

ORDINANCE NO. 3229
(Amend Henderson Municipal Code Title 7 - Animals)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON,
NEVADA, TO AMEND TITLE 7 – ANIMALS – OF THE HENDERSON
MUNICIPAL CODE AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, Ordinance 2932, adopted September 20, 2011, repealed and reenacted title 7 in its entirety to read as herein set out; and

WHEREAS, Ordinance 3221, § 1 was adopted October 7, 2014; and

WHEREAS, the Animal Advisory Committee has been eliminated in order to provide a more efficient appeal process for dangerous and vicious declarations; and

WHEREAS, additional language is required for clarification; and

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

SECTION 1. Title 7 of the Henderson Municipal Code is hereby amended as follows:

CHAPTERS:

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

7.25 – Vicious Animals

7.30 Impoundment

7.40 Wild and Exotic Animals; Reptiles; Non-Domesticated Companion
Animals; Animal Exhibitors

7.50 Rabies

7.60 Animal Handler

7.70 Animal Establishment

7.80 Retailers and Dealers

7.90 Penalties

7.01.070 – Animal Handler

“Animal handler” means an owner or owners of a pet training service, pet care service[s], 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.

7.01.090 – 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 the animal control bureau [any animal control officer or its employees in the performance of his/her official duties].

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 for owners meeting the definition as set forth in 7.01.130 [in order to breed or sell puppies or kittens whether for profit or not-for-profit].

7.01.150 - Business Days

"Business days" means the days the animal control bureau facility is open to the public.

7.01.16[5]0 – 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.]

7.01.240 – Fees

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

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 Title [chapter].

7.01.300 – Leash

“Leash” means any rope, leather strap, chain, retractable leash 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 and retractable leashes extended beyond six feet are not recognized as a leash.

7.01.310 – Microchip

“Microchip” means a radio frequency transponder which has a permanent and unique numeric or alphanumeric identifier [number] programmed into it and implanted in an animal for positive identification.

7.01.320 – Motor Vehicle

"Motor vehicle" means every device [in]assisted by a motor, 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 bred and kept in captivity and utilized as pets. These animals do not include a wild or exotic animal as defined in section 7.01.550[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 upon 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 or a professional animal handler.

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] no more than five of each of the following species: 1) spayed/neutered dogs; 2) [and/or] spay/neutered cats; and 3) spayed/neutered ferrets[over the age of three months].

7.01.370 – Pet Fancier Permit

“Pet ~~[Fancier]~~ fancier permit” means a permit issued by the chief of police or designee which has been issued to a person. ~~[The]~~ This permit is required for owners meeting the definition as set forth in section 7.01.360.~~[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 durable material~~[metal stamped]~~ tag issued by the chief of police or designee which evidences the fact that a party has purchased a pet license as required under this Title~~[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 durable material ~~[stamped metal]~~ tag shall be numbered and attached to the animal's ~~[dog, cat or ferret's]~~ collar, leash, or harness and shall be attached to the animal ~~[as evidence of the pet license]~~.

7.01.400 – Pet Tag

"Pet tag" means the ~~[number stamped metal]~~ numbered marker made of durable material which is attached to the animal's ~~[dog, cat or ferret's]~~ collar or harness ~~[as evidence of purchase of the pet license]~~.

7.01.420 – Provoked ~~[Animal]~~

"Provoked~~[Animal]~~" means to torment, harass, or subject to pain ~~[an animal has been teased, tormented, harassed, or subjected to pain]~~.

7.01.435 – Reptile

"Reptile" means any terrestrial or non-terrestrial, cold-blooded, usually egg-laying vertebrates of the class reptilia generally characterized as having an external shell or covering of scales or horny plates, breathing air with lungs to include, but not limited to, snakes, lizards, crocodiles, turtles, or tortoises.

7.01.455 – Serious Injury

"Serious injury" means a wound or any injury to an animal or human which requires professional veterinary or human medical care, whether or not treatment is sought by the injured person.

7.01.460 – Service Animal

“Service animal” means any animal that is recognized under the Americans with Disabilities Act as a service animal [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.

7.01.485 – Substantial Bodily Harm

“Substantial bodily harm” shall be defined as stated in NRS 0.060.

7.02.010 - Animal Shelter Operation

A. 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.

B. The animal control facility administrator or designee shall have the power to deny any animal adoption if it is in the best interest of the general health, safety and welfare of the public or the animal.

7.02.020 - Authority To Prepare, Sign And Serve [Written] Citations

Pursuant to NRS 171.17751, in order to enforce the provisions of this Title 7, the administrator of the animal control bureau and all animal control officers have the authority to prepare, sign and serve [written] citations, and submit requests for summons or warrant issuance to the city attorney’s office.

7.02.030 – Violation of state law is a city misdemeanor

The commission of any act within the corporate limits of the city of Henderson by any person or persons, or the failure to perform any duty imposed by law which is defined as an offense and made a misdemeanor pursuant to the Nevada Revised Statute Chapter 574 is declared to be, and shall constitute a misdemeanor when said act is committed, or said duty omitted, within the corporate limits of the city of Henderson.

7.02.0[3]40 - Unlawful To Resist Or Obstruct Animal Control Officer

It shall be unlawful for any person to willfully resist, delay, knowingly provide false information to, or obstruct any animal control officer ~~[in the exercise of duties]~~ discharging or attempting discharge any legal duty imposed by this Title ~~[chapter]~~.

7.02.0[4]50 – Right Of Entry

A. An animal control officer or police officer shall have the right to enter upon any private or public property in the city to take custody of an animal if:

[A]1. ~~[He has a reasonable belief]~~ Probable cause exists that an animal is in imminent danger and that emergency aid or assistance is immediately necessary to protect the animal or the general health, safety and welfare of the public;

2. ~~[the]~~ The entry is not primarily motivated by the desire to collect evidence or other law enforcement objective; and

3. ~~[the]~~ The animal control officer or police officer once having made entry confines his activities to rendering of emergency care or taking emergency measures for the animal, such as impoundment.

B. An animal control officer or any police officer shall not have the right to enter a house or structure which is legally occupied without first securing a search warrant therefor.

[B]C. For the limited purpose of seizing an animal, if probable cause exists, an animal control officer may enter onto private property for the purpose of ascertaining whether [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 or as necessary to protect the animal or the general health, safety and welfare of the public.

[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.]

D. If an animal control officer seizes an animal under this section, the animal control officer shall give to the owner a notice containing: 1) a written statement of the reasons for the taking of the animal; 2) the location where the animal will be cared for and sheltered; and 3) the fact that there is a limited lien on the animal for the cost of shelter and care for the animal. The notice shall be affixed in a visible location of the property from where the animal was seized and mailed to the owner at the last known address via United States first class mail.

7.02.0[5]60 – [Nonlethal] Less than Lethal Means Of Capture

[The] An 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 less than [non]lethal device or substance in order to apprehend, capture, control, or subdue any animal either running at large, or considered to be a threat.

7.02.0[6]70 – 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.

7.04.020 – Fees

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

Animal Establishment Permit (every 6 months)	\$ [20]50.00
Animal Handler Permit (per year)	\$ [25]50.00
Breeder's Permit (per year)	\$ [50]100.00
<u>Rabies Vaccination</u>	<u>\$10.00</u>

The chief of police or designee is granted the limited authority to establish the adoption fees for animals not specifically listed within this fee schedule.

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]** actively being used as a service animal for the disabled, or a law enforcement K-9 currently engaging in active service. **[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 shall be **[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 animal **[dog, cat or ferret]**. The owner shall be furnished a pet tag of durable material. If the pet tag is lost, stolen or damaged, it shall be the duty of the owner, within ten days from the date of discovery of loss or damage, to procure a new pet tag and pay the fee established in the fee schedule set in section 7.04.020 **[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 within this Title shall be performed by the animal **[care and]** control bureau and/or other city department designated by the chief of police or designee **[or personnel as prescribed by the city council]**.

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]** and three ferrets over **[three]** four months of age, at any place, or any premises, or in any one residence, located within the city. This provision shall not apply to animal establishments as defined in 7.01.050.

7.04.090 – Breeder's Permit

A. A breeder, as defined in Section 7.01.130, may keep and maintain no more than five dogs, six months of age or older, or five cats, four 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] and/or cat(s). The breeder shall apply every year for said permit and pay [and has paid] the annual fee as established in the fee schedule in 7.04.020 [set by the city council].

B. A breeder shall have all dogs over the age of four-months-old and cats over the age of four-months-old implanted with a registered subcutaneous microchip.

[B]C. A breeder shall not sell, gift, or rehome 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; and [or]

2. Without providing a written sales contract or receipt to the purchaser that contains the breeder's permit number; and

3. without obtaining the necessary business license pursuant to Title 4 of the Henderson Municipal Code.

[C]D. A [dog] breeder cannot breed a female dog or female cat until she is at least 18 months old and shall only allow a female dog or cat to have one litter per year. Any such permit, if granted, shall be subject to such conditions as may be prescribed by the chief of police or 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]E. A [dog] breeder shall display the breeder's 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 and ferrets~~ over the age of ~~[three]~~ four 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, or ferrets. [and]~~ A pet fancier shall apply every year for said permit [has paid] and pay the annual fee as established in the fee schedule set 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, or ferrets~~ from becoming a nuisance. All adult dogs, ~~[or] cats, or ferrets~~ must be licensed in accordance with this ~~[chapter]~~ Title.

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]~~ Veterinary 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 years]~~ per the current Rabies Compendium published by the American Veterinary Medical Association. ~~[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, list the date the exemption expires.

E. A rabies [certificate is required for dog, cat or ferret licensing] certificate is required for dog, cat, 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 for rabies 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 control bureau [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:

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

7.04.120 – [Denial or] Revocation of Permits[; Appeal Process]

Any permit issued under this Title may be revoked by the chief of police or designee if the holder of the permit, or person(s) responsible for the animal(s), violates any provision of this Title or any other federal, state or local laws relating to animals.

7.04.130 – Denial of Permit Applications

The city of Henderson, through the chief of police or designee, may deny [or revoke] any permit application [issued] pursuant to this [chapter] Title 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 12-month period of this chapter,] violated any federal, [or] state, or local 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.] If the applicant has been convicted of cruelty to animals; or

D. If the applicant has been convicted of assault, battery, domestic violence, or any other similar physical violence related offenses against a person 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 charged offense.

7.04.140 – Appeal Process

A. Upon a denial or revocation of any permit within this Title, the permit holder or applicant shall be notified by: 1) personal service; or 2) certified mail, return receipt requested, and first class United States mail, sent to the last known address of the permit holder or applicant.

B. Date of service shall be the date of actual receipt of the notice if personally served. If the notice is mailed, service shall be complete upon mailing.

C. The applicant may make a written request to the animal control bureau for a hearing before the city council within seven calendar days after the date of service of such notice 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.

D. The hearing shall be conducted according to N.R.S. 233B.121 to 233B.150.

7.04.1[3]50 – Inspection – Right Of Entry

A. As a condition to the issuance of [a] any permit under this Title [chapter], any licensing department inspector, [deputy humane] animal control officer, police officer or other authorized representative of the city shall have the authority to inspect the permit location [animal facility] at any reasonable time.

B. Any animal control officer, upon showing proper identification, shall be permitted to enter, at [any] a reasonable time, any animal permit location [establishment as defined in this chapter], for the purposes of making inspections to determine compliance with this [chapter] Title 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] Title. Said inspections may not be performed more than [on a semi-annual basis] every six months unless there are reasonable grounds to believe the health and safety of the public or animals are in jeopardy.

7.06.010 - Generally

[A.] It shall be unlawful for the owner of an animal to refuse or fail to provide the animal, by deliberate or unintentional means adequate food, water, or veterinary care for illness, injury, disease or infirmity[:

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]

A. Animals [Dogs] shall have protection from the elements and weather conditions suitable for the age, species, and physical condition of the [dog] animal so as to maintain the [dog] animal in a good state of health and includes a shaded area. For the purpose of this section, the existence of a pet door access into a structure may not be deemed as sufficient shelter if it prevents the animal from protection of the elements and weather conditions.

B. Shelter for [a dog] animals which are not specified under Title 19 shall include one [of] or more of the following:

[A.] 1. A [doghouse] pethouse that is an enclosed structure with a roof and appropriate dimensions for the breed and size of the [dog] animal. The [doghouse] pethouse shall have dry, clean bedding when the outdoor temperature is or is predicted to drop below 50 degrees Fahrenheit;

[B.] 2. A structure, including but not limited to, a garage, barn, or shed that is sufficiently insulated and ventilated to protect the [dog] animal from exposure temperatures below 50 degrees Fahrenheit or above 85 degrees Fahrenheit or, if not sufficiently insulated and ventilated, contains a [doghouse] pethouse as provided in paragraph [A] 1 of this section that is accessible to the [dog] animal;

[C.] 3. The interior height of such structure is six inches or more in excess of the height of the [dog] 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 [dog] animal 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

In addition to providing adequate shelter as outlined in section 7.06.020, An owner of an animal shall provide [shelter] shade by means of other structures, trees, or awnings, when the temperature is expected to rise above 85 degrees Fahrenheit to protect the animal from direct sunlight that is likely to cause overheating or discomfort. In the event of a heat advisory issued by the National Weather Service, [in addition] additional [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 appropriate for the animal species, including but not limited to, misters, swamp coolers or air conditioning, must be provided which will allow the [dog] animal to cool down the body temperature and prevent [overheating] overheating.

7.06.040– Abandonment

A. It shall be unlawful for an owner [of an animal or the carcass of the animal,] to abandon an animal or the carcass of an animal [the same] on a public street or 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 or]

B. An animal shall be considered to be abandoned when not claimed within 72 hours after having been boarded, groomed, trained, handled or cared for by any animal handler, animal establishment, veterinarian, or shelter. 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.

C. An animal deemed abandoned 72 hours after the appropriate notice has been provided to the owner, if known, shall become the property of the animal control bureau. The animal control bureau may dispose of the animal in any reasonable humane manner.

7.06.050 Reserved [– 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 Reserved [– 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 use any force that is reasonable and necessary under the circumstances [break and enter the motor vehicle if necessary] to safely remove the animal from the motor vehicle.

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] their credentials, telephone number, 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 72 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 72 hours from the time the animal was removed from the motor vehicle, the animal shall be deemed abandoned pursuant to section 7.06.040 and the animal control bureau [shelter] may dispose of the animal in any reasonable humane manner.

7.06.080 – [Vehicle Confinement – Generally - Open Trucks] Transportation of Animals

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[,] or tethering said animal in such a way to prevent the animal from jumping [from], falling out, [of] or otherwise being 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 regardless of ownership [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 long;
2. Tethering the dog if such tethering fails to allow the dog to move at least 12 feet 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)]~~ martingale collar or prong-type collar;
4. Keep any dog tethered for more than 14 hours during a 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 upon an animal ~~[with]~~ a leash, collar, tether, or other device weighing more than ten percent of the animal's body weight.

C. It shall be a violation of this section for a person having charge to 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

A. It is unlawful for any person to unjustifiably trap any animal with anything other than a humane live trap which will inflict no physical injury upon the animal; and

B. [it] 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~~[.]~~; and

C. It is unlawful for any person having trapped an animal to leave it without food, water or shelter for an unreasonable period of time or in conditions that may endanger its health and safety.

7.06.170 Reserved [- 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.]

7.06.190 – 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 city of 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 bureau [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 bureau [officer], furnishing sufficient facts relative to such injury.

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 public 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 animals participating in sanctioned performance[, tracking, or training] events.

7.08.040 – Pigeon Control

A. The roosting or lingering of [feral] wild pigeons poses a health hazard in addition to offending the aesthetic senses by pigeon contamination. Such roosting or lingering of [feral] wild 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] wild pigeons by providing food-including but not limited to grain, seeds, greens, bread crumbs and miscellaneous food scraps-intended for wild pigeon ingestion on public or residential property.

7.10.010 - Mandatory Spay/Neuter Of Dogs, ~~[And] Cats, and Ferrets~~

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, cat or ferret~~ four months or older. For purposes of this section and chapter, "harbor" means legal ownership~~[,]~~ of, the providing of regular care ~~[of] or~~ 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, or ferret~~ 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] forth~~ in Section 7.10.010 shall not apply to animals harbored by ~~[a] an animal [pound,] shelter[,]~~ or humane society [or similar organization], whether public or private, the principal purpose of which is securing the adoption of dogs, ~~[or] cats, or ferrets~~ provided that such organization has a policy and rules requiring the spaying or neutering of all dogs, ~~[or] cats, or ferrets~~ placed for adoption by such organization.

C. The spay/neuter requirement set ~~[for] forth~~ in Section 7.10.010 shall not apply to any dogs, ~~[or] cats, or ferrets~~ 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 the sale of [a pet shop under Section 7.70.010 that sells] dogs or cats from an animal establishment under Section 7.70.010.

E. The spay/neuter requirement set forth in Section 7.10.010 shall not apply to law enforcement K-9's currently engaging in active service [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, immediately upon demand to the animal control bureau, or at a set time determined by the animal control bureau [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]** bureau 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~~,];~~

A. A citation may be issued; or

B. [the] The owner may [shall also] be required to have the dog or cat spayed or neutered at a veterinarian of their choosing within [90] 30 days and provide proof to the animal control bureau. [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 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, or ferret** by way of sale or adoption the animal will be spayed or neutered by the animal control bureau~~],~~ 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 an imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.]

7.30.010 – Animals Running At Large.

A. Any animal running at large [shall] may be impounded and returned to the verified owner at the discretion of the impounding police officer or animal control officer; or [at the animal shelter for not less than 72 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 city council. If the ownership of the animal is unknown and not easily ascertainable, or the

animal is unclaimed after 72 hours, the city may dispose of the animal by sale, gift or euthanasia.】

B. The animal may be impounded to the animal shelter and held for not less than three business days unless immediate action is necessary to prevent undue pain and suffering, including immediate humane euthanasia, of the animal per 7.30.060. Within the three business days, if the ownership of the animal is proven, such owner shall be able to obtain possession of such animal upon compliance with HMC 7.30.040 and the payment of applicable fees set forth in H.M.C. 7.04.020.

C. If the ownership of the animal is unknown and not easily ascertainable, or the animal is unclaimed after 72hours, the city may dispose of the animal by adoption, gift, sale or euthanasia.

7.30.020 Reserved [– 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 stray [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[.], furnishing a sufficient and accurate description of the animal to allow for the possible return of the animal to the owner, unless said finder surrenders it to the Henderson animal shelter or an animal control officer.

7.30.040 – Release Of Pet – Basic Conditions.

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

A. If the animal owner resides in the city of Henderson and if applicable to the animal, the owner must present to an authorized employee of the animal control bureau, [There has been presented to the animal shelter] a current city of Henderson pet license per 7.04.010.

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

C. Presentation of proof of a [A] current [animal] rabies vaccination, if applicable [certification has been provided to an authorized employee of the city animal shelter].

D. If the pet had not been previously implanted with a microchip, the pet shall be implanted with a registered microchip by an authorized employee of the animal control bureau. Registration of all microchips will be updated with current owner information [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. The owner [Owner] shall [show] provide proof that the animal they are claiming is their [pet, either] animal by means of a [photograph,] veterinary record, microchip registration, and/or [or] other substantial proof of ownership that is approved by the chief of police or designee [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.]

If any animal impounded is suspected to have rabies by the animal control bureau, the animal shall be held for examination by a veterinarian. In the event that a veterinarian confirms such animal is suspected to be afflicted with rabies, it shall be disposed of or confined in accordance with NAC 441A and the current published rabies compendium. In the event that a veterinarian confirms such animal is not suspected to be afflicted with rabies, it shall be released as provided herein.

7.30.060 – Protective Care By Officer.

Whenever ~~the~~ an animal control officer finds that any animal is, or will be, without necessary ~~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, or unreachable, the animal control officer may take any action to prevent undue pain and suffering, including immediate ~~destruction~~ humane euthanasia of the animal.

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~~ zoological parks. 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 and Exotic 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.]

No person shall possess a wild and exotic animal in the city unless:

A. The person is operating as a zoological park; and

B. Has obtained an appropriate Wild and Exotic Animal Permit from the chief of police or designee; and

C. Having a valid business license; and

D. 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 not less than 30 days prior to the exhibition containing all of the following items and information:

- a. Name, address and telephone number of the proposed exhibitor with a copy of their valid state issued identification;
- b. city of Henderson business license number, if applicable;
- c. Name of business or organization;
- d. Description of the animal or animals proposed to be exhibited, including species, sex, age, weight, registered microchip number (if applicable) and any distinctive markings or identification marks;
- e. A list of applicable federal [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. Address or exact [Location] location of the proposed exhibition[(s)];
- h. Proof of [Identification of the] insurance as required by subsection B.2. of this section;
- i. Signature of the person applying for the permit and the date of the application submission;
- j. Proof of registration and insurance applicable to the vehicle(s) to be used to transport the animal(s) 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 \$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] animal(s) which are adequate to insure public safety, as well as the health and welfare of the [animal] animal(s). 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 section 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] may be denied if any of the information and items required in subsection B.1. of this section [is] are not truthfully [and fully set forth] provided 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 section 4.04.150.

8. Suspension of Permit. A permit may be suspended pursuant to the provisions of section 4.04.1~~6~~50 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 B₁ 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]~~ Reptiles

~~[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.]~~

A. Unless otherwise permitted in section B, the following reptiles are not permitted:

1. Any venomous reptile;

Any reptile over four feet in length, with the exception of constrictors which may not exceed six feet in length; or

3. Any federally protected reptile, not including desert tortoises.

B. Ownership Permitted

1. Any non-venomous reptile, which at maturity is less than four feet in length from the nose to the cloaca, weighs less than 15 pounds and is kept in an adequate confined space;

2. Constrictors up to six feet in length; or

3. With a valid Wild Animal or Exotic Animal/Reptile Permit as set forth in 7.40.020 and any and all permits required and issued by the Nevada Department of Wildlife such as a collection permit or wild animal rehabilitation permit or any other applicable permit.

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. 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 350 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. All regulations set forth in chapter 7.70.030 must be complied with. Businesses possessing a valid animal establishment permit are exempt from this provision.

7.40.080 – Non-Domesticated Companion Animal – Permit Required

[A.] No person shall possess a non-domesticated companion 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.

7.50.010 – Quarantine Authority Generally

The health officer or animal control 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 or animal control 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]~~ humanely euthanized pursuant to the order of the health officer or otherwise provided by law.

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 susceptible to rabies to promptly report the same to city of 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]~~ biting 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 ten 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 to refuse to disclose the animal owner, description or location.

D. Each day an owner is in violation of this section shall be deemed a separate violation subject to the penalties set forth under H.M.C. 7.90.010. This shall not exceed a period of ten days.

7.50.030 – Biting Animal – Confinement

Any animal species known to be a potential carrier of rabies virus shall be quarantined in accordance with Nevada Administrative Code chapters 441a and 410 through 445; and the current published version of the rabies compendium [for a period of ten 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 city 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] animal control bureau 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, the animal control bureau 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] animal control bureau shall be so advised.

B. It shall be the duty of the [animal control officer] animal control bureau 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] authorization by the health officer or veterinarian. 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]~~. Any such animal shall be brought immediately to the animal control bureau for examination by ~~[notify]~~ the health officer ~~[and]~~ or a veterinarian for determination of whether the animal shall be humanely euthanized ~~[destroyed]~~ or ~~[impounded]~~ quarantined. If ~~[destruction]~~ euthanasia of the animal is required, ~~[destruction]~~ euthanasia shall be accomplished in such manner as to preserve the head intact. 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, ~~(s)~~he shall immediately notify the city of 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 city of Henderson ~~[police department]~~ animal control bureau.

7.50.080 – Animal Bite Record

It shall be the duty of the city of 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.

7.60.010 – 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 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 initial application or renewal 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 **[90]** 30 days from the date of denial to request one additional **[an]** application review without charge. Upon completion of the additional review, should the permit be denied, chapter 7.60.045 shall apply.

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, approved renewal application, and approved inspection by the chief of police or designee.

7.60.045 - No New Permit After Denial or Revocation

If a permit has been denied or revoked, the chief of police or designee shall not accept a new permit application from the same person for the same activity at the same location less than 12 months after such denial or revocation, unless the applicant shows, and the animal control bureau finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit revoked no longer exist.

7.60.050 – Change Notice To City

An animal handler permit holder shall notify the chief of police, or designee, within 30 days, 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. Failure to report any changes may result in denial of renewal or revocation of the permit.

7.60.060 – Compliance Responsibility

A. A person or persons in immediate charge of any **[facility]** business or service enumerated in section 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]** within this Title, 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 section 7.90.010.

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 and submitted every six months. The fee shall be paid to the city of Henderson for the application review. 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.

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

D[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 animal control officer] the Henderson animal control bureau 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 24 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 new permit application**[, either original]** or renewal application, or for revocation of a permit.

7.70.040 - Reserved [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 A. 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] chief of police or designee shall not accept a new permit application from the same person for the same activity at the same location less than 12 months after such denial or revocation, unless the applicant shows, and the animal control bureau [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.

7.90.010 – 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 [an] and imprisonment.

SECTION 2. Chapter 7.20 is hereby repealed in its entirety and replaced as follows:

7.20.010 – Purpose and Findings

The Henderson city council finds that the presence of dangerous animals within its city, as defined within this chapter, creates an increased danger to the public health and safety and to the welfare of other animals and people. The purpose of this chapter is to set forth procedures by which a dog may be determined to be dangerous, thereby becoming subject to appropriate restrictions and other actions.

7.20.020 – Dangerous Dog

A. As used in this section, a dog is "Dangerous" if:

1. Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm;

2. The dog 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;

b. It causes serious injury to another animal that is not at large;

c. If it is determined by the animal control officer or law enforcement officer, through their personal observation of the condition or behavior of the dog, that probable cause exists that the dog in question poses an immediate threat to public safety;

d. If it has bitten a person without causing substantial bodily harm; or

e. It causes serious injury to another animal which is within a designated dog park.

B. A dog may not be declared dangerous pursuant to this chapter for constituting a physical threat:

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

2. To another animal, or person who, was unlawfully upon the premises owned or occupied by the owner of the animal constituting the threat;

3. To another animal which was running at large; or

4. The dog was used by a law enforcement agency in connection with the agency's officer's duties.

7.20.030 – Notice of Dangerous Dog Declaration; Standing

A. The owner of a dog declared dangerous by an animal control officer shall be notified by personal service or by first class United States Mail, sent to the last known address of the owner. Service by United States Mail is complete upon mailing.

B. The determination that a dog is dangerous as defined herein shall be deemed to have been made upon service of the notice to the owner as provided in this chapter. After expiration of the appeal period as set forth in chapter 7.20.040, the determination by the animal control officer shall be final and binding upon the city and upon the owner, unless the owner files a timely appeal of the declaration with the Henderson municipal court.

C. Only the owner of the dog at the time of the dangerous declaration by animal control has standing to file an appeal.

D. Upon service of a dangerous declaration, the animal control officer shall seize and impound the dog until compliance with the conditions set forth in chapter 7.20.060. The owner shall not maintain possession of the animal during the appeal process.

7.20.040 – Appeal of Dangerous Declaration

A. Within seven calendar days of service of the notice of the dangerous declaration, the owner may file an appeal with the Henderson municipal court to appeal the dangerous declaration of the animal control officer.

B. The municipal court hearing the appeal shall conduct a hearing, without a jury, to determine whether the dangerous declaration shall be upheld. The municipal court may make any orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in accordance with applicable court rules and rules of civil procedure. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence.

C. The municipal court hearing the appeal may decide all issues for or against the owner of the dog, even if the owner fails to appear at the hearing. The findings and decision may be made from the bench upon the conclusion of the evidence or through a written decision.

7.20.050 - Dangerous Dogs —Unlawful Acts

It shall be unlawful for:

A. Any owner to possess or transfer ownership of a dangerous dog, except as provided in this chapter; or

B. The owner of a dangerous dog to permit the dog to be at large; or

C. The owner to permit or direct a dog to bite or attack any person or domesticated animal; or

D. Any owner to permit the dog to be outside the required enclosure pursuant to 7.20.060(C) unless the dog is under the direct control and supervision of the owner and the dog is securely muzzled and restrained by a leash not exceeding three feet in length.

7.20.060 - Dangerous Dog—Ownership Permitted When

Except as otherwise ordered by a judicial order pursuant to an appeal of a dangerous declaration, any dog which is declared to be dangerous by an animal control officer may be kept within the city provided that:

A. Within 14 days after the owner is notified of the declaration, the owner:

1. Submits an permit application to possess a dangerous dog within the city to the Henderson animal control bureau;

2. Pays a nonrefundable application fee of \$50.00dollars;

3. Passes an inspection by an animal control officer based upon such terms and conditions that adequately protect the general health, safety, and welfare of the public and the welfare of the dog;

4. Every six months provides photographs of the dog clearly displaying the dog's right and left sides as well as a front facing photograph; and

5. Completes the application process every six months until the animal is deceased. Current permit holders who have an existing expiration date beyond six months, at the time this law is codified, shall be allowed to maintain said expiration date. At the time of this expiration, the permit holder shall then default to a renewal every six months.

B. The animal shall be kept, confined or housed within an enclosure:

1. That will ensure the animal's retention and comfort and is of a dimension deemed adequate by an 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 dog be allowed to leave the private property confines of the owner or person in charge of the dog unless it is securely muzzled, leashed (no longer than three feet in length) and under the effective control of an adult.

D. The private property shall be adequately and properly posted with one or more conspicuous warning signs provided by an animal control officer. Additionally, it shall be the responsibility of the animal owner to list their name and current telephone number on or near this sign.

E. The dog must be sterilized by a licensed veterinarian and proof provided to the animal control bureau. The owner shall maintain all sterilization records, including a description of the animal sterilized, the name of the veterinarian performing the procedure, and the date the sterilization was performed.

F. The dog shall be implanted with a registered microchip from a manufacturer approved by the Henderson animal control bureau. The implantation must be performed by a person licensed to implant microchips in the state of Nevada 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 bureau. In the event that the dog already has a microchip implanted, the national database shall be updated by the owner and proof provided to the animal control bureau.

G. The owner shall obtain and maintain in effect, a policy of liability insurance in the amount of not less than \$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 dog. A valid certificate of insurance shall be provided to the animal control bureau. Any changes or cancellations to the insurance policy shall be provided to the animal control bureau within ten calendar days.

H. The owner of a dangerous dog may not sell, relocate or give away the dog without first obtaining prior written approval from the animal control bureau. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of \$50.00 dollars for inspection of the new location for the dog. 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 bureau.

7.20.070 - Permit Revocation Conditions

A. Any permit issued under Section 7.20.060 may be revoked if the dog, without provocation, bites or attempts to bite any person or other animal.

B. Any permit issued under Section 7.20.060 may be revoked if the owner violates any provision of Title 7 or any similar laws in another jurisdiction, within the state of Nevada, county of Clark.

SECTION 3. Chapter 7.25 of Title 7 of the Henderson Municipal Code is hereby added as follows:

7.25.010 – Purpose and Findings

The Henderson city council finds that the presence of vicious dogs within the city, as defined within this chapter, endangers the human life. The purpose of this chapter is to set forth the procedures by which a dog may be determined to be potentially vicious, thereby becoming subject to the appropriate restrictions and other actions provided in this chapter.

7.25.020 – Vicious Animals – Declaration

A. As used in this chapter, a dog is “vicious” if:

1. Without being provoked, it inflicts substantial bodily harm upon a human being or causes the death of a human being;

2. it causes the death of another domesticated animal; or

3. The dog has been declared dangerous pursuant to chapter 7.20.020, with proper notice being given to the owner pursuant to chapter 7.20.020, the animal continues to exhibit the same or similar types of actions or behavior which resulted in the declaration, or is in violation of the provisions of chapter 7.20.060.

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

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

2. To another domestic animal, or person who, was unlawfully upon premises owned or occupied by the owner of the dog constituting the threat; or

3. If the dog was used by a law enforcement agency in connection with the agency's officer's duties.

7.25.030 – Determination of Potentially Vicious Dog

If upon investigation it is determined by the animal control bureau or law enforcement officer that probable cause exists that the dog in question is potentially vicious as defined in this chapter, the animal control bureau or law enforcement officer shall seize and impound the dog. The owner shall not maintain possession of the animal during the appeal process.

7.25.040 – Notice of Vicious Dog Declaration; Standing

A. The owner of a dog declared vicious by an animal control officer shall be notified by personal service or by first class United States Mail, sent to the last known address of the owner. Service by United States Mail is complete upon mailing.

B. The determination that a dog is vicious as defined herein shall be deemed to have been made upon service of the notice to the owner as provided in this chapter. After expiration of the appeal period as set forth in chapter 7.25.050, the determination by the animal control officer shall be final and binding upon the city and upon the owner, unless the owner files a timely appeal of the declaration with the Henderson municipal court.

C. Only the owner of the dog at the time the animal control officer has developed probable cause that the dog is vicious has standing to file an appeal.

7.25.050 –Vicious Dog Hearing

A. Within seven calendar days of service of the notice of the vicious declaration, the owner may file an appeal with the Henderson municipal court to appeal the vicious declaration of the animal control officer. Only the owner of the dog at the time of the vicious declaration by animal control may file an appeal.

B. The municipal court hearing the appeal shall conduct a hearing, without a jury, and make a determination whether to uphold the vicious declaration. The municipal court may make any orders authorized by this chapter, based upon the evidence presented. The hearing shall be conducted in accordance with applicable court rules and rules of civil procedure. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses, limit the scope of discovery, and may shorten the time to produce records or witnesses. The issue shall be decided upon the preponderance of the evidence.

C. The municipal court hearing the appeal may decide all issues for or against the owner of the dog even if the owner fails to appear at the hearing upon showing of proper proof of service upon the owner of the hearing date. If the dog is determined to be vicious, the court shall order the dog to be euthanized immediately upon proper notice of the decision to the owner.

D. Appeal and Posting of Bond. If the owner files an appeal of the municipal court's determination of the viciousness of the dog to the district court, the order to euthanize the dog is not stayed unless the appropriate relief is sought from the court. During the appeal process, the dog shall remain in the custody of the animal control bureau and the owner shall be required to post a bond to cover the cost and expense of caring for the dog while in the possession of the city of Henderson animal control bureau. The bond amount shall be determined by the Henderson municipal court.

SECTION 4. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 5. All ordinances, or parts of ordinances, sections, subsections, 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 6. 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 November 7, 2014, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 4TH DAY OF NOVEMBER, 2014.

Gerri Schroder, Mayor Pro Tem

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on October 21, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on November 4, 2014, 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 November 4, 2014, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Gerri Schroder, Mayor Pro Tem
Councilmembers:
Sam Bateman
Debra March
John F. Marz

Those voting nay: None
Those abstaining: None
Those absent: Andy Hafen, Mayor

Gerri Schroder, Mayor Pro Tem

ATTEST:

Sabrina Mercadante, MMC, City Clerk