

~~Bracketed and strikethrough~~ material is that portion being deleted
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BILL NO. 1-21-25-4

SUMMARY – An Ordinance to amend codes relating to animal protection services, including illegal breeding, animal abandonment, dangerous and vicious declarations; pet service provider facilities and responsibilities; and code relating administrative citations and liens

ORDINANCE NO. _____

(of Clark County, Nevada)

INTRODUCE AN ORDINANCE TO AMEND TITLE 1 OF THE CLARK COUNTY CODE BY REVISING CHAPTER 1.14 SUBSECTIONS 1.14.010 - PENALTY, 1.14.020 - CITATION FORM, 1.14.030 - SERVICE OF CITATION, 1.14.080 - INDIGENCY WAIVER, 1.14.110 - HEARING OFFICER'S DECISION, 1.14.120 - COLLECTION OF UNPAID FINES, AND 1.14.130 - RIGHT TO JUDICIAL REVIEW; AND PROPOSED AMENDMENTS TO TITLE 10 OF THE CLARK COUNTY CODE BY REVISING CHAPTER 10.04 SUBSECTIONS 10.04.100 - AT LARGE, 10.04.125 - BREEDER; CHAPTER 10.06 SUBSECTION 10.06.060 - ENFORCEMENT OF PROVISIONS BY THE ANIMAL PROTECTION SERVICES OFFICE; CHAPTER 10.08 SUBSECTIONS 10.08.070 - TAGGING, MICROCHIPPING TAG/RABIES CERTIFICATION MISUSE, 10.08.132 - STERILIZATION, 10.08.135 - BREEDER/SHOW PERMIT, 10.08.140 - SALES OF ANIMALS; CHAPTER 10.16 SUBSECTION 10.16.050 - DANGEROUS AND VICIOUS ANIMAL HEARINGS; CHAPTER 10.18 SUBSECTION 10.18.020 - EXEMPTIONS; CHAPTER 10.24 SUBSECTIONS 10.24.010 - IMPOUNDING DOGS AND CATS, FERRETS AND PET RABBITS AND POTBELLIED PIGS, 10.24.040 - VOLUNTARY SURRENDER; CHAPTER 10.28 SUBSECTIONS 10.28.030 - BITING ANIMAL: HOME QUARANTINE, 10.28.040 - BITING ANIMAL: OFFSITE QUARANTINE; CHAPTER 10.32 SUBSECTIONS

10.32.020 TAKING POSSESSION OF ANIMAL BEING TREATED CRUELLY, 10.32.130 - DEPRIVING OF SUSTENANCE, SHELTER OR MEDICAL CARE, 10.32.135 - ANIMALS KEPT OUTDOORS; CHAPTER 10.36 SUBSECTION 10.36.030 - POULTRY AND BIRDS; CHAPTER 10.40 SUBSECTION 10.40.040 - VIOLATION - PENALTY; BY ADDING NEW CHAPTER 10.04 SUBSECTIONS 10.04.015 - ABANDONED LIVE ANIMAL AND 10.04.017 - ABANDONED DEAD ANIMAL; CHAPTER 10.30 SUBSECTIONS 10.30.190 - ANIMAL HANDLER TRAINING OF PET SERVICE PROVIDERS AND 10.30.200 - ANIMAL WELFARE NOTIFICATION; CHAPTER 10.32 SUBSECTION 10.32.155 - TRAPPING; CHAPTER 10.36 SUBSECTION 10.36.050 - OWNER RESPONSIBILITY FOR ANIMAL ATTACKS AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the regulation of animals and animal related businesses are important to Clark County for the protection of people and animals;

WHEREAS, administrative citations are an important enforcement mechanism for many requirements of the Clark County Code;

WHEREAS, the process which by hearing officers decide challenges to administrative citations is also important for the enforcement of the Clark County Code;

WHEREAS, the Clark County Code regarding administrative citations and hearing officers' review of those administrative citations has need to be updated to clarify it and ensure it meets modern legal standards;

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

SECTION ONE. Title 1, Chapter 14, Section 1.14.010 of the Clark County Code is amended to read as follows:

1.14.010 – Penalty.

Any person violating any of the provisions, or failing to comply with any of the requirements, of Titles [7](#), 9, 10, 11, [14](#), [19](#), 22 or 30 of this code, may be issued a civil administrative citation by any officer within the Code Enforcement Unit authorized to issue misdemeanor citations, or other civil notices, for such violations. *Unless a violation specifies another fine amount.* ~~[T]~~the fine schedule for such administrative citation shall be as follows:

- (a) A fine not exceeding one hundred dollars plus costs for a first violation;
- (b) A fine not exceeding two hundred and fifty dollars plus costs for a second violation of the same code section within one year of the date of the first offense;
and
- (c) A fine not exceeding five hundred dollars for each additional violation of the same code section within one year of the date of the first offense.

SECTION TWO. Title 1, Chapter 14, Section 1.14.020 of the Clark County Code is amended to read as follows:

1.14.020 – Citation form.

Each administrative citation shall contain the following information:

- (a) Name of the responsible person for the violation of the code.
- (b) Date on which an inspection established the code violation.
- (c) The code section violated.

- (d) Address where the code violation was located [~~occurred~~].
- (e) Amount of the fine for the violation and procedure to pay the fine.
- (f) Description of the procedure for requesting an initial review and administrative hearing to contest a citation, including the indigency waiver to the fine deposit requirement.
- (g) A notice that collection of unpaid fines can be enforced [~~as a~~] by recording a lien and/or placing a special assessment lien on the tax roll pursuant to NRS 244.3605, against the property where a property related code violation is located [~~occurred~~] and that unpaid assessments can result in the property being sold by the county assessor.
- (h) A notice that unpaid administrative citation fines will automatically become a lien on the related property and can be recorded on the property after the deadline to appeal the administrative citation or upon a hearing officer upholding the administrative citation.
- (i) A notice that there is no right to separately appeal the recording of the lien, it must be appealed during any appeal of the administrative citation.
- (j) [~~(h)~~] An order prohibiting the continuation or repeated occurrence of the code violation described in the administrative citation.
- (k) [~~(i)~~] Name of the officer issuing the citation.

SECTION THREE. Title 1, Chapter 14, Section 1.14.030 of the Clark County Code is amended to read as follows:

1.14.030 – Service of citation.

- (a) An officer may personally serve the citation on the responsible person. The responsible person is required to sign a copy of the citation showing his or her receipt of the citation. If the responsible person served refuses to sign the administrative citation, the refusal to sign shall not affect the validity of the administrative citation or of the subsequent proceedings. The officer shall mark the citation "Refused to sign."
- (b) An officer may mail the citation by certified mail. The citation shall be mailed certified mail return receipt requested to the responsible person's address shown on the county assessor's records for a property related violation, or to any address known for the cite for all other violations. Simultaneously, the citation shall be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.
- (c) Service is deemed completed on the date it is personally served or three days from the date the mail is postmarked, whichever occurs first.

SECTION FOUR. Title 1, Chapter 14, Section 1.14.080 of the Clark County Code is amended to read as follows:

1.14.080 – Indigency waiver.

A waiver of the requirement to deposit the fine in order to have an appeal shall be granted if the person receiving the citation provides proof with the "request for hearing" that the person is

indigent. The person may demonstrate that he or she is indigent by providing [~~either of~~] the following information, as applicable:

- (a) Proof of income from a pay stub or other form of proof of earnings, such as a bank statement, that shows that the individual's income is one hundred twenty-five percent or less of the current poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services.
- (b) Proof of receipt of benefits under the programs provided by the federal, state or local governments for the impoverished, including but not limited to electronic benefits transfer cards, Supplemental Security Income, Supplemental Nutrition Assistance, or Temporary Assistance for Needy Families.
- (c) *Proof that the amount of cash available to the recipient is not enough to cover the amount of the deposit and basic living expenses as determined are needed by the hearing officer. Proof may include tax statements, wage statements, account statements or other documents determined to be reliable by a hearing officer.*
- (1) *If a person proves indigency under this subsection, the hearing officer shall require the person to deposit a lesser amount that the hearing officer determines is appropriate. The remaining amount which is not paid shall be a lien on the related property and shall be immediately recordable. This lien shall be released if the hearing officer determines the person charged was not responsible for the violation or that there was no violation as charged in the administrative citation.*

The hearing officer may rule on the adequacy of proof of indigency, may consider any evidence or argument provided by Clark County in rebuttal, and may continue the hearing for further proof or deposit of the fine.

SECTION FIVE. Title 1, Chapter 14, Section 1.14.110 of the Clark County Code is hereby amended to read as follows:

1.14.110 – Hearing officer’s decision.

After considering all of the testimony and evidence submitted at the hearing, the hearing officer may immediately issue a verbal decision and shall issue a written decision within ten days of the hearing. If no written decision is issued within ten days, Clark County shall have the authority to reassign the case to a different hearing officer for a written decision based on the record. The decision shall include the date of the written decision, the reasons for the decision and such decision shall be final. If the hearing officer determines that the administrative citation should be upheld, then the fine amount on deposit with the County shall be retained by the County. If the hearing officer determines that the administrative citation should be cancelled and the fine was deposited with the County, then the County shall promptly refund the amount of the deposited fine. Within five days of the date of the decision, Clark County will mail or e-mail the decision to the address provided by the recipient in the “request for hearing” form.

SECTION SIX. Title 1, Chapter 14, Section 1.14.120 of the Clark County Code is hereby amended to read as follows:

1.14.120 – Collection of unpaid fines.

Failure to pay the administrative citation fine within fifteen days, provided it has not been successfully challenged by a timely appeal or cancelled upon initial review, shall result that this

obligation shall constitute a recordable lien and/or a special assessment lien, which may be placed on the tax roll pursuant to NRS 244.3605, against the real property on which the violation was located [~~occurred~~] if the responsible person is an owner of the property, or a beneficiary of the owner in trust. [~~Alternatively~~] In addition, the matter may be referred for collection, which includes but is not limited to the filing of a [~~small claims~~] court action.

Clark County may utilize the procedures under NRS 244.3603 and NRS 244.3605 or any other law that provides the authority to obtain a special assessment lien that may be placed on the tax roll for an administrative citation fine imposed by this chapter. Notice and hearing requirements will follow the statute utilized and if not provided in the statute, the provisions of this Chapter shall be followed.

In addition, Clark County may record a lien on the property for the unpaid administrative citation fine. Clark County may record a lien without providing a second chance for a recipient to administratively appeal when the lien is recorded. The appeal of the administrative citation constitutes the appeal hearing for the lien.

SECTION SEVEN. Title 1, Chapter 14, Section 1.14.130 of the Clark County Code is hereby amended to read as follows:

1.14.130 – Right to judicial review.

Any person who is aggrieved by the decision of the hearing officer may obtain judicial review of such decision by filing a petition for writ relief in the Eighth Judicial District Court, Clark County, Nevada within twenty days [~~of the decision or service thereof~~] of the date of the decision. The petition filed with the court must also contain a proof of service showing service of process upon Clark County.

The date of the decision for purposes of calculating the deadline to file a petition for judicial review shall be counted from the date written on the decision by the hearing officer, which specifies the date of the written decision. Lack of actual notice shall not be a reason for the hearing of an untimely petition, if Clark County can show that within five days of receiving the decision, it sent a copy of the hearing officer decision to the address or e-mail provided by the recipient in the “request for hearing” form.

A petition for judicial review challenging a hearing officer decision regarding a violation of this Chapter shall be brought pursuant to CCC 1.14.130 and not any other statute or code section. The petitioner is responsible for filing the record of the administrative hearing.

SECTION EIGHT. Title 10, Chapter 4 of the Clark County Code is hereby amended to add the following:

10.04.015 Abandoned live animal

“Abandoned live animal” means any person who intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal, exotic animal, inherently dangerous animal, equine or livestock at a location without providing minimum care. It is no defense to the crime defined in this Title that a defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

SECTION NINE. Title 10, Chapter 4 of the Clark County Code is hereby amended to add the following:

10.04.017 Abandoned dead animal

“Abandoned dead animal” means any person who intentionally, knowingly, recklessly or with criminal negligence leaves behind or deposits a dead animal without making arrangements for its lawful disposal.

SECTION TEN. Title 10, Chapter 4, Section 10.04.100 of the Clark County Code is hereby amended to read as follows:

10.04.100 - At large.

"At large" means [~~location on~~] *any* [~~property~~] animal not [~~restrained~~] *secured and restrained* by *a* leash [~~, cord, chain or enclosure~~] *or lead no longer than six feet of length and under adequate control of the handler or not confined within the real property limits of its owner or keeper by means of a fence, cage, coop, chain, leash or other restraining devices, which prevents the animal from reaching through, over, under, or outside the property line,* except as otherwise expressly allowed by law, such as for law enforcement, herding, or hunting.

- (a) "At large" includes, without limitation, location:
 - (i) Upon any real property, whether that of the owner, custodian, or other person, when the animal is not restrained, confined, or permitted by the lawful occupant;
 - (ii) With attempted restraint by voice command only, or any tethering or enclosure not providing restraint, or any tethering in a public area without attendance of the owner or custodian; or
 - (iii) Without restraint within private areas accessible by the general public or a considerable number of persons, regardless of enclosure, such as

common areas of common interest communities or other privately owned public structures, such as stores and restaurants.

- (b) "At large" does not include location:
- (i) On a property where the animal is permitted by the lawful occupant within an exclusive access enclosed structure, such as a house, automobile, or adequately fenced yard; or
 - (ii) Inside a designated dog run portion of a public or private park that is enclosed by a fence and provided with signage warning of unleashed animals, which is separated by a fence or other physical barrier from other areas of the park containing amenities for use other than as a dog park.

SECTION ELEVEN. Title 10, Chapter 4, Section 10.04.100 of the Clark County Code is hereby amended to read as follows:

10.04.125 - Breeder.

A breeder is a person who [~~must acquire a breeder/show permit, prior to breeding any dog, cat, or pot bellied pig~~] owns, harbors, or maintains a dog or cat in Clark County and breeds or allows the breeding of any such animal.

SECTION TWELVE. Title 10, Chapter 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 office.

(a) The animal protection services 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 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 shall have the right to declare that a colony *or individual cat(s)* 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~~[]~~ *if:*

1. the cat(s) is posing a public safety or health issue with numerous verified bites, reports of aggression, substantiated property damage or sanitation including but not limited to offensive odors, animal wastes, rodents, flies, or any other offensive or unwholesome conditions;
2. the resident(s) has contacted a community cat organization for and has utilized humane deterrents and trap-neuter-return (“TNR”) in their area;
3. the resident(s) can provide proof that the deterrents and TNR have not been effective at their location by filling out witness statement(s) and providing photographs;

4. the resident(s) can provide documentation of any damages including but not limited to invoices for repairs, photographs, or veterinarian bills.

(c) 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. Cats impounded pursuant to this subsection are subject to the disposition regulations listed in Section 10.06.050.

SECTION THIRTEEN. Title 10, Chapter 8, Section 10.08.070 of the Clark County Code is hereby amended to read as follows:

10.08.070 – Tagging, Microchipping—Tag/rabies certification misuse.

(a) The owner of any dog or cat or ferret shall safely and securely fasten about the neck of the animal a collar with a tag attached thereto bearing the number of such rabies vaccination as required per Section 10.08.080.

(b) Except as otherwise provided in this section, it is unlawful for any person to own or harbor a dog or cat over the age of four months unless the animal has been implanted with microchip identification in accordance with this section and title. For purposes of this section, a dog or cat to be offered for sale by a dealer or operator is deemed to be owned or harbored by that dealer or operator. The owner shall register and keep current the owner contact information with a microchip registration company. Dogs and cats that cannot be implanted with a microchip as attested to by a licensed veterinarian shall be exempt from this requirement and shall be subject to tagging as required by 10.08.070 (d). Proof of attestation of veterinarian must be made available to CCAPS upon request.

(c) The microchipping requirements of this section do not apply to:

(1) an animal whose owner has resided within the County fewer than thirty days;

(2) an animal brought into the County temporarily, for less than thirty days, and exclusively for the purpose of entering the animal in a show or exhibition, where the animal is not allowed to run at large.

(d) The owner of any [~~dog or cat or~~] ferret or pet rabbit or potbellied pig shall safely and securely fasten about the neck of the animal a current owner identification tag or the owner shall have a microchip identification device implanted. If a microchip identification device is the only means of identification for a [~~dog or cat or~~] ferret or pet rabbit or potbellied pig the owner shall [~~ensure that the microchip information remains up to date in a national database~~] register and keep current the owner contact information with a microchip registration company. Animals that cannot wear a collar or be implanted by a microchip as attested to by a licensed veterinarian shall be exempt from this requirement. Proof of attestation of veterinarian must be made available to CCAPS upon request.

(e) It is unlawful for any person to remove any vaccination tag issued under the provisions of this title from any dog or cat or ferret not owned by [~~him~~] them, or not lawfully in [~~his~~] their possession or under [~~his~~] their control or care, or for any person to place on any dog or cat or ferret or to permit any dog or cat or ferret in [~~his~~] their control or possession, to wear any vaccination tag not issued or provided for that particular dog or cat or ferret or to place on a dog or cat or ferret or to own, keep, or possess, any dog or cat or ferret wearing any counterfeit, imitation, or altered vaccination tag.

(f) It is unlawful for any person to misuse or provide a false rabies certificate under the provisions of this title for any dog or cat or ferret.

SECTION FOURTEEN. Title 10, Chapter 8, Section 10.08.132 of the Clark County Code is hereby amended to read as follows:

10.08.132 - Sterilization.

(a) Subject to the exceptions provided in this chapter, no person shall harbor any cat or dog or ferret or pet rabbit or potbellied pig over four months of age unless spayed or neutered. This spay and neuter restriction shall not apply to dogs or cats kept pursuant to a breeder/show permit.

(b) The spay and neuter requirement set forth in subsection (a) shall not apply to dogs in use by any federal, state, or local law enforcement agency.

(c) The spay and neuter requirement set forth in subsection (a) shall not apply if a licensed veterinarian certifies in writing that a specific dog or cat or ferret or pet rabbit or potbellied pig is temporarily or permanently 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. If temporary, the certificate shall indicate the period of time anticipated that the unsuitability will last. For an exemption to apply beyond that period, a new certificate must be obtained from a veterinarian. The certification may be transmitted electronically to CCAPS.

(d) The spay and neuter requirement set forth in subsection (a) shall not apply to animals harbored by an animal shelter, rescue organization, or business that keeps animals for

sale provided that such organization requires the spaying or neutering of all dogs or cats or ferrets or pet rabbits or potbellied pigs prior to adoption or sale of such animal.

(e) It shall be unlawful to own or possess any kitten (cat or rabbit) or puppy or piglet or kit (ferret) that has been born to a mother cat or rabbit or dog or potbellied pig or ferret not spayed in violation of this chapter, unless adopted from an animal shelter or rescue organization. As used in this section, a "kitten" or "puppy" or "kit" means a cat or rabbit or dog or ferret under the age of four months, as determined by the animal control officer, and "piglet" means a potbellied pig under eight pounds. ~~[Except after first determining that it is in the best interest of the kitten or puppy or piglet or kit because of violations of this title, an animal control officer shall not impound a kitten or puppy or piglet or kit without also impounding its mother for a violation of this title if the kitten or puppy or kit is under eight weeks of age, and under eight pounds for a piglet, and living with its mother or still taking its nourishment by nursing. As used in this subsection, age and weight shall be estimated by the animal control officer, after requesting documentary proof of age and weight from the person in possession of the animal.]~~

SECTION FIFTEEN. Title 10, Chapter 8, Section 10.08.135 of the Clark County Code is hereby amended to read as follows:

10.08.135 - Breeder/show permit.

(a) No person shall cause or allow any dog one year of age or older or cat eight months of age or older owned, harbored or kept to breed unless the person has obtained a breeder permit.

(b) To initiate a breeder/show permit, a permit fee shall be paid to Clark County Animal Protection Services ("CCAPS") at a cost of \$800 and shall be renewed annually for

\$800 or \$400 when each animal has participated once per year in a show as defined in section 10.04.275. The permit fee includes initial site inspection by CCAPS. The owner must pass the inspection prior to the permit being issued or renewed.

(c) If owner fails site inspection or is found in violation of this chapter, CCAPS will perform a reinspection to ensure compliance, the breeder shall pay a reinspection fee of \$100. If the owner fails reinspection, the permit shall be denied.

(d) [(a)] A person with a breeder/show permit is allowed to keep and maintain, in a clean, healthy, and safe environment, not to exceed eight intact or sterilized pet dogs, one year of age or older, or eight intact or sterilized pet cats, eight months of age or older~~[, provided that with the exception of sterilized dogs or cats, each animal must be shown at least once per year at a show as defined in Section 10.04.275].~~

(e) [(b)] Each animal must have a registered microchip identification device, with current owner information, and be up-to-date on rabies vaccination.

(f) [(c)] A dog breeder cannot breed a female dog until she is eighteen months old and shall only allow a female dog to have one litter per year.

(g) [(d)] No dog or cat shall be sold or gifted until it is eight weeks of age or until the animal is accustomed to taking food as nourishment other than by nursing, whichever date is later. Additionally, a written sales contract shall be provided to the purchaser or recipient.

(h) [(e)] Any dog or cat sold or gifted must have a microchip identification device implanted in accordance with 10.08.070(b), must be current on rabies vaccinations, and must be

spayed or neutered unless the purchaser has a breeder/show permit or a temporary show permit or if the animal is exempt from sterilization per Section 10.08.132.

(i) [~~(f)~~] Any breeder/show permit holder shall not place an advertisement to sell or offer for sale a dog or cat without the current breeder/show permit number being displayed in all advertising and appearing on the receipt/contract of the animal at the time of sale.

~~[(g) The breeder/show permit holder must pay an annual service charge of fifty dollars per inspection of the premises by the animal control officer.]~~

(j) [~~(h)~~] A breeder/show permit shall not be issued to, and shall be revoked from, a person who keeps an animal that has been declared dangerous per Chapter 10.16 or its equivalent under the laws of another jurisdiction.

(k) [~~(i)~~] A breeder/show permit shall not be issued to, and shall be revoked from, a person who violates the provisions of [~~this title~~] Chapter 10.32 or 10.08.135.~~[, following due process as specified in Sections 10.16.050 and 10.16.060.]~~

(l) [~~(j)~~] All animals covered by an expired breeder/show permit must be spayed or neutered within thirty days of the permit expiration date.

(m) [~~(k)~~] In the event that all intact dogs on the property are under the age of one year or all intact cats on the property are under the age of eight months the owner shall obtain a temporary show dog or temporary show cat permit. The expiration date of a temporary permit shall be six months from the date of issue. No breeding or sale of animals is permitted on a temporary show permit.

(n) [⊕] Any currently approved breeder/show permit holder selling or offering for sale a dog or cat must comply with the provisions set forth in Chapter 10.30 of this title.

(o) No permit shall be issued to an applicant who has outstanding CCAPS fines.

(p) In order to maintain a valid breeder permit, the breeder must keep records for all dogs or cats owned, harbored, or maintained by the breeder and provide the records to CCAPS upon request. Records shall include, at minimum:

(1) A list of all dogs or cats harbored in the previous year, including a valid and unique ID number (such as a rabies tag or microchip) and date of birth.

(2) The method of acquisition (bought, gifted, or birthed on premises) for any animal acquired during the previous year.

(3) The method of disposal of each animal no longer harbored (sold, deceased, given away, etc.).

(4) All inoculations, medications and medical treatments received by the animal while in the possession of breeder in the previous year.

(q) Any person denied a breeder/show permit or who has their breeder/show permit revoked shall have the right to appeal the decision pursuant to Chapter 1.14.

(r) Permit fees collected for a breeder/show permit shall be held by the county in a special fund for the purpose of providing services/programs to reduce overpopulation of animals

in the community and shelter, including but not limited to, sterilization, microchipping and microchip scanning equipment.

SECTION SIXTEEN. Title 10, Chapter 8, 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, 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 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) or (e) shall constitute a separate violation, the penalty for which shall, at a minimum, be a fine in the

amount of five hundred dollars, and, at maximum, the sale price or offered sale price of the animal. Penalties shall double for second and subsequent violations occurring within twenty-four months of the previous substantiated violation.

(d) Amortization Period. Any existing retailer that is lawfully operating and has all required business licenses on or before December 6, 2022 shall be permitted to continue selling dogs, cats, rabbits, or potbellied pigs for one year from December 6, 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.

(e) It shall be unlawful for any person to offer for sale any animal at or on any street, public right of way, parkway, median, park, recreation area, outdoor market, booth, flea market, swap meet, roadside stand, temporary site or parking lot regardless of whether such access is authorized by the owner.

(f) Subsection (e) shall not apply to the display or offer for sale of any animal by a rescue organization or animal shelter, or the display of any animal as part of a state or county fair exhibition, or similar exhibitions or educational programs.

SECTION SEVENTEEN. Title 10, Chapter 16, Section 10.16.050 of the Clark County Code is hereby amended 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 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 inarticulatable standard of conditions or terms imposed for keeping a dangerous animal, or for denial of transfer by [Clark County Animal Protection Services \("CCAPS"\)](#) [~~animal protection services~~] (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~~] [CCAPS](#) 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.

(d) If a hearing is requested within the specified time period, unless additional time is requested by the owner or keeper, [~~animal protection services~~] [CCAPS](#) shall schedule a hearing to

be held before a hearing officer no later than ten business 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~~] CCAPS 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~~] CCAPS 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. *The hearing officer shall give deference to the factual determinations of animal protection services and only overturn the factual determinations if they are an abuse of discretion.*

(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 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.

(h) The hearing officer shall issue a written order upholding or reversing the decision of animal protection services based upon the requirements of the Clark County Code, but the hearing officer may also issue a recommendation to the Chief of Code Enforcement requesting the Chief to consider lowering a vicious declaration to a dangerous declaration, the Chief of Code Enforcement maintains the discretion to accept or reject the recommendation and add any conditions thereto.

SECTION EIGHTEEN. Title 10, Chapter 18, Section 10.18.020 of the Clark County Code is hereby amended as follows:

10.18.020 - Exemptions.

The provisions of this chapter, with the exception of subsection 10.18.030(b), shall not apply to:

(a) Any location or entity [~~where any portion of the property is occupied by person~~] accredited by the Association of Zoos and Aquariums, the Alliance of Marine Mammal Parks and Aquariums, or the Global Federation of Animal Sanctuaries and holds all required permits and licenses from comprehensive planning, business licensing, the building department, and any other local, state, or federal regulatory agency; or

(b) Any person regulated by the United States Department of Agriculture or the United States Fish and Wildlife Service or the Nevada Department of Wildlife who operates a location that is not subject to a special use permit per Title 30 of the Clark County Code for the keeping and exhibiting of animals; or

(c) A licensed veterinary office, veterinary clinic, or veterinary hospital that is providing care for any animal that has been properly permitted by this chapter; or

(d) Any location that temporarily houses animals at the direction of the chief of animal [~~control~~] protection services; or

(e) Any animal merely transported through the county, not exhibited, provided that it does not remain in the county for more than five hours. Any animal remaining in the county between five hours and twenty-four hours, must be reported by the transporter to the [~~Clark County Animal Control~~] Clark County Animal Protection Services dispatch office; or

(f) Any person merely transporting animals to or from a person or location which has all required permits and licenses from comprehensive planning, business licensing, the building department, and any other local, state, or federal regulatory agency for the keeping and exhibiting of animals; or

(g) Any location that was legally operating on the effective date of the ordinance codified in this section provided that animals at such location are prohibited from breeding and no replacement of any animals is permitted upon the sale, transfer, or death of an animal; or

(h) Any temporary exhibition, and attendant location of keeping and transportation, of twenty days or less, by an operator engaged in interstate transportation and exhibition, licensed for such activity in accordance with Chapter 504 of the Nevada Administrative Code or the United States Animal Welfare Act.

SECTION NINETEEN. Title 10, Chapter 24, Section 10.24.010 of the Clark County Code is hereby amended as follows:

10.24.010 Impounding dogs and cats ferrets and pet rabbits and potbellied pigs.

Every dog or cat or ferret or pet rabbit or potbellied pig found running at large, or without a numbered vaccination tag, owner identification tag or microchip as required by this title, or in violation of any section of this title, shall be subject to impoundment by the animal control officer at the animal shelter and, if impounded, shall be kept at the animal shelter for a period of at least seventy-two hours if not sooner released to its owner. The foregoing does not but the following does apply to cats. If an owner comes to reclaim [~~his~~] *their* animal with insufficient proof of ownership, the owner must leave a ten dollar deposit and will be given an additional twenty-four

hours to provide sufficient proof of ownership, and the animal shall not be euthanized during that twenty-four-hour period. Notwithstanding any provision of this Title to the contrary, an impounded animal may be euthanized at any time if severely injured, diseased, or suffering. Except after first determining that it is in the best interest of the kitten or puppy or piglet or kit, an animal control officer shall not impound a kitten or puppy or piglet or kit because of violations of this title without also impounding its mother if the kitten or puppy or kit is under eight weeks of age, and under eight pounds for a piglet, and living with its mother or still taking its nourishment by nursing. As used in this subsection, age and weight shall be estimated by the animal control officer after requesting documentary proof of age and weight from the person in possession of the animal. As used in this section, a "kitten" or "puppy" or "kit" means a cat or rabbit or dog or ferret under the age of four months, as determined by the animal control officer, and "piglet" means a potbellied pig under eight pounds.

(a) No dog or cat or ferret or pet rabbit or potbellied pig so impounded shall be released if the ownership of the dog or cat or ferret or pet rabbit or potbellied pig is proven within that period of time as specified in this section except where there has been a performance of the following conditions:

~~(a)(1)~~ If the animal is sterilized, or the owner has obtained a current exemption from sterilization for the animal, the owner shall be able to ~~[remove]~~ reclaim it upon the payment of an impound charge of twenty-five dollars for the first confinement, fifty dollars for the second confinement, and one hundred dollars for the third and any subsequent confinement thereafter. Proof of sterilization must be provided if requested by the animal control officer ~~[or animal shelter fees]~~

~~collected for impounds of dogs and cats and ferrets and pet rabbits and potbellied pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit animal welfare programs, including but not limited to, sterilization~~].

~~(b)~~(2) If the dog or cat or ferret or pet rabbit or potbellied pig is not sterilized, or the owner has not obtained a current exemption from sterilization for the animal, or the owner fails to provide adequate proof of sterilization to the animal control officer or animal shelter, the owner shall be able to ~~[remove]~~ reclaim it upon the sterilization of the animal with payment to the animal shelter for such service and payment of an impound fee of one hundred dollars for the first confinement and two hundred dollars for subsequent confinements. ~~[Fees collected for impounds of dogs and cats and ferrets and pet rabbits and potbellied pigs shall be held by the county in a special fund for the purpose of providing assistance for not for profit animal welfare programs, including but not limited to, sterilization.]~~

~~(c)~~(3) The owner shall pay the animal shelter a board charge of ten dollars for each twenty-four hours or portion thereof for the maintenance of the impounded animal.

~~(d)~~ (4) The owner shall provide proof of a current rabies vaccination tag for dogs and cats and ferrets or ~~[he]~~ the owner shall pay the animal shelter for a vaccination tag.

~~(e)~~(5) The owner shall provide proof that the dog or cat or ferret or pet rabbit or potbellied pig has been implanted with a microchip identification device or ~~[he]~~ the owner shall pay the animal shelter for the microchip and implantation.

~~(f)~~(6) When an officer takes possession of an animal, he shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, and the fact that there is a lien on the animal for the cost of shelter and care. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, ~~[he]~~ the officer shall post the notice on the property from ~~[which he takes]~~ where the animal was taken. If the identity and address of the owner is later determined, the animal shelter will document that at least three personal attempts were made to notify the owner.

(b) Animal shelter fees collected for impounds of all animals shall be held by the county in a special fund for the purpose of providing services/programs to reduce overpopulation of animals in the community and shelter, including but not limited to, sterilization, microchipping and microchip scanning equipment.

SECTION TWENTY. Title 10, Chapter 24, Section 10.24.040 of the Clark County Code is hereby amended as follows:

10.24.040 Voluntary surrender.

(a) Except as provided in subsections (b) and (c) of this section, any animal ~~[brought]~~ surrendered to the animal shelter or CCAPS by any person purporting to be the owner thereof, to

be impounded or destroyed, shall ~~[be kept]~~ *become the immediate property* of the animal shelter ~~[for a period not less than twenty four hours after impoundment and before disposition]~~; effective July 1, 1987, the person purporting to be the owner of the animal shall pay a service charge of ten dollars upon the delivery of the animal to the animal shelter.

(b) Any sick or injured animal surrendered may be ~~[destroyed]~~ *euthanized* after surrender. If the animal has an owner identification tag or a microchip, three documented attempts should be made to contact the owner before the animal is ~~[destroyed]~~ *euthanized* unless, in the professional judgment and certification of a veterinarian, inhumane suffering may be prevented thereby.

(c) All voluntarily surrendered animals shall be scanned for a microchip. If a microchip is traced back to a rescue organization, the organization shall be notified along with the owner. If the owner does not respond, the rescue organization shall be allowed to reclaim the animal before it is euthanized.

SECTION TWENTY-ONE. Title 10, Chapter 28, Section 10.28.030 of the Clark County Code is hereby amended as follows:

10.28.030 - Biting animal—~~[Confinement if vaccinated]~~ *Home Quarantine*

~~[If the biting animal is properly and currently vaccinated against rabies in accordance with the provisions of this title, and not at large at the time of a bite to a human being, it shall be the duty of any person owning, possessing or having the care, custody and control of said animal to confine such animal separately and securely for a period of ten days and to post a quarantine notice in a form prescribed by the animal control officer. In the event the animal develops any illness during such period of time, the owner or person having care, custody, and control of the animal must~~

~~promptly notify a veterinarian, who shall examine the animal and report to the animal control officer in the event the animal is deemed to have rabies. In the event the animal is determined to have rabies, it shall be disposed of in accordance with the provisions of this chapter. The impound requirement of this section shall not apply to dogs in use by any federal, state or local law enforcement agency in the regular course of the agency's duty.]~~

Home quarantine may be authorized if the biting animal does not have prior bite history, will not potentially be deemed dangerous or vicious, the property is secured adequately to prevent escape, the owner or caretaker is willing to comply with the home quarantine requirements, and no other extenuating circumstances as determined by the animal control officer would prohibit home quarantine. If the animal control officer determines home quarantine is authorized, it shall be the duty of any person owning, possessing or having the care, custody and control of said animal to confine such animal separately and securely for a period of ten days and to post a quarantine notice in a form and manner prescribed by the animal control officer. In the event the animal develops any illness during such period of time, the owner or person having care, custody, and control of the animal must promptly notify a veterinarian, who shall examine the animal and report to the animal control officer in the event the animal is deemed to have rabies. In the event the animal is determined to have rabies, it shall be disposed of in accordance with the provisions of this chapter.

The impound requirement of this section shall not apply:

- 1. If a dog which has bitten a person, is owned by a canine unit of a law enforcement agency or is a service animal or service animal in training. The rabies control authority may waive the requirement that the dog be quarantined if:*

- (a) The bite occurred while the dog was carrying out his or her normal duties for the law enforcement agency or as a service animal or service animal in training;
- (b) The dog has been vaccinated against rabies pursuant to NAC 441A.435; and
- (c) For ten days following the bite, the dog is observed under the supervision of a licensed veterinarian or any other person designated by the animal control officer.

SECTION TWENTY-TWO. Title 10, Chapter 28, Section 10.28.040 of the Clark County Code is hereby amended as follows:

10.28.040 - Biting animal – [~~Confinement if at large or unvaccinated.~~] Offsite Quarantine.

~~[In the event the biting animal is at large at the time of a bite to a human being or is not currently vaccinated against rabies]~~ If the animal control officer determines home quarantine is not authorized pursuant to 10.28.030, the animal shall be confined, at the owner's expense, separately, in either the animal quarters at the business premises of a veterinarian or in the animal shelter for a period of ten days of observation. Such animal shall not be released until the vaccination requirements of this title have been satisfied and there has been paid to the animal control officer all impound, board, vaccination and other charges and fees required by this title for the release of an impounded animal.

SECTION TWENTY-THREE. Title 10, Chapter 30 of the Clark County Code is hereby amended to add the following:

10.30.190– Animal Handler Training of Pet Service Providers

(a) Every business owner that provides pet services including grooming, boarding, selling, training, professional pet sitting, kennels, catteries, breeders, or other establishment

which sells, grooms, trains, boards animals, or operates a rescue organization excluding veterinary businesses and businesses solely related to equine animals, or contracted shelter facilities shall attend an animal handler training course at no cost conducted by the Clark County Animal Protection Services Division prior to obtaining or renewing a business license. The animal handler training must be renewed biennially.

(b) Every business owner of a business that provides pet services and rescue organization operators as described in 10.30.190(a) shall require all employees who work at the business or non-profit, who are not volunteers and have contact with animals or have job duties relating to the care of animals, to attend an animal handler training course at no cost conducted by the Clark County Animal Protection Services Division. Employee animal handler training must be obtained within six months of employment and must be renewed biennially.

(c) Every business owner of a business and rescue organization operator described in 10.30.190(a) shall possess and maintain proof of all trainings for themselves and all employees as described in 10.30.190(b), including the animal handler training expiration date. The list shall be provided to Animal Protection Services upon request.

SECTION TWENTY-FOUR. Title 10, Chapter 30 of the Clark County Code is hereby amended to add the following:

10.30.200 – Animal Welfare Notification.

(a) Every business owner that has a physical business location where customers may be present and provides pet services including grooming, boarding, selling, training, professional pet sitting, kennels, catteries, breeders, or other establishment which sells, grooms, trains, or boards animals, or rescue organizations, excluding businesses solely related to equine

animals shall be responsible for posting and maintaining one or more signs no lower than three feet and no higher than seven feet at each entrance and exit of the establishment indicating that concerns about the welfare of animals within the establishment should be reported to the Clark County Animal Protection Services Division (CCAPS), and shall include the CCAPS's phone number. Each sign shall contain the text and format approved by CCAPS and be in at least 72 point type. CCAPS will make such sign templates available to each business affected by this section. The posting of the signs is the responsibility of the business whether or not the actual signs have been obtained from CCAPS.

(b) Each owner of a business or rescue organization operator as listed in 10.30.190 (a) shall:

(1) Report to CCAPS, within 12 hours, the death of any animal that occurs under the custodianship or care of, or on the property, or within the business, or due to the actions, inaction, or neglect of the business or its employees or volunteers, as well as any injury to an animal that results in the animal's evaluation or treatment by a veterinarian while in or immediately following being in the care of the establishment or business. The owner of the establishment or business shall not dispose of the animal without prior approval from the Chief of CCAPS or designee. This section shall not apply to feeder mice, feeder fish, or feeder rabbits.

(2) Upon request of CCAPS, reimburse for the cost of the necropsy of an animal whose death occurred in or due to the actions, inaction, or neglect of the establishment or business or its employees or volunteers if CCAPS

determines that the circumstances of the animal's death warrant the necropsy.

SECTION TWENTY-FIVE. Title 10, Chapter 32, Section 10.32.020 of the Clark County Code is hereby amended 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 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 elects to prosecute for animal cruelty or retain possession of the animal for cruelty under NRS 574.055, compliance with the ~~[following]~~ conditions found in NRS 574.055(2) 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 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 TWENTY-SIX. Title 10, Chapter 32, Section 10.32.130 of the Clark County Code is hereby amended as follows:

10.32.130 - Depriving of sustenance, shelter or medical care.

~~[It is unlawful to deprive any animal of adequate sustenance, feed, water, or shelter, or expose to the elements of the weather and to the extremes of heat or cold, or refuse to obtain veterinarian medical care for illness, injury, disease or infirmity, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty. When the National Weather Service issues an excessive heat warning, dogs and cats must be provided with supplemental cooling to adequately reduce the temperature.]~~

1. A person shall not:

(a) Deprive, neglect, or refuse to furnish any animal of adequate feed or adequate sustenance for the specific animal's size, age, species, and breed.

(b) Deprive, neglect, or refuse to furnish any animal with access to adequate water for the specific animal's size, age, species, and breed.

(c) Deprive any animal of adequate shelter or expose it to the extreme elements of the weather, either heat or cold.

(d) Deprive any animal of veterinary medical care for illness, injury, disease or infirmity.

(e) Willfully instigate, engage in, or in any way further an act of cruelty to any animal or any act to produce such cruelty.

(f) Deprive any animal of necessary species-specific care and grooming that results in undue pain or suffering.

SECTION TWENTY-SEVEN. Title 10, Chapter 32, Section 10.32.135 of the Clark County Code is hereby amended as follows:

10.32.135 - Animals kept outdoors.

(a) When the National Weather Service issues a heat advisory or temperature is expected to rise above one hundred five degrees Fahrenheit, dogs and cats must be provided with supplemental cooling to adequately reduce the temperature [~~to a normal range for the species~~].

(b) When the outdoor temperature is above eighty-five degrees Fahrenheit, dogs and cats must have enough shade at all times to protect themselves from any direct sunlight that is likely to cause overheating or discomfort.

(c) When the outdoor temperature is below fifty degrees Fahrenheit, dogs and cats must be provided an additional amount of clean bedding or other protection to keep the animal warm.

SECTION TWENTY-EIGHT. Title 10, Chapter 32 of the Clark County Code is hereby amended to add the following:

10.32.155 Trapping

(a) It is unlawful for any person having trapped an animal to leave it without adequate feed, adequate water or shelter for an unreasonable period of time or in conditions that may endanger its health and safety. At a minimum, traps must be checked and animals removed once every 24 hours.

(b) It is unlawful for any person who has trapped an animal, or discovers any animal so trapped, to dispose of it in any fashion not otherwise provided by law.

SECTION TWENTY-NINE. Title 10, Chapter 36, Section 10.36.030 of the Clark County Code is hereby amended as follows:

10.36.030 Poultry and birds.

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

(a) Any poultry or birds that have the inherent ability to fly and are not, at all times, confined within a suitable outbuilding, coop, or enclosed runway; however, a keeper of racing or homing pigeons may permit the same to be exercised in free flight for not more than one hour daily; provided, that all other times such pigeons are confined appropriately;

(b) Any poultry within any dwelling house, basement, subbasement, or cellar.

SECTION THIRTY. Title 10, Chapter 36 of the Clark County Code is hereby amended to add the following:

10.36.050 Owner Responsibility for Animal Attacks

(a) An owner or keeper of an animal commits a violation of the Code if that animal attacks and injures a person who did not provoke the animal prior to the attack if the owner or keeper failed to exercise reasonable care

(b) It shall be a defense to prosecution under this section if:

(1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered or reached into the enclosure without invitation; or

(2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(c) Violations of any provision of this section shall be punishable as provided in Title 1.14 of this Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00).

SECTION THIRTY-ONE. Title 10, Chapter 40, Section 10.40.040 of the Clark County Code is hereby amended as follows:

10.40.040 Violation—Penalty.

(a) It shall be unlawful for [A]any person owning, possessing or having the care, custody and control of an animal[~~, who~~] to willfully refuse[s], fail[s] or neglect[s] to:

(1) Furnish to the animal control officer or director of the department of business license the required information as provided herein;

(2) Provide proof of rabies vaccination, sterilization, or microchipping; or

~~[(2) Cause the animals to be registered and pay the registration fee at the time and in the manner herein provided; or]~~

(3) Perform any act or pay any other fee or charge required by this title to be performed or paid~~;~~and].

(b) It shall be unlawful for any person knowingly to make, convey, or cause to be imparted or conveyed, false statements in applications or to furnish, present or exhibit any fictitious or false documentation pursuant to this chapter.

~~(b)~~ (c) Any person who violates any of the provisions of this Title 10 shall, unless another penalty is otherwise provided for, be deemed guilty of a misdemeanor and may be fined or imprisoned as provided by law. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(d) Administrative citation fines collected for Title 10 violations shall be held by the county in a special fund for the purpose of providing services/programs to reduce overpopulation of animals in the community and shelter, including but not limited to, sterilization, microchipping and microchip scanning equipment.

SECTION THIRTY-TWO. If any provision, section, paragraph, sentence, clause, or phrase of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any

court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of the remaining part of this ordinance. It is the intent of the County Commission in adopting this ordinance that no portion or provision thereof shall become inoperative or fail by reason of any invalidity or unconstitutionality of any other portion or provision, and to this end all provisions of this ordinance are declared to be severable.

SECTION THIRTY-THREE. 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 THIRTY-FOUR. 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, except for Section Thirteen, amending 10.08.070, which shall take effect and be in force from six (6) months after its passage and Section Twenty-Three, adding 10.30.190, which shall take effect and be in force from eighteen (18) months after its passage.

PROPOSED on the ____ day of _____, 2024.

PROPOSED BY: Commissioner _____

PASSED on the ____ day of _____ 2024.

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

BY: _____
TICK SEGERBLOM, CHAIR

ATTEST:

LYNN MARIE GOYA, County Clerk

This ordinance shall be in force and effect from and after
the _____ day of _____ 2024.