u>
<u>Small Dog</u>	<u>2</u>	<u>6</u>	<u>4</u>
<u>Medium or large dog</u>	<u>3</u>	<u>6</u>	<u>6</u>
<u>Extra large dog</u>	<u>3</u>	<u>6</u>	<u>8</u>

SECTION 27. Title 7, Chapter 7.08.145 is hereby added as follows:

7.08.145 - Capacity of Cage or Run.

Animals maintained in cages or runs for a period exceeding twenty-four hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. The minimum cage and run requirements for specific animals shall be as follows:

- A. Cages:
 - 1. One adult animal per cage; or

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

2. No more than two animals per cage providing the minimum amount of space is provided as outlined in 07.08.110

B. Runs:

1. No more than two dogs of the appropriate size per run, or
2. If the run is larger than the minimum run size designated in Henderson Municipal Code 7.04.370, the following restrictions shall apply:
 - a. Small dog run, four square feet per dog;
 - b. Medium or large dog run, nine square feet per dog;
 - c. Extra large dog run, twelve square feet per dog.

SECTION 28. Title 7, Chapter 7.08.190 is hereby amended as follows:

7.08.190 - Classification, separation and identification.

- A. Animals housed together shall be in species compatible groups. Unaltered dogs and cats over the age of four months shall be segregated by sex.
- B. Any animal exhibiting vicious or aggressive disposition shall be caged individually. Quarantined animal shall be caged separately and securely.
- C. Each animal facility operator, or someone in attendance at the facility, shall be able to identify each animal, except that it shall be sufficient for infant animals to be identified as to litter.
- D. The name, address and telephone number of a responsible person shall be posted in a conspicuous place, visible from outside the facility.
- E. A "small dog" is twelve inches or less at the withers and not exceeding twenty pounds.
- F. A "medium dog" is over twelve inches and up to twenty inches at the withers and not exceeding fifty pounds.
- G. A "large dog" is over twenty inches and up to twenty-six inches at the withers and not exceeding seventy-five pounds.
- H. An "extra large dog" is over twenty-six inches at the withers and over seventy five pounds.

SECTION 29. Title 7, Chapters 7.04.360 through 7.04.450 are hereby deleted.

SECTION 30. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 31. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 32. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on March 4, 2011, in the Review Journal.

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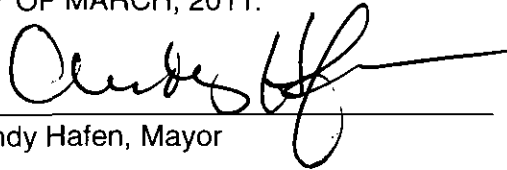
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PASSED, ADOPTED, AND APPROVED THIS 1st DAY OF MARCH, 2011.


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, CMC, City Clerk

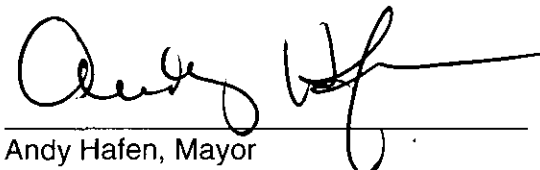
The above and foregoing Ordinance was first proposed and read in title to the City Council on February 15, 2011, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on March 1, 2011, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held March 1, 2011, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen
Councilmembers:
Kathleen Boutin
Steven D. Kirk
Debra March
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: None


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, CMC, City Clerk