

ORDINANCE NO. 2932
(Repealing Henderson Municipal Code Title 7
in its entirety and adopting a new Title 7)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, REPEALING TITLE 7 OF THE HENDERSON MUNICIPAL CODE
ENTITLED "ANIMALS" AND ADOPTING A NEW TITLE 7 ENTITLED
"ANIMALS."

WHEREAS, The City of Henderson Police Department Division of Animal Care and Control desires to maintain consistent laws relating to animals with the State of Nevada and other jurisdictions; and

WHEREAS, The existing Title 7 entitled "Animals" was not structured in a manner that was consistent with the City of Henderson's goal of achieving organizational excellence; and

WHEREAS, The proposed Title 7 entitled "Animals" was drafted with participation from interested community organizations to increase citizen satisfaction and community involvement; and

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

SECTION 1. Henderson Municipal Code Title 7 entitled "Animals" is hereby repealed in its entirety.

SECTION 2. A new Title 7 entitled "Animals" is hereby added as follows:

TITLE 7

ANIMALS

SECTIONS:

7.01 - DEFINITIONS

7.02 - GENERALLY; POWERS OF ANIMAL CONTROL

7.04 - PET LICENSING AND PERMITS; FEES; APPEAL PROCESS

7.06 - PETS GENERAL WELFARE; NEGLECT

7.08 - NUISANCE

7.10 - MANDATORY SPAYING AND NEUTERING OF ANIMALS

7.20 - DANGEROUS ANIMALS

7.30 - IMPOUNDMENT

7.40 - WILD AND EXOTIC ANIMALS; NON-DOMESTICATED ANIMALS;

ANIMAL EXHIBITORS

7.50 - RABIES

7.60 - ANIMAL HANDLER

7.70 - ANIMAL ESTABLISHMENT

7.80 - RETAILERS AND DEALERS

7.90 - PENALTIES

7.01 - DEFINITIONS

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

7.01.010 – Adequate Feed

"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 food-stuff to be served in a clean receptacle, dish or container.

7.01.020 – Adequate Water

"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 at all times.

7.01.030 - Animal

"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.

7.01.040 – Animal Control Officer

"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.

7.01.050 – Animal Establishment

"Animal establishment" generally means any pet shop, animal menagerie or business that will keep or possess animals in its care on its premises whether for profit or not-for-profit. For purposes of this Title, animal menagerie shall mean where a group of live animals are kept, exhibited, trained, or temporarily houses rescued animals.

7.01.060 – Animal Establishment Permit

"Animal establishment permit" means a permit issued by the Chief of Police or Designee to the owner or owners of an animal establishment. The permit is required in order to operate or carry on an animal establishment whether for profit or not-for-profit.

7.01.070 – Animal Handler

"Animal handler" means an 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 whether for profit or not-for-profit.

7.01.080 – Animal Handler Permit

"Animal handler permit" means a permit issued by the Chief of Police or Designee to an animal handler. The permit is required in order to operate or carry on a business as an animal handler whether for profit or not-for-profit.

7.01.090 – Animal Shelter

"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 or its employees in the performance of his/her official duties.

7.01.100 – Animal Vaccination Certificate

"Animal vaccination certificate" means a certificate executed by a veterinarian which includes the following information: the name, complete address, telephone number of the owner of the animal, a description of the animal, including the name, age, sex, breed, color, and weight of the animal, whether the animal is spayed or neutered as applicable, the date the vaccination was administered, the product for revaccination based on the duration of immunity provided by the vaccine according to its label, the number on the rabies vaccination tag issued, the name, address, telephone number and license number of the veterinarian, and the signature of the veterinarian who administered the vaccine.

7.01.110 – At Large

"At large" means any animal not confined or contained on the owner, caretaker or responsible party's property or under the control of a leash.

7.01.120 - Bite

"Bite" means a puncture or scratch of the top layer of epidermis inflicted by teeth of an animal.

7.01.130 - Breeder

"Breeder" means any person who causes the breeding of a male or female dog or cat or makes a dog or cat available for breeding purposes, or any person who sells or offers for sale any dog or cat, or any person who is in possession of an intact dog or cat with the capability of reproducing, whether for profit or not-for-profit.

7.01.140 – Breeder’s Permit

“Breeder’s permit” means a permit issued by the Chief of Police or Designee which has been issued to a Breeder. The permit is required in order to breed or sell puppies or kittens whether for profit or not-for-profit.

7.01.150 – Cattery

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

7.01.160 - City

"City" means the city of Henderson, Nevada.

7.01.170 – Commercial Cattery

"Commercial cattery" means any licensed establishment in the city of Henderson at which cats are bred, raised for sale, trained, rented, boarded (hourly or daily), cared for or quarantined, excluding dental, medical or surgical care whether for profit or not-for-profit.

7.01.180 – Commercial Kennel

"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, excluding dental, medical or surgical care whether for profit or not-for-profit.

7.01.190 – Commercial Stables

“Commercial stables” means any licensed horse establishment in the city of Henderson at which horses are bred, raised for sale, boarded (hourly or daily), cared for, quarantined, trained, sold, or rented, on a commercial basis, excluding dental, medical or surgical care whether for profit or not-for-profit.

7.01.200 - Confined

"Confined" means a condition whereby an animal is restricted to the property of the owner, caretaker or responsible party by enclosed lot, tether, cord or chain of suitable length for the type of animal to stand and lie comfortably.

7.01.210 – Cruelty Or Torture

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

7.01.220 - Dealer

"Dealer" means a person or owner or business who, for compensation or profit, buys, sells, breeds, trades or imports animals for resale including pet store owner/operators.

7.01.230 – Enclosed Lot

"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.

7.01.240 - Fees

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

7.01.250 - Feral

"Feral" means any animal having become wild from a state of cultivation or domestication.

7.01.260 - Fowl

"Fowl" means any species of bird in the Order of Anseriformes or Galliformes (ducks, geese, chicken family).

7.01.270 – Health Officer

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

7.01.280 - Impound

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

7.01.290 - Kennel

"Kennel" means an enclosed area for the total confinement of one or more dogs.

7.01.300 - Leash

"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.

7.01.310 – Microchip

“Microchip” means a radio frequency transponder which has a permanent number programmed into it and implanted in an animal for positive identification.

7.01.320 – Motor Vehicle

“Motor vehicle” means every device in, upon, or by which any person or property is or may be transported or driven upon a highway, street or roadway.

7.01.330 - Non-Domesticated Companion Animal

“Non-Domesticated Companion Animal” means a non-traditional animal species of animal bred and kept in captivity and utilized as pets. These animals that qualify under this definition are including, but not limited to, emus, rheas, llamas, and alpacas.

7.01.340 – Owner

“Owner” means any person who is a license-holder of an animal or who has legal title to an animal, or any person keeping, harboring, having custody of or control of an animal, or permitting any animal to be in his residence or his property or premises. The term does not include a veterinarian, an operator of an animal establishment, an employee or agent of the city while carrying out any provision of title 7 of the HMC or a professional animal handler.

7.01.350 - Person

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

7.01.360 – Pet Fancier

“Pet fancier” means any owner person owning, keeping or possessing on their property more than three but not to exceed five, spayed/neutered dogs and/or cats over the age of three months.

7.01.370 – Pet Fancier Permit

“Fancier permit” means a permit issued by the Chief of Police or Designee which has been issued to a person. The permit is required in order to own, keep or possess on their property more than three but not to exceed five, spayed/neutered dogs and/or cats over the age of three months

7.01.380 - Pet License

"Pet license" means the actual receipt and metal stamped tag issued by the Chief of Police or Designee which evidences the fact that a party has purchased a pet license for his dog, cat or ferret. The receipt must contain information describing the type of pet, the breed, color, sex and rabies vaccination date, and the name, address and telephone number of the pet's owner. The stamped metal tag shall be numbered and attached to the dog, cat or ferret's collar, leash, or harness as evidence of the pet license.

7.01.390 – Pet Shop

"Pet shop" means any business 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 whether for profit or not-for-profit.

7.01.400 – Pet Tag

"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.

7.01.401 – Pet Training Service

"Pet Training Service" means any business providing pet behavior, obedience, or training lessons through classes, either individually or in a group, whether for profit or not-for-profit.

7.01.420 – Provoked Animal

"Provoked Animal" means an animal has been teased, tormented, harassed, or subjected to pain.

7.01.430 – Rabies Quarantine Area

"Rabies quarantine area" means any area in which a state of emergency has been declared by the Clark County Health District or the State Veterinarian to exist due to the occurrence of rabies in animals in or adjacent to this area.

7.01.440 – Research Facility

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

7.01.450 - Retailer

"Retailer" means a person or the owner of a business who acquires pets for resale including pet store owner/operators for profit.

7.01.460 – Service Animal

"Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, a physical sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained are not service animals for the purposes of this definition. The work or tasks performed by the service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

7.01.470 - Shelter

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

7.01.480 - Stray Animal

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

7.01.490 – Substantial Injury

"Substantial Injury" means a substantial impairment of the physical condition of a person which requires professional medical treatment, including, but not limited to loss of consciousness, concussion, bone fracture, protracted loss or impairment of function of any body member or organ, muscle tears, disfiguring laceration, or wound requiring multiple sutures, or any injury requiring corrective or cosmetic surgery.

7.01.500 - Tether

"Tether" means the practice of fastening a dog to a stationary object or stake by a chain, rope or other tethering device as a means of keeping the animal under control. The term tether does not refer to the periods when an animal is walked on a leash.

7.01.510 - Vaccination

"Vaccination" means administration of an anti-rabies vaccine to any animal under the guidelines of the Nevada Board of Veterinary Medical Examiners

7.01.520 - Vaccine

"Vaccine" means a vaccination against rabies in accordance with Rabies Compendium published by the American Veterinarian Medical Association.

7.01.530 - Veterinarian

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

7.01.540 – Veterinary Clinic

"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.

7.01.550 – Wild And Exotic Animal

"Wild and exotic animal" means any warm blooded exotic, non-domesticated 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, pachydermy, prairie dog, deer, elk, armadillo, kangaroo, and wallaby. Pet shop mice, hamsters, rats, guinea pigs, gerbils, fish, birds (passerines and psitticines) and birds licensed for falconry are exempt.

7.02 – GENERALLY; POWERS OF ANIMAL CONTROL

7.02.010 - Animal Shelter Operation

The operation of an animal shelter which is authorized and established in the city shall be a proper charge against the general funds of the city. All monies collected hereunder, unless otherwise provided herein, shall be deposited into the general fund of the city.

7.02.020 - Authority To Prepare, Sign And Serve Written Citations

Pursuant to NRS 171.17751, in order to enforce the provisions of Title 7 of the Henderson Municipal Code, the Administrator of the Animal Control Bureau and all animal control officers have the authority to prepare, sign and serve written citations, and request for warrant issuance.

7.02.030 - Unlawful To Resist Or Obstruct Animal Control Officer

It shall be unlawful for any person to resist or obstruct any animal control officer in the exercise of duties imposed by this chapter.

7.02.040 – Right Of Entry

An animal control officer shall have the right to enter upon any private property in the city if:

A. He has a reasonable belief that an animal is in imminent danger and that emergency aid or assistance is immediately necessary; the entry is not primarily motivated by the desire to collect evidence or other law enforcement objective; and the animal control officer once having made entry confines his activities to rendering of emergency care or taking emergency measures, such as impoundment.

B. For the purpose of seizing an animal that has bitten a person to determine if any animal kept or harbored there has rabies or has been exposed to rabies, or to implement orders for quarantine, confinement, confiscation or euthanasia of the animal.

C. A properly issued search warrant obtained by an appropriate law enforcement agency

D. A reasonable belief exists that an animal is being treated with cruelty or tortured as defined by NRS 574.050 and/or NRS 574.060.

7.02.050 – Nonlethal Means Of Capture

The animal control officer and any police officer shall have the authority, when deemed by them reasonably necessary, to utilize a tranquilizer gun or any other form of nonlethal device or substance in order to apprehend, capture, control, or subdue any animal either running at large, or considered to be a threat.

7.02.060 – Euthanasia – Certification

No employee of a public or private animal shelter may use any substance in the euthanasia of animals unless (s)he is certified as competent to use those substances by a certified educational institution or by a licensed veterinarian and licensed in good standing as a Certified Euthanasia Technician by the Nevada Board of Veterinary Medicinal Examiners.

7.04 – PET LICENSING AND PERMITS; FEES; APPEAL PROCESS

7.04.010 – Licensing Of Pets – Required

A. The owner of any dog, cat or ferret over the age of three months, shall within thirty days after said pet attains the age of three months or within thirty days after first bringing said pet into the city, obtain for said pet a current pet license.

B. The owner of any dog or cat shall securely fasten on the pet's collar, leash or harness the pet tag attached thereto bearing the license number.

C. It is unlawful for any person to intentionally remove a pet tag from a pet not owned by him, or to allow an animal to wear a pet tag not issued for that particular pet, or for any person to allow an animal to wear any counterfeit, imitation or altered pet tag.

7.04.020 – Fees

The following fees shall apply to the following services, permits, licenses:

<u>SERVICE PROVIDED</u>	<u>FEE</u>
<u>Adoptions—cats or ferrets</u>	<u>\$ 55.00</u>
<u>Adoptions—dogs</u>	<u>\$ 65.00</u>
<u>Adoptions—gerbils or hamsters</u>	<u>\$ 5.00</u>
<u>Adoptions—rabbits</u>	<u>\$ 10.00</u>
<u>Return to Owner—1st impound</u>	<u>\$ 25.00</u>
<u>Return to Owner—2nd impound</u>	<u>\$ 50.00</u>
<u>Return to Owner—3rd impound</u>	<u>\$ 75.00</u>
<u>Return to Owner—4th impound</u>	<u>\$ 100.00</u>
<u>Return to Owner—all additional impounds</u>	<u>\$ 250.00</u>
<u>Board per day after the first 24 hours</u>	<u>\$ 10.00</u>
<u>Euthanasia – dogs and cats</u>	<u>\$ 10.00</u>
<u>Euthanasia Other (including but not limited to livestock such as equine, porcine, bovine)</u>	<u>\$ 100.00</u>
<u>Disposal – dogs and cats</u>	<u>\$ 10.00</u>
<u>Disposal (including but not limited to livestock such as equine, porcine, bovine)</u>	<u>\$ 150.00</u>
<u>Microchip</u>	<u>\$ 25.00</u>
<u>License for unsterilized pets (per year)</u>	<u>\$ 20.00</u>
<u>License for sterilized pets (per year)</u>	<u>\$ 6.00</u>
<u>Replacement license tag</u>	<u>\$ 5.00</u>
<u>Animal Establishment Permit (semi-annually)</u>	<u>\$ 20.00</u>
<u>Animal Handler Permit (per year)</u>	<u>\$ 25.00</u>
<u>Breeder's Permit (per year)</u>	<u>\$ 50.00</u>
<u>Non Domesticated Companion Animal permit (per year)</u>	<u>\$ 50.00</u>
<u>Dangerous Animal Permit (per year)</u>	<u>\$ 50.00</u>
<u>Pet Fancier's Permit (per year)</u>	<u>\$ 50.00</u>
<u>Animal Exhibitor Permit (per exhibition)</u>	<u>\$ 100.00</u>
<u>Wild Animal Permit (per year)</u>	<u>\$ 100.00</u>

7.04.030 License fee—Exemptions for Service Animals

The license fee provisions of this chapter shall not apply to an animal which has been trained and is actually being used as a service animal for the disabled. In conformity with the American Disabilities Act, it shall be the responsibility of the person, firm or corporation owning said animal meets the requirements of a service animal.

7.04.040 - Licensing And Renewal

Each pet license issued by the city shall be valid for one year from the date of its issuance, and must be renewed annually. It is the responsibility of the owner to know the expiration date of the issued license.

7.04.050 - Receipt And Tag Issuance; Replacement

A. There shall be given to each person paying such license fee aforesaid a receipt stating the amount and date of payment and the date of expiration of such license, and containing a brief description of the dog, cat or ferret. The owner shall be furnished a pet tag of durable material. If the pet tag is lost, it shall be the duty of the owner, within ten (10) days from the date of discovery of loss, to procure a new pet tag and pay the fee established in the fee schedule set by the city council. A tag issued to each animal shall be a permanent license and not replaced unless lost, stolen or damaged.

B. Lost or stolen tags shall be replaced for a fee to the owner as established in the fee schedule.

7.04.060 – Responsibility Of Licensing

The licensing functions and duties shall be performed by the Animal Care and Control Bureau and/or other department or personnel as prescribed by the city council.

7.04.070 – License Register

The city shall keep a register of all licenses issued showing:

- A. The name, current address and telephone number, if any, of the owner; and
- B. Date of issuance; and
- C. Description of the pet; and
- D. The number of the tag; and
- E. Expiration date of vaccination.

7.04.080 – Number Of Animals Permitted

Except as otherwise provided in Sections 7.04.090 and 7.04.100, no person shall keep more than three canines, three felines and/or three ferrets over

three months of age, at any place, or any premises, or in any one residence, located within the city.

7.04.090 – Breeder's Permit

A. A breeder, as defined in Section 7.01.130, may keep and maintain no more than five (5) dogs, six (6) months of age or older, or five (5) cats, four (4) months of age or older, that have not been spayed or neutered pursuant to Section 7.10.010, provided that such person has first obtained from the Chief of Police or designee a breeder's 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.

B. A breeder shall not 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 its required vaccinations for rabies; or

2. without providing a written sales contract to the purchaser.

C. A dog breeder cannot breed a female dog until she is eighteen (18) months old and shall only allow a female dog to have one (1) litter per year. Any such permit, if granted, shall be subject to such conditions as may be prescribed by the Chief of Police or designee, or the county health officer, in the exercise of sound discretion, to prevent the breeding of the dogs or cats from becoming a nuisance.

D. A dog breeder shall display the permit number in all advertising in which the breeder advertises a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.

7.04.100 – Pet Fancier Permit

A pet fancier, as defined in Section 7.01.360, 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. All adult dogs or cats must be licensed in accordance with this chapter.

7.04.110 – Vaccinations

A. Every owner of a dog, cat, or ferret over the age of three months shall maintain such animal currently vaccinated against rabies in accordance with this section and the recommendations set forth in the current edition of the Rabies Compendium published by the American Veterinarian Medical Association.

B. A dog or cat must be vaccinated against rabies with a vaccine that is designed to provide protection from rabies for three (3) years. The provision of this subsection do not prohibit the vaccination of a dog or cat against rabies with a vaccine that is designed to provide protection from rabies for a longer period if recommended in the Rabies Compendium.

C. A ferret must be vaccinated against rabies annually. The provisions of this subsection do not prohibit the vaccination of a ferret against rabies with a vaccine that is designed to provide protection from rabies for a longer period of time if recommended in the Rabies Compendium.

D. A licensed veterinarian may exempt a dog, cat or ferret from vaccination for health reasons. The veterinarian shall record whether the reason for the exemption is permanent and, if it is not, the date the exemption expires.

E. A Certificate Required for Dog, Cat or Ferret Licensing. Every person applying for a pet license must provide a duly issued animal vaccination certificate.

F. Animal Vaccination Certificate. Every veterinarian who vaccinates a dog, cat or ferret shall issue to the owner an animal vaccination certificate. The vaccination certificate shall be prepared in triplicate; the veterinarian shall furnish the original to the owner of the animal, a copy to the animal shelter, and shall retain a copy in his records for a period of not less than three years.

G. Animal Vaccination Certificate Form. The animal vaccination certificate shall be substantially as follows:

<u>CERTIFICATE OF VACCINATION</u>		
<u>Date</u>	<u>Tag. No.</u>	
<u>Owner</u>	<u>Name</u>	<u>Breed</u>
<u>Address</u>	<u>Age</u>	<u>Color</u>
<u>County</u>	<u>Sex</u>	<u>Spayed</u>
		<u>Neutered</u>
<u>State</u>	<u>Markings</u>	<u>Weight</u>
<u>Zip</u>	<u>Vaccination Expires</u>	<u>Type</u>
<u>Manufacturer</u>	<u>Serial No.</u>	<u>License No.</u>
<u>Veterinarian's Signature</u>	<u>Veterinarian's License No.</u>	

7.04.120 – Denial or Revocation of Permits; 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 willfully 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 any 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.

7.04.130 – 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 relating to any permit or license issued by the Chief of Police or Designee. Any animal control officer may make as many inspections as necessary for the enforcement of this chapter. Said inspections may not be performed more than on a semi-annual basis unless there are reasonable grounds to believe the health and safety of the public or animals are in jeopardy.

7.06 – PETS GENERAL WELFARE; NEGLECT

7.06.010 - Generally

A. It shall be unlawful for the owner of an animal to refuse or fail to provide the animal:

1. With adequate feed or adequate water; or
2. Humane care and treatment, including veterinary care when needed to prevent suffering.

7.06.020 – Adequate Shelter – Dogs

Dogs shall have protection from the elements and weather conditions suitable for the age, species, and physical condition of the dog so as to maintain the dog in a good state of health and includes a shaded area. Shelter for a dog shall include one (1) of more of the following:

A. A doghouse that is an enclosed structure with a roof and appropriate dimensions for the breed and size of the dog. The doghouse shall have dry, clean bedding when the outdoor temperature is or is predicted to drop below fifty (50) degrees Fahrenheit;

B. A structure, including but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the dog from exposure temperatures below fifty (50) degrees Fahrenheit or above eighty-five (85) degrees Fahrenheit or, if not sufficiently insulated and ventilated, contains a doghouse as provided in paragraph (A) that is accessible to the dog;

C. The interior height of such structure 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 dog as measured from the end of its nose to the base of its tail; or

D. For the purpose of this section, a pet door access into the residential structure shall not be deemed as sufficient shelter.

7.06.030 – Shading

An owner of an animal shall provide shelter by means of other structures, trees, or awnings, when the temperature is expected to rise above eighty-five (85) degrees Fahrenheit. In the event of a heat advisory issued by the National Weather Service, in addition to providing adequate shelter outlined in Section 7.06.020, a dog shall be provided with additional shade to protect itself from direct sunlight that is likely to cause overheating or discomfort through mechanisms which will allow the dog to cool down the body temperature and prevent overheating.

7.06.040– Abandonment

A. It shall be unlawful for an owner of an animal or the carcass of the animal, to abandon the same on a public street road, alley, or any other public place, or upon the private property of the owner or of another. An animal shall be considered to be abandoned when not claimed by a specified date after having been boarded, groomed, trained, handled or cared for by any animal handler or veterinarian.

B. Failure to respond to a posted notice placed by an animal control officer for purposes of this section is considered to be an act of abandonment. An Animal Control officer shall take protective custody of any animal believed abandoned.

7.06.050 – Poisoning

It shall be unlawful for any person unjustifiably to administer any poisonous drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, or whether said drug or substance be exposed upon such person's property, the private property of another, or any public place; provided, that nothing herein shall be construed to prevent or restrict the animal control officer or health officer in the exercise and performance of the powers and duties as set forth in the chapter.

7.06.060 – Substance On Ground

It shall be unlawful for any person to unjustifiably or willfully throw, drop or place, or cause to be thrown, dropped or placed upon any road, highway, street, alley, or public place, or upon the private property of himself or another, any glass, nails, pieces of metal or other substance or device calculated to wound, disable or injure any animal.

7.06.070 – Vehicle Confinement

A. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, cold, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

B. An officer of the Henderson police department or any animal control officer who finds an animal in a motor vehicle in violation of this chapter may break and enter the motor vehicle if necessary to remove the animal.

C. The officer removing the animal shall take the animal to the animal shelter or to a veterinary clinic for safekeeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner thereof.

D. The animal will be surrendered to the owner if the owner claims the animal within seventy-two hours from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal.

E. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within seventy-two hours from the time the animal was removed from the motor vehicle, the animal shelter may dispose of the animal in any reasonable humane manner.

7.06.080 – Vehicle Confinement – Generally - Open Trucks

It shall be unlawful for any person to carry or enclose, or cause to be carried or enclosed in or upon any vehicle or conveyance any animal in a cruel or inhumane manner. It shall be unlawful for any person to transport or convey any animal in the bed of an open pick-up truck or similar open vehicle without crating, tethering said animal in such a way to prevent the animal from jumping from, falling out of or otherwise thrown from a moving vehicle.

7.06.090 – Injury And Overwork

It is unlawful for any person to overdrive, overload, torture, beat, or unjustifiably injure, maim, mutilate, or kill any animal whether belonging to himself or to another, and whether on or off the premises of the owner of said animal. This section does not apply to actions of licensed pest and vermin control businesses.

7.06.100 – Cages, Fences, Tethering, Pickets

A. It is unlawful to confine an animal in any cage, coop or fence barrier of a size deemed insufficient by the animal control officer;

B. It shall be unlawful to restrict any animal by leash, cord or chain in the following manner:

1. Keep any dog on a tether less than 12 feet (12') long;
2. Tethering the dog if such tethering fails to allow the dog to move at least 12 feet (12') or if the device is a pulley system, fails to allow the dog to move a total of 12 feet;
3. Tether a dog with a choke-type collar, Martingale collar or prong-type collar;
4. Keep any dog tethered for more than fourteen (14) hours during a twenty-four (24) hour period;
5. Tethering the dog in a manner where the dog is able to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object; or
6. Securing an animal with a leash, collar, tether, or other device weighing more than ten percent (10%) of the animal's body weight.

C. It shall be a violation of this section for a person having charge to: (a) keep any dog outside, tethered, penned, caged, fenced or otherwise confined without access to an outdoor shelter.

D. The provisions of this section shall not apply if the tethering or confinement is authorized for medical reasons in writing by a licensed veterinarian which must be renewed annually and an outdoor housing facility is provided

7.06.110 - Trapping—Manner—Care While Trapped

It is unlawful for any person to unjustifiably trap any animal with other than a humane live trap which will inflict no physical injury upon the animal; and it is unlawful for any person to unjustifiably lure or entice, by means of food or otherwise, any animal into a trap other than a humane live trap. It is unlawful for any person having trapped an animal to leave it without food, water or shelter for an unreasonable period of time.

7.06.120 - Trapping—Disposal

It is unlawful for any person who has trapped an animal, or discovers any animal so trapped, to dispose of it in any fashion not otherwise provided by law, but said person shall call the Henderson Police Department's Animal Control Bureau to have said animal picked up, or they shall deliver it to the Henderson Animal Shelter.

7.06.130 - Crating Or Boxing

It is unlawful for any person to overcrowd any animal in any crate, box or other receptacle or fail to provide water, food, shelter or sanitation for same.

7.06.140 - Promotional Sale Or Gift

It is unlawful for any person, in connection with any advertising campaign or promotion, to use, give, sell, auction, barter, or offer to use, give, sell or barter, as a gift or prize, any live animal in any manner where there will be a transfer of ownership or possession.

7.06.150 - Research Or Medical Use

A. It is unlawful for any person to sell or offer for sale, buy or offer to buy, barter or offer to barter, give or offer to give, or furnish any animal for experimental, laboratory or vivisection purposes except as hereinafter provided; nothing herein shall interfere with the sale, buying, barter or gift of animals for properly conducted scientific experiments or investigations which are performed under the authority of the faculty of any regularly incorporated medical college or university of this state, or with recognized hospital or research facilities in the course and scope of their work.

B. Notwithstanding subsection A of this section, the animal shelter shall not under any circumstances knowingly release any animal to any person who intends to use the animal for experimental, laboratory or vivisection purposes.

7.06.160 - Use As A Target For Amusement

It is unlawful for any owner, operator, or agent or any carnival, fair or amusement park to use any live animal as a target.

7.06.170 - Horse Tripping

No person shall intentionally trip or fell any equine animal by the legs or by any means whatsoever for the purpose of entertainment or sport.

7.06.180 - Dyeing Or Coloring

It is unlawful for any person to dye or color by any means any baby chick, rabbit, duckling or fowl, or to dye or color any animal for purposes of concealing its identity.

7.06.190 – Injury By Vehicles – Motorist Responsibility

A. Every operator of any vehicle upon the streets and ways of the city shall immediately upon injuring, striking, maiming or running down any animal give such aid as (s)he is reasonably able to render. In the absence of the owner, (s)he shall immediately notify the Henderson Police Department's Animal Control Bureau furnishing sufficient facts relative to such injury.

B. It is the duty of such operator to remain at or near the scene until the appropriate authorities arrive, and such operator shall immediately identify himself to the appropriate authority.

C. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal shelter of the city, and thereafter notifying the animal control officer. Such animal shall be deemed an uncared for animal within the meaning of Section 7.30.060.

D. Emergency vehicles are not required to stop when actually responding to an emergency call, but shall notify the animal control officer, furnishing sufficient facts relative to such injury.

7.06.200 – Intoxicated Riding or Driving

It is unlawful for any person to ride or drive an equine while such person is under the influence of intoxicating liquor or drug.

7.08 – NUISANCE

7.08.010 – Caring For Animals; Sanitation; Nuisance

A. No owner of any animal shall cause or allow the animal to soil, defile, or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:

1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
2. Removal of such bag or container to the property of the animal owner or receptacle provided by the parks and recreation department for depositing animal feces and disposition thereafter in a manner otherwise permitted by law.

B. No owner of an animal shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property, or to abutting or nearby property of others.

C. No owner of any animal shall cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

7.08.020 – Animals At Large

It shall be unlawful for any person having charge, custody or control of any dog or other animal, or any fowl, to permit the same to be at large or trespass on the private premises of another, or to be on any public highway, street, alley, court, public ground, or unfenced lot. All animals must be confined to the owners' property or shall be on a leash when on any public property, any highway, street, alley, court, park, public ground, fenced lot or wash. Leash requirements do not apply to designated enclosed areas of animal parks or sanctioned performance, tracking, or training events.

7.08.030 – Noise

It is unlawful for any person to own, keep, harbor or possess any animal which, by unreasonably loud, unnecessary, or frequent barking, yelping, howling or other noise, causes unreasonable annoyance or disturbance to the neighborhood or to any person of ordinary sensitivity in the vicinity. 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.

7.08.040 – Pigeon Control

A. The roosting or lingering of feral pigeons poses a health hazard in addition to offending the aesthetic senses by pigeon contamination. Such roosting or lingering of feral pigeons is declared to be a public nuisance.

B. It shall be unlawful for any person to encourage the lingering, roosting and/or congregating of feral pigeons by providing food-including but not limited to grain, seeds, greens, bread crumbs and miscellaneous food scraps-intended for pigeon ingestion on public or residential property.

7.10 – MANDATORY SPAYING AND NEUTERING OF ANIMALS

7.10.010 - Mandatory Spay/Neuter Of Dogs And Cats

Subject to the exceptions provided in this chapter, it shall be unlawful to harbor within the City of Henderson any unspayed or unneutered cat or dog four (4) months or older. For purposes of this section and chapter, “harbor” means legal ownership, of the providing of regular care of shelter, protection, refuge or nourishment, or medical treatment. This shall also include the providing of nourishment to a stray or feral cat or dog.

7.10.020 - Exceptions To Spay/Neuter Requirements

A. The spay/neuter requirement set forth in Section 7.10.010 shall not apply if a licensed veterinarian certifies in writing that a specific dog or cat is medically unfit to undergo the required spay or neuter procedure because of a physical condition that would be substantially aggravated by such procedure or would likely cause the animal's death.

B. The spay/neuter requirement set for in Section 7.10.010 shall not apply to animals harbored by a pound, shelter, humane society or similar organization, whether public or private, the principal purpose of which is securing the adoption of dogs or cats provided that such organization has a policy and rules requiring the spaying or neutering of all dogs and cats placed for adoption by such organization.

C. The spay/neuter requirement set for in Section 7.10.010 shall not apply to any dog or cat harbored by a person holding a valid Breeder's permit as provided in Section 7.04.090 of this title.

D. The spay/neuter requirement set forth in Section 7.10.010 shall not apply to a pet shop under Section 7.70.010 that sells dogs or cats.

E. The spay/neuter requirement set forth in Section 7.10.010 shall not apply to police service animals.

7.10.030 - Forfeiture

Kittens and puppies born to cats and dogs not spayed or neutered in violation of this chapter shall be forfeited and surrendered to the City Animal Shelter.

7.10.040 - Unspayed/Unneutered Animals Running At Large

If a dog or cat is running at large and impounded pursuant to Section 7.30.010, and the Animal Control Officer determines that the dog or cat has not been spayed or neutered in accordance with Section 7.10.010, and is required to be spayed or neutered, the owner shall also be required to have the dog or cat spayed or neutered within ninety (90) days. The owner may choose to have the spay/neuter procedure performed by a licensed veterinarian of their choice and provide proof of the spay/neuter completion to the Animal Care and Control Bureau within ninety (90) days from the release of said dog or cat.

7.10.050 - Release—Neutering Or Spaying

Before the release of any dog or cat, by way of sale or adoption, a fee, to be established by the city council for the spaying or neutering of the animal may be required by the city; said fee shall be forwarded by the city to a veterinarian of the city's choice, upon the veterinarian's proof of the spay or neuter of said dog or cat or surgically sterilized by the City Veterinarian at the City Animal Shelter.

7.10.060- PENALTIES

Any person who violates any section in this chapter is guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

7.20 – DANGEROUS ANIMALS

7.20.010 – Dangerous And Vicious Animals—Declaration

A. Except as otherwise provided in subsection B of this section:

1. An animal may be declared dangerous by the animal control officer if it constitutes a physical threat to human beings or to other animals and, on two separate occasions within eighteen months:

- a. It behaves menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm; or
- b. It bites a person, but without causing substantial bodily harm.

2. An animal may be declared dangerous by the animal control officer if it constitutes a physical threat to human beings or to other animals and, without regard to any previous behavior:

- a. It is used in the commission of a crime by its owner or keeper;
- b. While either at large or restrained, it causes serious injury or death to another animal that is not at large or is not otherwise in violation of this title; or
- c. It exhibits a condition or behavior which causes the animal control officer to believe the animal is a threat to public safety.

3. An animal may be declared vicious by any animal control officer if it constitutes a physical threat to human beings or to other animals and:

- a. Has killed or inflicted substantial harm upon a human being or other animal; or
- b. After having previously been declared dangerous, with notice of the declaration having been provided to the owner or keeper, it continues to exhibit the same type of behavior which resulted in the declaration, or is in violation of the provisions of Section 7.06.030.

B. An animal may not be declared dangerous pursuant to this Section for constituting a physical threat:

- 1. To another animal which, or person who, provoked the animal as a result of and to the extent of the provocation;
- 2. To another animal which, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal constituting the threat;
- 3. To another animal which was running at large or otherwise in violation of this title; or
- 4. In connection with its use by law enforcement officers in the performance of their duties.

C. An animal may not be declared vicious pursuant to this Section for constituting a physical threat:

- 1. To another animal which, or person who, provoked the animal, as a result of and to the extent of the provocation;

2. To another animal which, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal constituting the threat; or
3. In connection with its use by law enforcement officers in the performance of their duties.

7.20.020 - Dangerous Or Vicious Animals—Ownership/At Large Unlawful

It shall be unlawful for:

- A. Any owner to possess or transfer ownership of a vicious or dangerous animal within the city, except as provided in this chapter; or
- B. The owner of a dangerous or vicious animal to permit the animal to be at large.

7.20.030 - Dangerous Animals—Ownership Permitted When

Any animal which is declared to be dangerous by the animal control officer may be kept within the city provided that:

- A. Within fourteen days after the owner is notified of the declaration, the area in which the owner intends to keep the animal must pass an inspection by the animal control officer, and the owner must obtain a permit to keep the animal, based upon such terms and conditions as the animal control officer deems appropriate. A nonrefundable inspection fee of fifty (\$50.00) dollars will be charged to the owner, which must be renewed annually. For purposes of this subsection, notice of the declaration shall be deemed complete if it is served personally, or upon mailing by certified mail, return receipt requested, sent to the last known address of the owner.
- B. The animal shall be kept, confined or housed within an enclosure:
 1. That will ensure the animal's retention and comfort, is of a size to permit the animal to stand upright, and is of a dimension deemed adequate by the animal control officer; and
 2. That is secure enough so that the animal cannot bite, harm or injure anyone by overreaching the top of the fence or other enclosure.
- C. At no time shall the animal be allowed to leave the private property confines of the owner or person in charge of the animal unless it is muzzled, leashed and under the effective control of an adult.

D. The private property shall be adequately and properly posted with conspicuous warning signs, with a listing of the name and telephone number of the owner of the animal.

E. The animal must be sterilized by a licensed veterinarian. The owner shall maintain all sterilization records, including the type of animal sterilized, the name of the veterinarian performing the procedure, and the date the sterilization was performed.

F. The animal shall be implanted with an electronic microchip from a manufacturer approved by the animal control officer. The implantation must be performed by a licensed veterinarian and must conform to procedures recommended by the manufacturer. The owner shall register the microchip number in a national database in accordance with instructions from the manufacturer, and shall provide the number to the animal control officer.

G. The owner shall obtain and maintain in effect a policy of liability insurance in the amount of not less than fifty thousand (\$50,000.00) dollars insuring against possible injuries inflicted by the dangerous animal. The liability insurance shall be maintained in effect as long as the owner maintains possession of the dangerous animal.

H. The owner of a dangerous animal may not sell, relocate or give away the animal without first obtaining prior written approval from an animal control officer. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of fifty (\$50.00) dollars for inspection of the new location for the animal. The owner or transferee shall also have the national microchip number updated in the national database to reflect the change in ownership, and shall provide evidence of the update to the animal control officer.

7.20.040 - Permit Revocation Conditions

A. Any permit issued under Section 7.020.030 shall be revoked if the animal, without provocation, bites or attempts to bite any person or other animal.

B. Any permit issued under Section 7.20.030 shall be revoked if the owner violates any other provision of Title 7.

7.20.050 – Vicious Animal Declaration – Animal Advisory Committee

A. The owner of any animal declared vicious by an animal control officer shall be notified by personal service or by certified mail, return receipt requested, sent to the last known address of the owner. Within ten days after notice has been served personally or deposited in the mail, the owner shall voluntarily transfer possession of the animal to the animal control officer and do one of the following:

1. Voluntarily relinquish ownership of the animal for euthanasia in accordance with the provisions of Chapter 638 of the Nevada Revised Statutes and any regulations promulgated pursuant thereto, as amended from time to time;
2. Provide written proof to the animal control officer that the animal has been euthanized by a properly licensed veterinary clinic; or
3. File with the animal control officer a written request for hearing before the animal advisory committee to determine if the declaration that the animal is vicious should be upheld. The owner or keeper may not maintain possession of the animal during the hearing process.

B. If a hearing is requested within the specified time period, the animal control officer shall convene the animal advisory committee no later than forty-five days after receipt of the written request for hearing. The animal advisory committee shall act expeditiously to decide the matter by a majority vote of its members and may:

1. Uphold the vicious animal declaration;
2. Recommend that the owner or keeper obtain a dangerous animal permit, if appropriate; or
3. Take such other action as it deems appropriate.

C. If the animal advisory committee upholds the vicious animal declaration, the animal control officer may proceed to destroy the animal, but not until at least ten days have elapsed from the date the owner or keeper receives notice of the decision. Within that ten-day period, the owner or keeper of the animal shall have the right to seek appropriate relief in the municipal court.

D. As an alternative to the procedure set forth in subsections A through C of this section, the question of whether an animal should be declared vicious may be referred to the animal advisory committee by the municipal court in connection with the filing and processing of a criminal complaint. The committee shall hold an informal hearing and report its findings and recommendations to the court. If a defendant is found guilty of violating this title and the committee recommends that the animal be destroyed, the court may order the destruction of the animal as part of the defendant's sentence. The court is not bound by any recommendations of the committee and may in its discretion order that an animal be destroyed notwithstanding a contrary recommendation by the committee.

7.20.060 - Animal Advisory Committee—Membership—Powers

A. The animal advisory committee is hereby established. Membership consists of three persons appointed by the city council, two of whom shall be duly-licensed veterinarians currently in good standing with the appropriate licensing board and not under contract nor employed by the city of Henderson; and a third person who is either affiliated with an animal advocate group or foundation, or a professional animal handler with a minimum of ten (10) years of experience in handling animals professionally. Appointments to the animal advisory committee are for a term of five years, and any member may be re-appointed by the city council for any number of consecutive terms. If a vacancy shall occur during the term of office of a member, whether by resignation or otherwise, the city council shall appoint a successor for the remaining portion of the current five-year term. Members of the animal advisory committee serve without compensation but are entitled to receive travel, meal and incidental expense reimbursement upon proper documentation of such authorized expenses. Members of the animal advisory committee while serving in such capacity perform governmental functions and are immune from suit for their official actions as provided pursuant to NRS Chapter 41 and under the common law.

B. The animal advisory committee shall conduct a hearing pursuant to the provisions of Section 7.20.050 to determine whether to uphold a declaration of an animal as vicious only when a written request for such a hearing has been properly filed pursuant to the procedures describe therein. Any member of the animal advisory committee has the power to issue subpoenas for attendance of witnesses at the hearing, or for production of records or other tangible or intangible things either prior to or at such hearing, and may issue such subpoenas at the request of any party to such proceeding or upon the request or action of any committee member. Enforcement of obedience to any duly-issued subpoena shall rest with the Henderson municipal court. The animal advisory committee may, if deemed appropriate, continue a hearing upon cause where justice requires.

7.30 – IMPOUNDMENT

7.30.010 – Animals Running At Large.

Any animal running at large shall be impounded at the animal shelter for not less than seventy-two hours; within which time, if the ownership of the animal is proved and the owner calls for it, such owner shall be able to remove such animal upon the payment of a fee for its impoundment in an amount to be determined by the Henderson City Council. If the ownership of the animal is unknown and not easily ascertainable, or the animal is unclaimed after seventy-two hours, the city may dispose of the animal by sale, gift or euthanasia.

7.30.020 – Duty To Impound Animals

A. It will be the duty of the animal control officer and of every police officer while on duty to take up and deliver to the animal shelter, subject to the provisions of this chapter, all animals, dogs or fowl found running at large or trespassing on any private premises, or found upon any public highway, street, alley, court, public grounds, or upon any unfenced lot, or not within a sufficient enclosure.

B. It will be the duty of the animal control officer and of every police officer while on duty to take up and deliver to the animal shelter, subject to the provisions of this chapter, all animals, dogs or fowl, where reasonable suspicion exists of a violation of NRS 574.050 and/or NRS 574.060.

7.30.030 - Found Animal Reporting.

Each person who shall take custody of any lost, abandoned or an animal apparently running at large, shall report the same to the Henderson Animal Care and Control Bureau animal shelter immediately after taking custody thereof.

7.30.040 – Release Of Pet – Basic Conditions.

No pet impounded shall be released to any person except under the following conditions:

A. There has been presented to the animal shelter a current pet license.

B. There has been paid to the animal shelter all applicable fees set forth in HMC 7.04.020.

C. A current animal vaccination certification has been provided to an authorized employee of the City Animal Shelter animal shelter.

D. The pet has been implanted with a microchip provided by the animal shelter.

E. Compliance with the requirements of Chapter 7.20 pertaining to dangerous or vicious animals, where applicable.

F. Compliance with the requirements of Chapter 7.10

G. Owner shall show proof that the animal they are claiming is their pet, either by means of a photograph, veterinary record, microchip registration, or other substantial proof of ownership of said animal.

7.30.050 – Release Of Pet – Rabies Suspicion.

If the animal control officer suspects that any animal impounded has rabies (s)he shall hold such animal for examination by a veterinarian. In the event that such animal is afflicted with rabies, it shall be disposed of or confined for such time as the health officer shall direct. Whenever the veterinarian shall determine that such dog or cat does not have rabies, it shall be released as provided herein.

7.30.060 – Protective Care By Officer.

Whenever the animal control officer finds that any animal is, or will be, without proper care, the animal control officer may take up such animal for protective care, and in the event of sickness or injury of the animal, where the owner or keeper is unknown, the animal control officer may take any action to prevent undue pain and suffering, including immediate destruction of the animal.

7.40 – WILD AND EXOTIC ANIMALS; NON-DOMESTICATED ANIMALS;
ANIMAL EXHIBITORS

7.40.010 – Wild Animals And/Or Wildlife - Generally

These animals are considered to be dangerous animals. Keeping of such animals shall be permitted only in facilities such as zoos or circuses. Such total confinement facilities are necessary to protect the public health and safety and to assure proper animal welfare.

7.40.020 – Permit For Wild Animal

A. No person shall possess a wild animal without first obtaining an appropriate Wild Animal Permit from the Chief of Police or designee. The permit fee for the Wild animal Permit shall be as established in the fee schedule by the city council.

B. Full compliance with all federal and state regulations is necessary before any permit shall be considered. Inquiries as to federal and state regulations in regard to specific animal species should be made to appropriate government bureaus or departments. If a permit is issued for exotic animals, wildlife or snakes in contravention of federal and state regulations, such permit is void and shall be withdrawn upon the city discovering such fact.

7.40.030 - Wild Animals – Exhibition

A. Subject to sections B and C of this section, no wild animal shall be exhibited, kept or sold anywhere within the city.

B. A permit for exhibiting wild animals is required when a wild animal is to be exhibited for any purpose. If the permit is denied, the animal control bureau will give a written notice of the denial and the reasons for it.

1. Permit Application. A person requesting a permit to exhibit a wild animal shall be required to submit an application containing the following items and information:

- a. Name, address and telephone number of the proposed exhibitor;
- b. City of Henderson business license number;
- c. Name of business;
- d. Description of the animal or animals proposed to be exhibited, including species, sex, age, weight, and any identification marks;
- e. A list of other permits required, including a USDA permit, the permit number(s), and the effective dates thereof;
- f. Dates and times of the proposed exhibition(s);
- g. Location of the proposed exhibition(s);
- h. Identification of the insurance required by subsection (B)(2) of this section;
- i. Signature of the person applying for the permit and the date of the application;
- j. Proof of registration and insurance applicable to the vehicle(s) to be used to transport the animal to be exhibited;
- k. A written description of the circumstances, if any, that exhibited animals are removed from quarters during the exhibit;
- l. A description of the exhibit site quarters;
- m. A statement as to the applicant's past experience, education/training, he or she has with the species to be exhibited.

2. Insurance. Each animal to be exhibited shall be included on a liability insurance policy of at least one million (\$1,000,000.00) dollars to be in effect at all times that the animal to be exhibited is located within the corporate boundaries of the city of Henderson, including the time when the animal is transported to and from the place of the exhibition. The vehicle(s) used to transport the animal to be exhibited must contain cages constructed in such a manner as to insure public safety and may be inspected by the animal control bureau.

3. Quarters at Exhibit Site. The exhibition shall contain quarters for the animal which are adequate to insure public safety, as well as the health and welfare of the animal. A representative from the animal control bureau may inspect the exhibit site at any time including prior to the initial exhibition.

4. Restrictions. Suitable restrictions may be placed on the city's permit.

5. Permit Fee. The wild animal exhibitor's permit fee shall be set by the city council as set forth in HMC 7.04.020. A wild animal exhibitor's permit shall be valid for the location specified in the applicant's application and renewable annually or upon movement of the exhibition to a different location.

6. Transfer of Permit. The permit is not transferrable.

7. Denial of Permit. A permit shall be denied if any of the information and items required in subsection (B)(1) of this section is not truthfully and fully set forth in the application or if any provision of subsection B of this section is not met. The permit may be denied for any of the following additional reasons:

- a. The granting of the permit would violate any other section of Title 7 of the Henderson Municipal Code;
- b. The proposed exhibition poses an unreasonable risk of harm to the animals or public;
- c. The applicant's past experience, education/training with respect to the species to be exhibited is not superior;
- d. For any other reason specified in HMC 4.04.150.

8. Suspension of Permit. A permit may be suspended pursuant to the provisions of HMC 4.04.160 or for any reason which could constitute grounds for denying the permit pursuant to subsection (B)(7) of this section, or for any instance in which personal injury or property damage is sustained as a result of an exhibition or the act of any wild animal exhibited or to be exhibited.

9. Wild Animals Not Permitted For Any Other Reason. Nothing stated in this subsection B shall be construed as allowing any person to possess or keep any wild animal within the city of Henderson under any circumstance or any purpose not specified and in strict conformance with subsection B of this section.

C. Zoological parks, veterinary hospitals, public animal shelters, or any establishment having at the date of the adoption of this ordinance, a special use permit issued by the city allowing the uses discussed herein, a valid USDA Class B License, shall be exempt from this section.

7.40.040 - Snakes

Any venomous snakes or constrictors over six feet in length are prohibited. Exotic snakes maintained must be under permit; each permitted facility shall be judged on its own merit by the Police Chief or designee.

7.40.050- Restrictions On Keeping Fowl

It is unlawful for any person to keep or cause to be kept, or permit to be kept on premises over which any such person may have control within the city limits:

A. Any rooster or the male of any species of fowl over the age of three months, except where permitted in the proper land use zone;

B. Any fowl within three hundred fifty feet of any dwelling owned by another person unless such other person shall have filed with the animal control officer a written unrevoked consent authorizing the keeping of such fowl within three hundred fifty feet of the dwelling;

C. Any fowl that is not at all times confined within a suitable home or coop or enclosed runway;

D. Any fowl in any basement, sub-basement or cellar;

E. Any fowl in any house, coop or runway which is not at all times kept clean and free from offensive odor.

7.40.060 – Animal Exhibitor Permit – Required

Any owner, operator or promoter of any event temporarily housing, selling or exhibiting domesticated animals for entertainment or demonstration shall obtain an Animal Exhibitor Permit through the Animal Care and Control Bureau. Businesses possessing a valid Animal Establishment Permit are exempt from this provision.

7.40.070 - Feeding Wildlife and Feral Animals

It shall be unlawful for any person to feed or allow to be kept in anyway animals that are considered feral or wild that may be potential carries of the rabies virus. The property owner, caretaker, renter, or lessee shall not place food that would allow any animal not owned by them to feed on such food. No person shall place food for the purpose of feeding wildlife or feral animals capable of transmitting rabies on the property of another or on public property.

7.40.080 – Non-Domesticated Animal – Permit Required

A. No person shall possess a non-domesticated animal without first obtaining an appropriate permit from the Chief of Police or designee. The permit fee shall be as established in the fee schedule set by the city council.

7.50 RABIES

7.50.010 – Quarantine Authority Generally

The health officer may, by public notice and proclamation, quarantine any animal in any area of the city where he finds rabies or other disease to exist. During such quarantine period and until public notice of its termination has been given by the health officer, each animal in that area must be securely confined by its owner. All such designated animals found at large in that area during such period may be impounded, quarantined, or destroyed pursuant to the order of the health officer.

7.50.020 – Biting Animal – Report

A. It shall be the duty of anyone with knowledge of a human being having been bitten by any animal to promptly report the same to Henderson Police Department Animal Control Bureau within 48 hours of the occurrence. This shall include all hospitals or medical facilities that treat anyone who is the victim of an animal bite. The reporting person or agency shall obtain the victim's full name, address, phone number, and date of birth. They shall also attempt to obtain a complete description of the animal, the animal owner's name, address, and phone number.

B. Any owner, caretaker, or keeper of an animal that bites a person shall upon demand of an animal control officer present or provide the biter animal or its whereabouts immediately. Any owner, caretaker, or keeper who fails to comply with the terms of this section shall be issued a citation or a criminal complaint sought for every day of the quarantine or until the animal is produced for quarantine. This shall not exceed a period of 10 days.

C. It shall be unlawful for any person who is the victim or who has knowledge of a person who is a victim of an animal bite refuse to disclose the animal owner, description or location.

7.50.030 – Biting Animal – Confinement

Any animal species known to be a potential carrier of rabies virus shall be quarantined for a period of ten (10) days. It shall be at the discretion of the Animal Control Officer to determine where the biting animal shall be quarantined. It shall be the duty of any person owning, possessing, or having care, custody or control of said animal separately and securely from any other animals or humans not already having contact with the animal. In the event such animal develops any illness or dies during the quarantine period, the owner of person having the care, custody, or control shall promptly notify the Henderson Police Department's Animal Control Bureau. In the event said animal is suspected to have rabies, said animal shall be handled in accordance with the provisions of this chapter.

7.50.040 – Rabies Suspect – Confinement And Release

A. Upon the receipt by the animal control officer of any animal believed to be afflicted with rabies, which has been bitten by any animal afflicted or suspected of being afflicted with rabies, or which has been exposed to the infection of rabies, shall separately confine such animal and shall immediately notify a veterinarian and the health officer. The veterinarian or health officer shall thereupon make such examination of the animal as may be deemed necessary. If, based upon such examination, it is determined that such animal is afflicted with rabies, the animal control officer shall be so advised.

B. It shall be the duty of the animal control officer to keep such animal suspected of having rabies confined for such time as the veterinarian or health officer may direct, and such animal shall not be redeemed or released except upon written order signed by the health officer. Such animal shall not be released before suitable provisions for vaccination and licensing have been made as set forth in this chapter.

C. The cost of all examinations shall be borne by the owner of said animal.

7.50.050 – Rabies Suspect – Impoundment – Destruction

A. It shall be the duty of the animal control officer to impound any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, whether public or private, if such animal is known to have or suspected of having rabies, or known to have been bitten by any animal having or suspected of having rabies, and such animal shall be brought immediately notify the health officer and a veterinarian for determination of whether the animal shall be destroyed or impounded. If destruction of the animal is required, destruction shall be accomplished in such manner as to preserve the head in tact. Such head shall promptly and without delay be properly removed and packaged for shipment for laboratory analysis as prescribed by the health officer.

B. The owner shall be responsible for any and all costs incurred by the Animal Control Bureau pursuant to this section.

7.50.060 – Owner To Report Suspicion Of Rabies

Whenever an owner shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he shall immediately notify the Henderson Police Department Animal Control Bureau to make an inspection or examination of such animal until it shall be established to the satisfaction of said veterinarian or health officer that such animal has or does not have rabies.

7.50.070 – Bitten Animals

Whenever any animal is bitten by another animal suspected of having rabies, the owner of the animal so bitten or the owner of the biting animal shall immediately notify the Henderson Police Department Animal Control Bureau.

7.50.080 – Animal Bite Record

It shall be the duty of the Henderson Police Department Animal Control Bureau to keep an accurate record of all reports of animal bites, including the place of occurrence, time of report, person making the report, disposition of the case, and such other information as may be required by the animal control officer or the health officer. Each such case shall be investigated and the animal properly dealt with in accordance with the provisions of this chapter.

7.60 – ANIMAL HANDLER

7.60.010 – Animal Handler Permit

Persons operating or owning a business providing 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, 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.

7.60.020 – Fee – Inspection – Issuance Of An Animal Handler Permit

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.

7.60.030 – Nontransferability

An animal handler permit is not transferable.

7.60.040 - Renewal

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.

7.60.050 – Change Notice To City

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.

7.60.060 – Compliance Responsibility

A. A person or persons in immediate charge of any facility enumerated in H.M.C. 7.60.010 shall be responsible for complying with this chapter and other applicable ordinances.

B. Any person owning, possessing or having the care, custody or control of an animal, who willfully refuses, fails or neglects to furnish any Animal Control Officer or License Fee Collector the required information as provided herein, or who willfully fails, refuses or neglects to cause said animals to be registered and pay the registration fees at the time and in the manner herein provided, or who willfully fails, refuses or neglects to perform any act or pay any other fee or charge required by this Chapter to be performed or paid, or any person who shall willfully resist, interfere with or prevent any Animal Control Officer in the exercise of his/her duties, or who violates any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as the law allows.

7.60.070 – Violation - Generally

Each day a person is in violation of any section in this Chapter shall be considered a separate violation and subject to the penalties as set forth under H.M.C. 7.90.010.

7.70 – ANIMAL ESTABLISHMENT

7.70.010 - Permit required

A. No person shall conduct, operate or keep any animal establishment without first obtaining an appropriate Animal Establishment Permit from the 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.

B. The city animal shelter and licensed veterinary clinics shall be exempt from this section.

C. 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.

7.70.020 - Application for permit

A. 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 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, 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.

7.70.030 - Conditions relating to animal facilities

Every person who owns, conducts, manages or operates any animal establishment 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:

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, animal control officer, police officer or other authorized representative of the city shall have the authority to enter the animal facility, except by means of force and with

the consent of the owner or occupant of the premises, and at a reasonable time, when he has reason to believe that the provisions of the permit or the 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.

7.70.040 - Already existing establishments, race track kenneling

A. 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 (1) of this section, any 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.

7.70.050 - No new permit after denial or revocation

If a permit has been denied or revoked, the administrator shall not accept a new permit application from the same person for the same activity at the same location less than twelve months after such denial or revocation, unless the applicant shows, and the licensing department finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit revoked no longer exist.

7.70.060 – Non-Transferability - Posting

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

7.70.070 – Standards For Animal Facilities - Generally

A. 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. 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 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 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 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.

7.70.080 - 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 animal 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.

7.70.090 - Veterinary care

A. 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 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.

7.70.100 - Sanitation procedures

A. Cage Construction.

1. Easily washed down and sanitized.
2. Constructed of impervious material.
3. Prevents litter from spilling outside of cage.
4. Prevents contact with humans to minimize injuries and passage of disease.

B. Cleaning Schedules.

1. Excreta shall be removed from animal enclosures at least once daily.
2. Prior to introduction of animals into empty enclosures previously occupied, the rooms, pens, and cages shall be properly sanitized by using first soap or detergent then following with a safe and effective disinfectant.
3. Premises shall be kept clean and in good repair.
4. An effective program for control of insects, ectoparasites and avian and mammalian pests, shall be established and maintained.

7.70.110 - Minimum requirements for dogs, 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.

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>

7.70.120 - Minimum requirements for cats

A. Housing areas for cats shall:

1. Have sufficient clean litter to contain excreta.

2. Have enclosures constructed and maintained so as to provide sufficient space for the animal to make normal postural adjustments with adequate freedom of movements. Interior height of cages shall be at least two feet and a minimum of three square feet of floor space shall be provided for each adult cat. No more than two adult cats shall be housed in any cage. If cats are housed in pens or runs, a minimum of three square feet shall be provided for each cat. The maximum cats housed in a pen shall not exceed twelve.

B. All commercial catteries shall be maintained within a completely enclosed building.

7.70.130 - Minimum requirements for small rodents

Housing areas for small rodents shall be in compliance with the following minimum requirements:

A. The interior height of any rodent enclosure shall be at least ten inches.

B. Each nursing animal shall be kept separate in an enclosure of at least two hundred twenty-five square inches.

C. No more than twelve animals shall be kept in any one cage or enclosure and at least twenty square inches shall be provided for each animal.

7.70.140 - Minimum requirements for rabbits and rodents of similar size

A. The floor space of an enclosure used to house a nursing female together with her litter shall be at least six square feet exclusive of space taken up by feed and water receptacles.

B. At least one square foot of floor space shall be provided for each animal and not more than five animals shall be kept in one enclosure.

7.70.150 - 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.

7.70.160 - Capacity Of Cage Or Run

Animals maintained in cages or runs for 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
2. No more than two animals per cage providing the minimum amount of space is provided as outlined in H.M.C. 07.70.140

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 H.M.C. 7.70.140, 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.

7.70.170 – Outdoor Shelter –Sun And Elements

A. Sufficient shelter shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.

B. Animals kept outdoors shall be provided with adequate shelter from wind, rain, hail or snow.

7.70.180 - Sales of dogs and cats

No dogs or cats under eight weeks of age shall be sold or given away.

7.70.190 - Immunization and medical history

A. All dogs and cats over eight weeks of age shall be immunized against common disease.

B. Medical and health condition of the animals and a medical treatment and immunization history shall be provided to the purchaser.

7.70.200 - Penalty for violation

In addition to possible revocation of permit or license, any person, whether acting as principal, agent, employee or otherwise, violating any section in this Chapter, is guilty of a misdemeanor for each day of the violation; and upon conviction thereof, shall be subject to a fine not to exceed the sum of one thousand (\$1,000.00) dollars or imprisonment in the city jail for a period not to exceed six months, or both such fine and imprisonment for each such violation.

7.80 – RETAILERS AND DEALERS

7.80.010 - Notice of availability of information concerning an animal

A retailer or dealer shall conspicuously post within close proximity to the primary enclosure of an animal offered for sale the following notice printed in at least 48-point type upon paper that is at least 11 inches wide and 17 inches long:

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

7.80.020 - Provision of written statement for a dog or cat; content

Every pet dealer shall deliver to the purchaser of each dog and cat at the time of sale a written statement in a standardized form prescribed by the Department of Consumer Affairs containing the following information and every Pet shop shall keep such information on file for each animal at the store and keep on file for a period of not less than (6) six months the following information:

A. For cats:

1. The breeders and/or broker's name and address and phone number, if known, or if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, phone number and federal dealer identification number and/or any local Valley, City or County wide Fancier permit number.
2. The date of the cat's birth, unless unknown because of the source of the cat and the date the dealer received the cat.
3. A record of the immunizations and worming treatments administered, if any, to the cat as of the time of sale, including the dates of administration and the type of vaccine or worming treatment.
4. A record of any known disease or sickness that the cat is afflicted with at the time of sale. In addition, this information shall also be orally disclosed to the purchaser.

B. For dogs:

1. The breeder's name and address and phone number, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, phone number, and federal dealer identification number, and/or any local Valley, City or County wide Breeder permit number.
2. The date of the dog's birth and the date the dealer received the dog. If the dog is not advertised or sold as purebred, registered, or registerable, the date of birth may be approximated if not known by the seller.
3. The breed, sex, color, and identifying marks at the time of sale, if any. If the dog is from a United States Department of Agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate.
4. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known.
5. A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale, including dates of administration and the type of vaccine or worming treatment.
6. A record of any veterinarian treatment or medication received by the dog while in the possession of the pet dealer and either of the following:
 - a. A statement, signed by the pet dealer at the time of sale, containing all of the following:
 - (i) The dog has no known disease or illness.
 - (ii) The dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale or that is likely to adversely affect the health of the dog in the future.

b. A record of any known disease, illness, and any congenital or hereditary condition that adversely affects the health of the dog at the time of sale, or is likely to adversely affect the health of the dog in the future, along with a statement signed by a veterinarian licensed in the State of Nevada that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the disease, illness, or condition does not require hospitalization or non-elective surgical procedures, nor is it likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is, not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for seven days following examination of the dog by the veterinarian.

C. For the purpose of this article, "non-elective surgical procedure" means a surgical procedure that is necessary to preserve or restore the health of the dog, to prevent the dog from experiencing pain or discomfort, or to correct a condition that would interfere with the dog's ability to walk, run, jump, or otherwise function in a normal manner.

D. For the purposes of this article, "clinically ill" means an illness that is apparent to a veterinarian based on observation, examination, or testing of the dog, or upon a review of the medical records relating to the dog.

E. A disclosure made pursuant to subdivision (b) shall be signed by both the pet dealer certifying the accuracy of the statement, and the purchaser of the dog acknowledging receipt of the statement. In addition, all medical information required to be disclosed pursuant to subdivision (b) shall be made orally to the purchaser.

F. For purposes of this article, a disease, illness, or congenital or hereditary condition that adversely affects the health of a dog at the time of sale or is likely to adversely affect the health of the dog in the future shall be one that is apparent at the time of sale or that should have been known by the pet dealer from the history of veterinary treatment disclosed pursuant to this section.

7.80.030 – Sale of Dogs and Cats - Microchipping

All dogs and cats sold must be micro-chipped and registered to the new owner.

7.90 - PENALTIES

7.90.010 – Generally

Unless another penalty is expressly provided herein or by law, every person convicted of a violation of any provisions of this title shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such fine and imprisonment.

- SECTION 3. 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 4. 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 5. 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 September 23, 2011, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 20TH DAY OF SEPTEMBER, 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 September 6, 2011, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 20, 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 September 20, 2011, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:	Mayor Andy Hafen
	Councilmembers:
	Gerri Schroder
	Kathleen Vermillion
	Sam Bateman

Those voting nay:	None
Those abstaining:	None
Those absent:	Debra March

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, CMC, City Clerk