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BILL NO. _____

SUMMARY – An Ordinance to amend Clark County Code Titles 6, 10 and 30 by changing the name of the animal control division to animal protection services; and providing for other matters properly related thereto.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLES 6, 10 AND 30 OF THE CLARK COUNTY CODE BY CHANGING THE NAME OF THE ANIMAL CONTROL DIVISION TO ANIMAL PROTECTION SERVICES; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, the County is changing the name of the Animal Control division to Animal Protection Services; and

WHEREAS, the Clark County Code which codifies existing ordinances of the County contains many references to “Animal Control”; and

WHEREAS, the Board wishes to make changes within its county code to reflect the name change; and

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

SECTION 1. Section 6.04.071 of the Clark County Code is hereby amended to read as follows:

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6.04.071 – Change of location.

(a) Except as otherwise provided in this code, licensees shall notify the department of a change of location of a business licensed within the county, prior to such a move, by completing a business license change form and paying an administrative fee of twenty-five dollars.

(b) Except as otherwise provided in subsection (c), the new location shall be inspected and approved, with or without conditions, limitations, performance expectations, special land use requirements, and/or denied, if applicable, by the department of comprehensive planning, fire department, and, as applicable, the health district, department of environment and sustainability, and animal protection services [~~control~~] to ensure safety and compliance with all applicable County Code and Nevada Revised Statutes that are under their respective jurisdictions. Such inspections shall be conducted in accordance with the time-frames provided in Section 6.04.090 of this code.

(c) In the event there will be no change to the structure of the premises and the immediately preceding occupant of the location was licensed by the department for the same type of business activities and operations to be conducted by the licensee, the inspections pursuant to subsection (b) may not be required by the department.

(d) The director shall not transfer an existing license to a new location until all inspections required, pursuant to subsections (b) and (c), have been completed, fees remitted, and approvals obtained from any federal, state, or county agency or department as required by this code or the Nevada Revised Statutes.

(e) Notwithstanding provisions stated elsewhere in this title, a licensee with a multi-jurisdictional license issued by the county may add or remove non-primary

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jurisdictions by filing the appropriate change form as prescribed by the director, paying any license fees associated with adding additional non-primary jurisdictions and paying an administrative fee of twenty-five dollars. Upon processing such change request, a new multi-jurisdictional business license will be issued indicating the participating jurisdictions in which the business is authorized to operate. The administrative fee will not be assessed when the licensee files the appropriate change form with a renewal payment that is due for a subsequent license period.

SECTION 2. Section 6.04.090 of the Clark County Code is hereby amended to read as follows

6.04.090 - Issuance—Approval—Denial—Suspension—Revocation—Nonrenewal—Appeal.

(a) Any business license applied for under the provisions of Titles 4, 5, 6, 7, 8 or Chapter 9.04 of this code, the approval of which is determined by the director or board, may be denied, revoked, suspended, or not renewed by the director or board, as applicable, for any of the following reasons: (1) failure to comply with any provision of this code; (2) failure to obtain all approvals required pursuant to subsections (b) and (c) of this section; (3) violation of any federal or state law which would be grounds for denial of the license; or (4) false, misleading, or fraudulent statements made in the application or supporting documentation.

(b) Except as otherwise provided in subsections (d) and (e), for all new applications, the business location will be approved, with or without conditions, limitations, performance expectations, and/or special land use requirements, if applicable, or disapproved by the current planning division of the department of comprehensive

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planning, based on compliance with the Uniform Development Code (Title 30), within five working days from receipt of a request from the department.

(c) Except as otherwise provided in subsections (d) and (e), for all new applications, the business premises shall be subject to inspection or code compliance review and will be approved or denied by the fire department, and, as applicable, the health district, department of environment and sustainability, animal protection services [~~control~~], and/or other county agency or department. Each county agency or department shall issue an approval or disapproval, based on the results of their inspection or code compliance review, within ten working days from receipt of a request from the department. Other federal or state approvals may also be required if specifically provided for in any section of this code, Nevada Revised Statutes, or federal law, and shall, in as much as is practicable, be conducted within ten working days of receipt of a request from the department. In the event an application results in the need for the fire department, health district, department of environment and sustainability, animal protection services [~~control~~], or other inspecting agency to perform an inspection of two or more individual business license categories at a single business location, the applicable inspecting agency shall perform the required inspection during a single visit to the business location.

Prior to the approval and issuance of a business license, the department may also require an inspection of the business premises by an agent of the department.

(d) In the event a new license application is received from an applicant who will be conducting business at a location wherein the immediately preceding occupant was licensed by the department for the same type of business activities and operations to be

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conducted by the applicant, and there will be no changes made to the structure of the premises, the inspections pursuant to subsections (b) and (c) may not be required by the department.

(e) In the event a new license application is received from an applicant who will be conducting business at a location wherein another business already holds a business license for the same or similar business activities and there will be no changes made to the structure of the premises, the inspections pursuant to subsections (b) and (c) may not be required by the department.

(f) In the event that any business fails to pass a required inspection, is issued a license or permit denial by an inspecting agency, or is issued a code citation or notice of code violation by an inspecting agency, the applicable inspecting agency shall forward notice of the inspection results as well as documentary evidence supporting the inspection results to the department within ten working days.

(g) The director and any other officer designated by the director shall have the power and authority to enter any store, building or other place in which such business is being conducted at any time during the business hours and have access to inspect the business for the purpose of ascertaining compliance with the provisions of the Clark County Code and any applicable franchise agreements.

(h) In order to ensure compliance with this code and to provide for the public peace, health, safety, order, and welfare, the director shall have the power and authority to at any time require an inspection of any business by the comprehensive planning department, building department, fire department, health district, department of environment and sustainability, code enforcement, animal protection services, and/or

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other local, state, or federal agency, as applicable based on the nature of the business and/or the activities being conducted at the business location. The inspecting agency shall forward the results of the inspection, along with any applicable evidence supporting the inspection results, to the director within ten working days after the request for inspection is received from the department.

(i) New applications will be approved or denied by the director within forty-five working days of receipt of a complete application or referred to the board for approval or denial of license as required within sixty working days of receipt of a complete application unless a different time period is specifically provided within the appropriate licensing chapter.

The director shall not approve an application without having received all approvals pursuant to subsections (b) and (c) of this section as well as any other necessary investigations deemed applicable to the license as provided for in this code.

In the event an applicant fails to pass a public safety inspection, public health inspection, or other necessary investigation deemed applicable to the license, the applicant will be notified in writing and the forty-five working days allowed for license approval by the department will be tolled to prevent a denial of the business license. The tolling period shall remain in effect until a subsequent passing result is issued by the inspecting agency, but in no event shall the tolling period exceed thirty working days.

(j) If the director denies, revokes, suspends, or does not renew a license, the applicant may appeal the director's action to a hearing officer by filing written notice with the director within thirty days after the date of the department's written notification of the denial, revocation, suspension, or nonrenewal. After notice and hearing, the hearing

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officer may affirm or reverse the action by the director and/or condition or limit the license as the evidence may warrant. Any person aggrieved by a decision of the hearing officer may file or cause to be filed a petition for judicial review of the hearing officer's decision in the district court, as provided by Nevada Revised Statutes Chapter 34.

SECTION 3. Section 6.04.110 of the Clark County Code is hereby amended to read as follows:

6.04.110 - Other required approvals/licenses/certificates/permits.

(a) No business license shall be issued or renewed by the director and/or approved by the board unless the applicant has obtained all required approvals, as applicable, from the department of comprehensive planning, fire, health, air quality, animal protection services ~~control~~, and other required inspecting agency, as well as any other required license, certificate, and/or permit for the profession, occupation, or business and has, at the request of the department, provided the department with documentary evidence of the required inspection approvals, licenses, certificates, and/or permits.

(b) In the event that any required license, certificate, permit, or inspection approval pursuant to subsection (a) is suspended, revoked, non-renewed or relinquished, the corresponding county business license shall be automatically suspended, revoked, or not renewed. The licensee must surrender the business license upon request from the department.

(c) Should a business have multiple business licenses at a single premises, location, or establishment; the automatic suspension, revocation, or non-renewal of any one business license under subsections (a) and (b) above, shall not result in the automatic suspension, revocation, or non-renewal of any other business license on the premises that

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is otherwise in compliance with its related department of comprehensive planning, fire, health, air quality, animal protection services [~~control~~] or other inspection, license, certificate or permit.

(d) Should a single business license cover more than one outlet or area within a single premises, location or establishment, only that portion of the business license connected to the outlet or area for which department of comprehensive planning, fire, health, air quality, animal protection services [~~control~~] or any other inspection, license, certificate or permit is suspended, revoked, not renewed, or relinquished shall be subject to automatic suspension, revocation, or non-renewal.

SECTION 4. Section 6.42.030 of the Clark County Code is hereby amended to read as follows

6.42.030 - Operating requirements.

The licensee shall comply with all requirements of the animal protection services [~~control~~] ordinance as codified herein and shall:

(a) Coordinate hours of operation with the Las Vegas metropolitan police department so as to avoid rush hour traffic;

(b) Treat all urine and excreta with chemicals so as to deodorize and sanitize same;

(c) Refrain from parking a vehicle for the purpose of seeking employment or passengers in any place upon the streets and highways of Clark County, other than at stands or locations designated and authorized therefor by the governmental authority having territorial jurisdiction thereover, and shall be established in such places on the

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streets and in such manner as the proper and concerned governmental authority may determine to be of the greatest benefit and convenience to the public;

(d) Refrain from soliciting persons waiting at bus stops or persons intending to and in the process of boarding a limousine or taxi for desired transportation.

SECTION 5. Section 10.60.020 of the Clark County Code is hereby amended to read as follows:

10.06.020 - Community cat colonies.

Except as provided in Section 10.06.060(b), community cat colonies may be permitted, and community cat colony caregivers may maintain and care for community cats by providing food, water, shelter, medical care and other forms of sustenance. Individuals, community cat caregivers, rescue organizations, shelters, and the animal protection services [~~control~~] office shall be permitted to carry out TNR and TNR programs. A cat released in accordance with Chapter 10.06 shall not be considered to be abandoned per Section 10.32.010. Community cat colonies shall be prohibited within one-half mile of or in any conservation area, state or national forest, wetlands, or any other lands managed for wildlife.

SECTION 6. Section 10.06.060 of the Clark County Code is hereby amended to read as follows:

10.06.060 - Enforcement of provisions by the animal protection services [~~control~~] office.

(a) The animal protection services [~~control~~] office shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. If a cat has bitten a human being, the cat shall be confined pursuant to Section 10.28.030 or

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10.28.040, as appropriate. If a licensed veterinarian decides that the cat is too ill or injured or that it has an illness that presents a danger to the public health or safety or to itself, the cat may be humanely euthanized. After the mandatory quarantine, if the cat is found to be healthy and no other issues of public health or safety exist, the animal shelter staff or volunteers may return the cat to the location where it was trapped after it has been sterilized and vaccinated, if necessary. A cat released in accordance with Chapter 10.06 shall not be considered to be abandoned per Section 10.32.010.

(b) The chief of animal protection services [~~control~~] shall have the right to declare that a colony is in a location that is hazardous to the health and safety of the public or the colony or that the colony is a nuisance. Once a colony is declared a hazard or nuisance any cat impounded shall not be released to the location where it was trapped unless the hazard or nuisance is remedied and the cats have been approved for return by the chief of animal protection services [~~control~~]. Cats impounded pursuant to this subsection are subject to the disposition regulations listed in Section 10.06.050.

SECTION 7. Section 10.06.060 of the Clark County Code is hereby amended to read as follows:

10.16.010 - Dangerous and vicious animal declaration.

(a) Except as otherwise provided in subsection (b) of this section:

(1) An animal may be declared dangerous by the animal control officer if on two separate occasions within eighteen months:

(A) It behaved menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm under the circumstances; or

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(B) It bit a person or animal, but without causing substantial bodily harm.

(2) An animal may be declared dangerous by the animal control officer, without regard to any previous behavior, if:

(A) It is used as the instrument in a crime of violence;

(B) While either at large or restrained, it caused substantial bodily harm or death to another animal that was at large; or

(C) It bit a person or animal, but without causing substantial bodily harm, if the animal is of a species capable of causing death or substantial bodily harm other than a domestic dog or cat.

(3) An animal may be declared vicious by the animal control officer if:

(A) It has killed or inflicted substantial bodily harm upon a human being or another animal not at large; or

(B) After having previously been declared dangerous, with notice of the declaration having been provided to an owner or keeper, it continues to exhibit the same type of behavior that resulted in the declaration, or is in violation of the provisions of Section 10.16.030.

(b) (1) An animal shall not be declared dangerous pursuant to this section for only behaving menacingly towards or biting:

(A) Another animal that, or person who, provoked the animal, as a result of and to the extent of the provocation or prior provocation;

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(B) Another animal that, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal that was behaving menacingly or biting; or

(C) Another animal or person, in connection with its use by law enforcement officers in the performance of their duties.

(2) An animal may not be declared vicious pursuant to this section for inflicting substantial bodily harm or killing:

(A) Another animal that, or person who, provoked the animal, as a result of and to the extent of the provocation or prior provocation;

(B) Another animal that, or person who, was unlawfully upon premises owned or occupied by the owner or keeper of the animal that killed or inflicted substantial bodily harm;

(C) Another animal that, or person who, was harmed or killed in connection with its use by law enforcement officers in the performance of their duties; or

(D) If the death or substantial bodily harm was not proximately caused by that animal, such as may unintentionally result from a person placing his or her hands between the jaws of fighting animals.

(c) The owner or keeper of any animal declared dangerous by the animal control officer may, within seventy-two hours after notice has been served personally, posted at the address of impound, or deposited in the mail to the last known address of the owner or keeper, request a hearing to challenge the dangerous determination by providing a

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written request for a hearing to Clark County Animal Protection Services [~~Control~~].

Conditions not otherwise required will be tolled pending a determination on such hearing.

SECTION 8. Section 10.16.030 of the Clark County Code is hereby amended to read as follows:

10.16.030 - Dangerous animals—Ownership permitted when.

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

(a) Within fourteen days after the owner or keeper is notified of the declaration the area in which the owner or keeper intends to keep the animal must pass an inspection by the animal control officer and the owner or keeper must obtain from the animal control officer an annual permit to keep the animal based upon such lawful terms and conditions as the animal control officer deems appropriate, based upon reasonable and articulable standards, which may be subject to challenge pursuant to Section 10.16.050. A nonrefundable inspection fee of one hundred dollars per inspection will be charged to the owner or keeper for each permit. An owner or keeper of an animal that has been deemed dangerous and a permit has been issued, must pay an annual nonrefundable charge of one hundred dollars per inspection of the premises by the animal control officer for the annual permit. All terms and conditions of the original permit must be maintained. A permit may not be issued unless the owner of the dangerous animal is the owner of the real property upon which it is to be kept, or the owner of the real property provides a notarized letter of approval for keeping thereon the dangerous animal.

(b) The animal shall be kept, confined or housed within an enclosure deemed adequate by the animal control officer:

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- (1) That will ensure the animal's retention and comfort, is of a size to permit the animal to stand upright, and is of a dimension deemed adequate by the animal control officer; and
- (2) That is secure enough so that the animal cannot bite, harm or injure anyone overreaching the top of the fence or other enclosure.
- (c) At no time shall the animal be allowed to leave the private property confines of the owner or person in charge of the animal unless it is muzzled, leashed and under the effective control of an adult.
- (d) The private property shall be adequately and properly posted with conspicuous warning signs of the presence of a dangerous animal, with a listing of the name and telephone number of the owner of the animal.
- (e) The animal must be sterilized by a licensed veterinarian. The owner or keeper shall maintain all sterilization records, including the type of animal sterilized, the name of the veterinarian performing the procedure, and the date the sterilization was performed.
- (f) The animal shall be implanted with an electronic microchip from a manufacturer approved by the animal control officer. The implantation must be performed by a licensed veterinarian and must conform to procedures recommended by the manufacturer. The owner or keeper shall register the microchip number in a national database in accordance with instructions from the manufacturer, and shall provide the number to the animal control officer.
- (g) The owner or keeper shall obtain and maintain in effect a policy of insurance, or offer proof of an existing policy, in the amount of not less than one hundred thousand dollars insuring against possible injuries inflicted by the dangerous animal. Such

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insurance, whether homeowner's or liability, shall be provided to the animal control officer and maintained in effect as long as the owner or keeper maintains possession of the dangerous animal. Clark County Animal Protection Services [~~Control~~] must be listed as a certificate holder on the policy. The policy must clearly state the name, breed, color, and sex of the animal, and reason that the animal has been declared dangerous; or be accompanied by a written statement by the carrier containing such information about the dangerous animal affirming the coverage with reference to the controlling sections of the policy.

(h) The owner of a dangerous animal may not sell, relocate or give away the animal without first obtaining prior written approval from an animal control officer, and if different, the animal control officer or equivalent of the jurisdiction to which the animal will be relocated. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of one hundred dollars per inspection of the new location for the animal, if located in unincorporated Clark County. The owner or transferee shall also have the national microchip number updated in the national database to reflect the change in ownership and shall provide evidence of the update to the animal control officer. The denial of a right to transfer by animal protection services [~~control~~] shall be clearly articulated in writing, and may be reviewed at a hearing for abuse of discretion.

SECTION 9. Section 10.16.040 of the Clark County Code is hereby amended to read as follows:

10.16.040 - Permit renewal and revocation conditions.

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(a) Any permit issued under Section 10.16.030 shall be revoked if the animal without provocation bites or attempts to bite any person or animal lawfully upon the permit property or upon any other property, or if there is a violation of any provision Section 10.16.030.

(b) Any person who keeps a dangerous animal after his permit has been revoked or any person who keeps, houses, quarters, or in any way has under his care or custody a dangerous animal without first obtaining a permit as set forth in Section 10.16.030 is guilty of a misdemeanor.

(c) If, after renewal notice is sent to the last known address of the owner or keeper of a dangerous animal, such owner or keeper fails to request the annual permit renewal and inspection by 5:00 p.m. on the yearly anniversary date of the issuance of the permit, the animal shall immediately be turned over to animal protection services [~~control~~] for impound and a fourteen-day hold will be placed on the animal to allow time for the owner or keeper to obtain a new permit, before the animal is released to the animal shelter for disposition. The fee for any inspection under this section shall be two hundred dollars per inspection, and the owner or keeper will be responsible for all fees and costs incurred while the animal is impounded.

SECTION 10. Section 10.16.050 of the Clark County Code is hereby amended to read as follows:

10.16.050 - Dangerous and vicious animal hearings.

(a) The owner or keeper of any animal declared dangerous or vicious by the animal control officer shall be notified, in order of preference, by personal service, posting of the address from which the animal was impounded, or by mail sent to the last

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known address of the owner or keeper. The notice shall clearly articulate a description of the specific conduct giving rise to the declaration. Any animal declared vicious shall be immediately impounded, whenever possible. The owner or keeper may not maintain possession of the animal declared vicious during the hearing process. Any animal declared dangerous may be kept by the owner or keeper pending the hearing, subject to or following required quarantine, provided that at no time shall the animal be allowed to leave the private property confines of the owner or keeper unless it is muzzled, leashed and under the effective control of an adult.

(b) Within seventy-two hours after notice of the dangerous or vicious declaration has been served, affording three days for service by mail, a dangerous animal permit revoked or denied for failure to pass inspection, for imposition of an unreasonable or inarticulable standard of conditions or terms imposed for keeping a dangerous animal, or for denial of transfer by animal protection services [~~control~~] (but not another jurisdiction), the owner or keeper may file with the animal control officer a written request for hearing to determine if the declaration, failure to pass inspection or condition or term of keeping should be upheld or overturned.

(c) If animal protection services [~~control~~] was unable to impound the animal declared vicious, the owner or keeper shall, immediately after service of the declaration, transfer possession of the animal to the animal control officer. If an appeal is not requested, the owner shall relinquish ownership of the animal for euthanasia, or provide written proof to the animal control officer that the animal has been euthanized by a properly licensed veterinary clinic.

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(d) If a hearing is requested within the specified time period, unless additional time is requested by the owner or keeper, animal protection services [~~control~~] shall schedule a hearing to be held before a hearing officer no later than ten days after receipt of the written request for hearing, affording to the owner or keeper at least three days' notice of the time and location of the hearing. Such notice shall provide the names of any witnesses animal protection services [~~control~~] intends to present at the hearing, and shall include a public records request form or a copy of any documentation on which it intends to rely at the hearing.

(e) The burden of persuasion, by a preponderance of the evidence, to overturn the declaration or other decision shall be on the owner or keeper only after animal protection services [~~control~~] has met its prima facie burden of production that the animal was properly declared dangerous or vicious in accordance with Section 10.16.010, or as otherwise provided for decisions subject to review in this chapter.

(f) At the hearing, the owner or keeper may be represented by counsel, may present oral and written evidence, and may cross-examine witnesses. Strict rules of evidence shall not apply. Any relevant evidence may be admitted if it is the sort of evidence which responsible persons are accustomed to rely upon in the conduct of serious affairs. The hearing shall be audio recorded, and all documents presented as evidence shall be maintained as part of the record of the hearing.

(g) At the request of the owner or keeper, for good cause and as justice requires, the hearing officer may continue the hearing and may issue subpoenas for the attendance of witnesses, or the production of records or other things, substantially in conformance with the Nevada Rules of Civil Procedure. In case of the refusal of any witness to attend

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or testify or produce records or other things required by the subpoena, the owner or keeper may report to the district court by petition, setting forth that due notice has been given of the time and place of attendance of the witness or the production of records or other things; that the witness has been subpoenaed in accordance with this section; and that the witness has failed and refused to attend or produce the records or other things required by subpoena, or has refused to answer questions propounded to him or her in the course of the hearing. The petition shall request an order of the court compelling the witness to attend and testify or produce the records or other things before the hearing officer. The court, upon petition, may enter an order directing the witness to appear before the court at a time and place to be fixed by the court in the order and then and there show cause why the witness has not attended or testified or produced the records or other things before the hearing officer. A certified copy of the order must be served upon the witness. If it appears to the court that the subpoena was regularly issued by the hearing officer, the court may thereupon enter an order that the witness appear before the hearing officer at the time and place fixed in the order and testify or produce the required records or other things, and upon failure to obey the order, the witness may be dealt with as for contempt of court.

SECTION 11. Section 10.18.10 of the Clark County Code is hereby amended to read as follows:

10.18.010 - Exotic or wild animals and inherently dangerous exotic or wild animals—Prohibitions and permit requirements.

(a) Except as provided in this chapter, no exotic or wild animal shall be transported, exhibited in public or private, or kept anywhere within the unincorporated

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areas of Clark County unless and until the owner thereof has obtained an exotic or wild animal permit from the animal control officer for each animal, and in accordance with the conditions therein.

(b) Unless exempt from this chapter per Section 10.18.020, no inherently dangerous exotic or wild animal shall be exhibited in public or private or kept anywhere.

(c) A violation of subsection (a) or (b) shall be punished by a fine of not less than five hundred dollars, and may be punished by a fine of up to one thousand dollars and up to six months in jail. Any person convicted of a violation of subsection (a) or (b) shall not be eligible for an exotic or wild animal permit for a period of three years from the date of conviction, unless otherwise specified by the court.

(d) An exotic or wild animal permit shall not be issued for the keeping or exhibiting of an exotic or wild animal until an investigation has been made to ascertain what precautions shall be reasonable and necessary to protect the health, safety, and general welfare of the public and of the animal, and the property upon which the exotic or wild animal shall be kept has been inspected and approved by the animal control officer.

(e) Following application, the animal control officer may issue a permit for an exotic or wild animal as provided hereafter. Each permit application shall contain the following information and documentation:

- (1) The species of animal to be covered by the permit, as well as a description of its age, health, and history of aggression, if any;
- (2) The purpose of keeping the animal;
- (3) The knowledge and experience of the person to be keeping the animal about the animal in question and similar animals;

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(4) The period of time and location for which the permit is requested;

(5) A description of the quarters in which the animal will be kept and/or exhibited, including plans, building permits and specifications, where appropriate;

(6) Documentation from the county's comprehensive planning department that the location in question has been approved for keeping the exotic or wild animal and any other applicable licenses or permits from any other regulatory authority, including but not limited to the U.S. Department of Agriculture, the Nevada Department of Wildlife, the U.S. Fish and Wildlife Service and the county's business license and building departments, that are required for the intended use and location of the animal;

(7) Circumstances, if any, including exhibition, under which the animal will be removed from quarters, and methods of transportation;

(8) The name, address, and phone number of applicant and any other person to be placed in charge of the animal including at least one twenty-four-hour emergency contact phone number;

(9) A statement confirming that animals will not be bred;

(10) A statement confirming that direct contact between the public and the animals will not occur unless a detailed plan is approved by the animal control officer;

(11) A current color photograph of the animal;

(12) A written program of veterinary care and a veterinarian's certificate, certifying that said animal is vaccinated in accordance with law and possesses no health hazard to itself, other animals, or the general public;

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(13) A copy of accreditation documentation for animals that will be exhibited for public or private viewing;

(14) Any other lawful conditions or restrictions appropriate for the control or protection of the animal, or protection of the public in relation thereto as set forth by the animal control officer, which may include, but need not be limited to written contingency plans for dealing with escape; electronic microchip implantation; and liability insurance for persons and property, which shall not be required to exceed two hundred fifty thousand dollars.

(f) After a review of available information, including the permit application, the criteria or standards of recognized societies, groups or experts dealing with such animal species, and any citizen input, the animal control officer may issue a permit for the keeping or exhibiting of such animal if, in his considered judgment, such animal is not likely to constitute a danger or nuisance to the general public, under the permit conditions and restrictions.

(g) A permit to keep an exotic or animal may be issued for the period prescribed by the animal control officer upon payment of a fee and a favorable inspection by an animal control officer of each location where the animal is to be kept. The permit authorizes the keeping of the individually permitted animal only in accordance with the conditions and restrictions imposed thereon, and does not authorize exhibition, unless expressly provided therein. A new application and a new fee are required in order to extend the time period or to change or remove any condition or restriction.

(h) The permit fee is intended to offset a portion of the costs of investigation, including research for appropriate conditions and restrictions and premises inspection,

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and shall be determined and conveyed to the applicant before processing the application. Except as provided hereafter, the fee shall be one hundred dollars for the permitted animal with one location inspection. When permits are sought for multiple animals at the same time, and when multiple locations need to be inspected, permit fees shall be aggregated for the purpose of reducing the fees and eliminating duplication of investigation. Each additional animal and each additional location shall increase the aggregated fees by fifty dollars. Where applications are simultaneously submitted for multiple animals, the applicant may have the aggregate fee reduced by the fee amount for the additional animals upon a satisfactory showing to animal protection services [~~control~~] that the animals are sufficiently similar, and not so numerous, as to be subject the same conditions. Regardless of the number of animals, the aggregated fee shall not exceed five hundred dollars per location for successful inspections. If multiple inspections are required because of failure to pass an inspection, an additional one hundred dollars shall be applied to the fee for each additional inspection required. The permit fee for which the only change is an extension of time shall be twenty-five dollars per location.

(i) A permit issued under the provisions of this chapter shall expire one year from the date of issuance.

(j) A permit holder shall allow inspections of the premises by the animal control officer at any reasonable time.

SECTION 12. Section 10.18.030 of the Clark County Code is hereby amended to read as follows:

10.18.030 - Owner responsibility for escape.

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(a) In addition to any cage requirements set forth in the exotic or wild animal permit and the prohibition against letting animals run at large, every person who is the owner or custodian of an exotic or wild animal, and keeps the same upon his premises under his control, shall keep the animal restrained at all times by a fence, cage, coop, chain, leash or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept.

(b) In the event of an escape, the owner shall be liable for all costs related to its recovery or impoundment. Any impoundment thereunder may be performed as a securing or summary abatement in accordance with Chapter 11.08 in coordination with animal protection services [~~control~~].

SECTION 13. Section 10.18.040 of the Clark County Code is hereby amended to read as follows:

10.18.040 - Review and revocation.

(a) For purposes of determining whether a permit shall be issued or be suspended or revoked, including conditions, restrictions and fees related thereto, the animal control officer shall keep a record of all materials considered and proffered, and the denial, suspension or revocation of such a permit may be challenged before a hearing officer and may be subject to judicial review in District Court.

(b) Animal protection services [~~control~~] may revoke, suspend, or refuse to renew any exotic or wild animal permit upon good cause, including for failure to comply with any provision of this title provided that the violator shall be first notified of the specific violation or violations, and, if the violation can be remedied, the violator shall have fourteen days after receiving the notice of violation to correct the violation. The

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foregoing shall not be construed as to require a hearing before seizure of the animal, if reasonably necessary to protect health, safety or welfare.

SECTION 14. Section 10.18.050 of the Clark County Code is hereby amended to read as follows:

10.18.050 - Exotic or wild animal panel.

The chief of animal protection services [~~control~~] may establish a system for maintaining a panel of persons with expertise in exotic or wild animals, with standards and procedures related thereto, which may be available to animal protection services [~~control~~] to assist in the administration of this chapter. When practicable, the panel should contain at least one veterinarian with experience in caring for the type of animal or animals being reviewed.

SECTION 15. Section 10.24.080 of the Clark County Code is hereby amended to read as follows:

10.24.080 - Release of unclaimed animals.

(a) Any animal impounded, as provided in this title, shall be kept a minimum term provided for by Sections 10.24.010 and 10.24.020 and, if unclaimed by the owner within such term, the animal shall be released to and become the property of the contracted animal shelter. The foregoing shall not be construed to prevent the animal shelter from giving the animal to its prior owner. Rescue organizations including the contracted animal shelter may rescue animals that originated in unincorporated Clark County from the contracted animal shelter for no fee other than for a rabies vaccination, sterilization, and microchip, if needed. The director of the contracted animal shelter or the director's designee will make the final determination on the release of animals. If the ownership of

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an animal is not proven and if such animal is not released as set forth herein, such animal may be destroyed in a humane manner.

(b) Except as provided hereafter, any animal impounded as provided in this title which has bitten a human being shall not be made available for adoption. Attempts to determine animal aggression may be considered by the contracted animal shelter. Upon consultation with the chief of animal protection services [~~control~~] or his designee the contracted animal shelter may release an animal for adoption with the disclosure of the bite to any new owner, provided it has not shown signs of rabies.

(c) The animal shelter or their designated contractor shall not knowingly release any animal to any person if the person, or any of its agents or principals or his or her cohabitants, intends to use the animal for experimental, laboratory, vivisection, fighting, or cruel purposes, or is being prosecuted for, or has been convicted of, animal cruelty or its equivalent violation in any jurisdiction, except as provided for in Section 10.32.020. Upon a request by a rescue organization the names and addresses of any person, agent, principal, or cohabitant of the same may be released.

SECTION 16. Section 10.32.020 of the Clark County Code is hereby amended to read as follows:

10.32.020 - Taking possession of animal being treated cruelly.

(A) The animal control officer or any police officer in the county while on duty shall, upon discovering any animal which is being treated cruelly, take possession of and impound it.

(B) If the owner of an animal impounded under this section attempts to claim the animal within the time prescribed by Section 10.24.010 or 10.24.020, before releasing the

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animal to the owner, the contracted animal shelter shall immediately consult the animal control officer for the purpose of compliance with Section 10.24.080(c). If the owner elects to claim the animal and animal protection services [~~control~~] elects to prosecute for animal cruelty, compliance with the following conditions is required:

(1) The owner shall have an additional seventy-two hours before the animal becomes the property of the animal shelter to file a petition with a court of competent jurisdiction for release of the animal subject to such conditions the court deems prudent, or for the owner to post a bond or security with animal protection services [~~control~~] or the animal shelter in an amount sufficient to provide for the animal's care for a minimum of thirty days from the seizure date for continued impound at the animal shelter.

(2) If the animal shelter still has custody of the animal when the bond or security expires, the animal shall become the animal shelter's property unless a court of competent jurisdiction orders an alternative disposition. If a court order prevents the animal shelter from assuming ownership and the animal shelter, or its agent, continues to care for the animal, the court shall order the owner to renew a bond or security for the continuing costs for the animal's care.

SECTION 17. Section 10.32.090 of the Clark County Code is hereby amended to read as follows:

10.32.090 - Injury by vehicles—Motorist responsibility.

(A) Every operator of any vehicle upon the streets and roadways of the county are requested to call 311 or animal protection services [~~control~~] as soon as practicable upon

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injuring, striking, maiming or running down any animal, giving such aid as he is reasonably able to render.

(B) Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary clinic or hospital or the animal shelter, and thereafter notify the animal control officer. Notice of the removal of the animal to the owner, disposition of the animal and charges for the cost of care and shelter shall be made, as nearly as possible, in the manner prescribed in Section 10.32.020.

(C) Emergency vehicles shall not be required to stop and render aid to an injured animal but shall notify the animal control officer or 311 of the incident and furnish him with such information as he may require.

SECTION 18. Section 10.36.070 of the Clark County Code is hereby amended to read as follows:

10.36.070 - Disposal of dead animals.

Any dead dog, cat, ferret, pet rabbit, or potbellied pig that is picked up by animal protection services [~~control~~] or the department of public works or its disposal contractor shall not be disposed of in any trash or landfill and shall be scanned for an owner identification tag and microchip identification device and shall be delivered to the contracted animal shelter. If an owner identification tag or microchip exists, animal protection services [~~control~~] or the department of public works or its disposal contractor shall notify the staff at the contracted animal shelter and that staff will make all reasonable attempts to contact and notify the owner. Animals with an owner identification tag or microchip must be held for at least twenty-four hours for the owner to reclaim.

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SECTION 19. Section 30.44.020 of the Clark County Code is hereby amended to

read as follows:

30.44.020 - Alternative Standards for Specific Site Development Standards

Required With Specific Uses.

Table 30.44-1 Global Use Table...

Exotic or Wild Animals	8200	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	A	
		Special Use (approved by the Board) Subject to: 1. Any proposed enclosure must be approved by Clark County Animal <u>Protection Services</u> [Control]. 2. Annual inspections by Clark County Animal <u>Protection Services</u> [Control].																								
		Accessory Use when in conjunction with a resort hotel. NOTE: The zoning district category determines the landscaping and screening requirements in <u>Chapter 30.64</u> .																								

...

Inherently Dangerous Exotic or Wild Animals	8200	S A
		Special Use (approved by the board) subject to: 1. Any proposed enclosure must be approved by Clark County Animal <u>Protection Services</u> [Control].
		2. Annual inspections by Clark County Animal <u>Protection Services</u> [Control].
		Accessory Use when in conjunction with a resort hotel. Use is permitted outside subject to the provisions in Title 10 of Clark County Code.
		Note: Compliance with Title 10 of Clark County Code is required.

...

Kennel - (Also see "Veterinary Service")	8200												S	C	C				S	
		Conditional Use in M-D: 1. No outside kennels. 2. Subject to all Clark County Animal <u>Protection Services [Control]</u> regulations. (This condition cannot be waived or varied)																		
		Conditional Use in M-1: 1. Outside kennels are permitted provided there is a minimum setback of 500 feet from any residential use.																		

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		2. Subject to all Clark County Animal <u>Protection Services</u> [Control] regulations. (This condition cannot be waived or varied)
		Special Use in C-2, U-V: 1. No outside kennels.
		2. Subject to all Clark County Animal <u>Protection Services</u> [Control] regulations. (This condition cannot be waived or varied)
		3. When in U-V, must be part of a mixed-use development per <u>Section 30.40.310</u> .

...

Pet Shop	5900												C		C		S		S			S			C		S
		Conditional Use C-1, C-2 and U-V: 1. The building must be designed to provide complete sound barriers and odor protection for adjacent properties.																									
		2. Subject to all Clark County Animal <u>Protection Services</u> [Control] regulations per <u>Title 10</u> . (This condition cannot be waived or varied)																									
		3. All animals must be kept indoors.																									
		4. Must be part of a mixed use development within the U-V district.																									
		Special Use in M-D, M-1, H-2, and H-1: 1. Noise levels must comply with Animal <u>Protection Services</u> [Control] regulations.																									
		2. The Commission or Board may consider allowing animals outside with the approval of the special use permit.																									
		3. Subject to all Clark County Animal <u>Protection Services</u> [Control] regulations per <u>Title 10</u> . (This condition cannot be waived or varied)																									

...

Veterinary Clinic and Service	8200	S		S									S		S		C		C		C			S			C
		Special Use in R-U and R-A Subject to: Must be in Community District 5. This condition cannot be waived or varied.																									
		Conditional Use in M-1: Outside kennels are allowed provided there is a minimum setback of 500 feet from any residential use.																									
		Special Use in C-P, C-1 and H-2, and Conditional Use in C-2, M-D and U-V:																									
		1. Maximum of 25% of total floor area may be used for the boarding of animals.																									
		2. No dog runs or kennels outside.																									
		3. Noise levels must comply with Animal <u>Protection Services</u> [Control] regulations.																									

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		4. If in U-V must be part of a mixed-use development per Section 30.40.310 . NOTE: Principal use shall determine requirements per Chapter 30.56 and 30.64 .
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SECTION 20. 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 21. 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 22. 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 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: _____

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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.