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BILL NO. 10-18-22-1

SUMMARY – An ordinance to amend Clark County Code Title 10, Chapter 10.04, Section 10.04.222 adding a definition for "offer for sale" and Section 10.04.253 amending the definition of "rescue organization" and Chapter 10.08, Section 10.08.140 – sale of animals, prohibiting the sale of dogs, cats, rabbits, and potbellied pigs by retailers; providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 10 OF THE CLARK COUNTY CODE BY REVISING CHAPTER 10.08 – SALE OF ANIMALS; TO PROHIBIT THE SALE OF DOGS, CATS, RABBITS, OR POTBELLIED PIGS BY RETAILERS; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK,
STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE. Title 10, Chapter 10.04 of the Clark County Code is hereby amended to add a new section to read as follows:

10.04.222 – Offer for sale.

“Offer for sale” means to make available or advertise any animal for purchase, exchange, barter or auction.

SECTION TWO. Title 10, Chapter 10.04, Section 10.04.253 of the Clark County Code is hereby amended to read as follows:

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10.04.253 – Rescue organization.

“Rescue organization” means any person or group that is organized for the purposes of preventing cruelty to animals or reducing pet overpopulation, which does not breed animals or obtain animals, in exchange for payment or compensation, from a person that breeds animals or resells animals from a person that breeds animals and is exempt from income tax under Internal Revenue Code Section 501(c)(3) and files any variant of Internal Revenue Service Form 990 annually.

SECTION THREE. Title 10, Chapter 10.08, Section 10.08.140 of the Clark County Code is hereby amended to read as follows:

10.08.140 – Sale of animals.

(a) No person, except dealers, or operators, ~~or retailers~~, shall sell or offer for sale a dog or cat without first obtaining a breeder/show permit. All other household pets, except as provided in subsection (b), may only be sold by dealers, operators, or retailers. Dealers, operators and retailers must obtain a business license and must designate all information required by the Nevada Revised Statutes, including where the animal has been purchased. The sale of animals at swap meets is prohibited. As used herein, sales include any form of remuneration connected to the transfer of ownership or possession of the animal, regardless of connection with or without any other consideration, good or service, including but not limited to gratuities, product bundling or rehoming fees.

(b) Notwithstanding any provision in subsection (a), it shall be unlawful for any retailer to sell or offer for sale a dog, cat, rabbit, or potbellied pig. A retailer may provide space to a rescue organization, as defined under Chapter 10.04.253, or to an animal shelter, as defined

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under Chapter 10.04.085, subsection (b), to offer to the public dogs, cats, rabbits, or potbellied pigs for adoption; provided that the retailer shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

(c) Each sale or offer for sale made in violation of subsections (a) and (b) shall constitute a separate violation, the penalty for which shall, at a minimum, be a fine in the amount of \$500, and, at maximum, the sale price or offered sale price of the animal.

(d) Amortization Period. Any existing retailer that is lawfully operating and has all required business licenses on or before (insert passage date), 2022 shall be permitted to continue selling dogs, cats, rabbits, or potbellied pigs for 1 year from (insert passage date), 2022. Any existing retailer that voluntarily abandons or transfers its business or has its business license suspended or revoked for reasons other than the selling of dogs, cats, rabbits, or potbellied pigs shall lose its nonconforming status.

SECTION FOUR. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION FIVE. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION SIX. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County

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Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED on the ____ day of _____, 2022.

PROPOSED BY: _____

PASSED on the ____ day of _____ 2022.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
JAMES B. GIBSON, Chair

ATTEST:

LYNN GOYA, County Clerk

This ordinance shall be in force and effect from and after the ____ day of the _____, 2022.