

SUMMARY: An ordinance amending Washoe County Code Chapters 55 and 25 by creating provisions regulating commercial breeders (through a commercial breeding permit) and adding and revising definitions.

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY CREATING PROVISIONS REGULATING COMMERCIAL BREEDERS (THROUGH A COMMERCIAL BREEDING PERMIT) AND ADDING RELATED DEFINITIONS; AND ALSO AMENDING WASHOE COUNTY CODE CHAPTER 25 BY ADDING THE DEFINITIONS OF "BREEDER" AND "COMMERCIAL BREEDER", MAKING CHANGES TO THE DEFINITIONS OF "BREEDING" AND "LITTER", AND SPECIFYING THAT COMMERCIAL BREEDERS MUST FIRST OBTAIN A COMMERCIAL BREEDING PERMIT FROM REGIONAL ANIMAL SERVICES BEFORE RECEIVING THE REQUIRED BUSINESS LICENSE.

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

SECTION 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the following new section which shall read as follows:

55.795 Commercial Breeding Permit.

1. Every commercial breeder in Washoe County must apply for and obtain a commercial breeding permit from regional animal services.
2. Regional animal services shall issue a permit to each commercial breeder who:
  - (a) Pays the applicable fee; and
  - (b) Complies with all other permit requirements prescribed by regional animal services.
3. Each permit shall specify the address of the premises at which the person may act as a commercial breeder.
4. The commercial breeder must display the assigned permit number in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale.
5. A commercial breeder shall not:
  - (a) Sell a dog or cat:
    - (1) Unless the dog or cat has had a registered microchip subcutaneously inserted into the animal;
    - (2) Unless the dog or cat has had all required, age-appropriate rabies vaccinations; and
    - (3) Without providing a written sales contract to the purchaser.
  - (b) Breed a female dog:
    - (1) Before she is 18 months old; or

(2) More than once a year.

6. Any commercial breeder residing within the boundaries of the City of Reno shall maintain a City of Reno business license. Any commercial breeder residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. Any commercial breeder residing within the boundaries of the unincorporated areas of Washoe County shall maintain a Washoe County business license.

(a) Regional animal services shall notify the appropriate jurisdiction(s) of the City of Reno, the City of Sparks and/or Washoe County of the commercial breeding permit status.

(b) If, at any time, the City of Reno, the City of Sparks and/or Washoe County suspends or revokes the business license, the applicable jurisdiction shall notify regional animal services and the commercial breeding permit shall be suspended or revoked.

7. For the purpose of enforcing NRS 574.360 to 574.440, inclusive, as those provisions apply to commercial breeders, any animal control officer may enter and inspect the premises specified on the permit at any reasonable hour. During inspections, the animal control officer must verify that the commercial breeder holds a valid business license. A certificate of occupancy for the appropriate jurisdiction or an approved business license may be accepted as evidence that the commercial breeder is in compliance with the local jurisdiction.

8. An animal control officer or peace officer may suspend, revoke or deny a commercial breeding permit for a violation of NRS 574.360 to 574.440, inclusive, or for a violation of any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare.

(a) If the permittee fails to comply with any conditions imposed on the commercial breeding permit, regional animal services may suspend or revoke the permit. In such case, the permittee shall be advised in writing of the reason(s) therefor and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.

(b) Upon the filing of an appeal, the administrative hearing office shall hold a hearing on the appeal as soon as practicable.

(c) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800(6) through 55.800(17), inclusive.

(d) The hearing officer's decision sustaining, reversing, or sustaining with conditions the suspension or revocation shall

include findings of fact and be transmitted in writing to the appellant within 14 working days.

(e) Any permittee aggrieved by the hearing officer's decision may appeal that decision by filing a petition for judicial review in the district court within 30 days of the hearing officer's decision. The commercial breeding permit shall remain in place until a decision is rendered by the district court.

SECTION 2. Section 55.010 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Breeding" means producing the offspring of dogs or cats, called a litter.

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

"Microchip" means a radio frequency identification device that is implanted into an animal.

"Shelter" means a structure which promotes the retention of body heat during cold weather, which promotes cooling and provides sun protection in hot weather, which allows an animal to remain dry during wet weather, and which is appropriate to the season and the species.

SECTION 3. Section 25.013 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

SECTION 4. Section 25.013 of the Washoe County Code is hereby amended by changing the definitions of "Breeding" and "Litter" as follows:

"Breeding" means producing the offspring of dogs or cats, called a litter.

"Litter" means live offspring from one birth of a cat or dog.

SECTION 5. Section 25.015 of the Washoe County Code is hereby amended as follows:

25.015 License required for engaging in business; exceptions.

1. Except as provided in this section, it is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county. A person is subject to this requirement if by himself or through an agent, employee or partner he:

- (a) Holds himself forth as being engaged in the business, trade, calling, industry, occupation or profession;
- (b) Solicits patronage therefor, actively or passively; or
- (c) Performs or attempts to perform any part of such business, trade, calling, industry, occupation or profession.
- (d) Rents, leases, or sub-leases
  - (1) any commercial or industrial property, or
  - (2) three or more residential dwelling units on one parcel of land.
- (e) Conducts a garage and/or yard sale that exceeds 72 hours in duration or occurs on the same property more than twice in any six-month period.
- (f) Engages in breeding activity as a commercial breeder. Commercial breeders must first obtain a commercial breeding permit from regional animal services pursuant to Chapter 55 of this Code.

2. The following activities do not constitute engaging in a business, trade, calling, industry, occupation or profession and no business license is required:

- (a) Providing of child care in private homes to six or fewer children.
- (b) Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period.
- (c) Telecommuting from home by employees of businesses located elsewhere.
- (d) Informal, casual, or seasonal work performed by minors acting as individuals, including, without limitation, babysitting and lawn mowing.
- (e) Parades and processions.

SECTION 6. Effective date. Sections 1 through 5 of this ordinance shall be effective on December 9, 2015.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Proposed by Commissioner \_\_\_\_\_.

Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Chairman

Washoe County Commission

ATTEST:

\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2015.