

9. Introduction of Bill No 2014, an ordinance of the City of Boulder City Nevada amending Title 7, Police Regulations, Chapter 3, Animal Control to create a breeders' permit, pet fancier/foster permit, enact a civil process of enforcement, and clarify provisions, and Title 4, Business Regulations, Chapter 1, Business Licenses, Section 22, License Classifications and Fees to create a breeders' permit business license classification



# City Council Meeting March 12, 2024

## Item No.

## Staff Report

**BOULDER CITY  
CITY COUNCIL**

**MAYOR**  
JOE HARDY

**COUNCIL MEMBERS:**  
COKIE BOOTH  
MATT FOX  
SHERRI JORGENSEN  
STEVE WALTON



**MEETING LOCATION:**  
CITY COUNCIL CHAMBER  
401 CALIFORNIA AVENUE  
BOULDER CITY, NV 89005

**MAILING ADDRESS:**  
401 CALIFORNIA AVENUE  
BOULDER CITY, NV 89005

**WEBPAGE:**  
WWW.BCNV.ORG



**CITY MANAGER:**  
TAYLOUR TEDDER, ICMA-CM, CECD

**CITY ATTORNEY:**  
BRITTANY LEE WALKER, ESQ

**CITY CLERK:**  
TAMI MCKAY, MMC, CPO

**ADMINISTRATIVE SERVICES DIRECTOR:**  
BRYCE BOLDT

**COMMUNITY DEVELOPMENT DIRECTOR:**  
MICHAEL MAYS, AICP

**PUBLIC WORKS DIRECTOR:**  
JAMIE CURRERI

**UTILITIES DIRECTOR:**  
JOSEPH STUBITZ, P.E.

**POLICE CHIEF:**  
TIM SHEA

**FIRE CHIEF:**  
WILLIAM GRAY, CFO

**FINANCE DIRECTOR:**  
CYNTHIA SNEED, CPA, CGFM

**PARKS & RECREATION DIRECTOR:**  
JULIE CALLOWAY, CPRP

**TO:** Mayor and City Council

**FROM:** Brittany Walker, City Attorney

**DATE:** February 13, 2024

### SUBJECT:

Introduction of Bill No 2014, an ordinance of the City of Boulder City, Nevada, amending Title 7, Police Regulations, Chapter 3, Animal Control to create a breeders' permit, pet fancier/foster permit, enact a civil process of enforcement, and clarify provisions, and Title 4, Business Regulations, Chapter 1, Business Licenses, Section 22, License Classifications and Fees to create a breeders' permit business license classification

Business Impact Statement:  
Attached.

### Action Requested:

That a Council member introduce the bill and waive the reading except for title.

### Overview:

- Boulder City Municipal Code Section 7-3-3(H) generally requires all pet animals to be spayed or neutered.
- However, there is an exception if a person holds "a valid breeder's permit issued in the State of Nevada". BC Code Section 7-3-3(H)(3)(c).
- NRS 574.353 requires the City of Boulder City to adopt an ordinance to regulate animal breeding.
- Currently, the Boulder City Municipal Code does not address when or how a breeder's permit may be issued.
- On June 27, 2023, the City Council directed the City of Boulder City staff to research breeding licenses, fancier and foster permits and review the current ordinance as a whole regarding the keeping of animals.
- This bill seeks to clarify the Code and provide for the qualifications

needed for a breeder's permit to ensure the responsible breeding of pets, if it is to be allowed in Boulder City.

- Additionally, there are other changes to the Code necessary to allow for fancier and foster permits to address surplus animals, and clarify other various provisions.

#### Background Information:

Boulder City Municipal Code Section 7-3-3(H) generally requires all pet animals to be spayed or neutered. However, there is an exception if a person holds "a valid breeder's permit issued in the State of Nevada". BC Code Section 7-3-3(H)(3)(c). NRS 574.353 requires the City of Boulder City to adopt an ordinance to regulate animal breeding.

Animal breeding is a controversial industry as there are many circumstances in which animals are not properly cared for in the breeding process. Additionally, there is a surplus of animals in the areas that are already in need of loving homes.

The Boulder City Municipal Code does not address when or how a breeder's permit may be issued. City Council direction is needed to determine whether breeding should be allowed. And, if so, how it should be regulated.

Additionally, the City recommends the addition of a fancier/foster permit which would allow pet owners to keep animals above the ordinance limits under certain circumstances.

This bill will create a breeder's permit to put in place the terms and conditions for breeding dogs and cats in Boulder City. Under the proposed language, a person may breed up to 3 dogs or cats in total under the following circumstances:

- The person lawfully occupies a space in a clean, healthy, safe environment with adequate feed, water, and shelter that is properly heated or cooled that provides of no less than 40 sq. ft of indoor space dedicated to the dog or cat being bred, and 1,000 sq. ft. of quality outdoor space which is adequately shaded.
- The person passes an inspection to show that the person meets the qualifications above.

Additionally, each dog or cat being bred must be at least 2 years of age and may only have one litter every 2 years, each puppy or kitten born may not be sold until they are eight weeks of age, must be current on rabies vaccinations, and have a current microchip registered with the City.

This bill will also create a pet fancier/foster permit to allow those with appropriate living conditions to care for more than the maximum amount of pets allowed per household, up to 8 animals.

The bill also makes minor non-substantive changes to clarify the existing animal control ordinance.

Financial:

This bill will generate revenue from new annual permit fees that will in turn pay for staff time.

Boulder City Strategic Plan Goal:

Goal E: Sustain a High Level of Public Safety Services

Department Recommendation: That a Council member Introduce Bill No. 2014 and waive the reading except for title.

Attachment:

Bill

Exhibit A to Bill

Exhibit B to Bill

Business impact statement

Proposed Fee Schedule

Proposed Fine Schedule

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

AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA AMENDING TITLE 7, POLICE REGULATIONS, CHAPTER 3, ANIMAL CONTROL TO CREATE A BREEDERS' PERMIT, PET FANCIER/FOSTER PERMIT, ENACT A CIVIL PROCESS OF ENFORCEMENT, AND CLARIFY PROVISIONS, AND UPDATE TITLE 4, BUSINESS REGULATIONS, CHAPTER 1, BUSINESS LICENSES, SECTION 22, LICENSE CLASSIFICATIONS AND FEES TO CREATE A BREEDERS' PERMIT BUSINESS LICENSE CLASSIFICATION

THE CITY COUNCIL OF BOULDER CITY DO ORDAIN:

Section 1. Boulder City, Nevada, does by this Ordinance hereby amend Boulder City Municipal Code, Title 7, Police Regulations, Chapter 3, Animal Control to create a breeders' permit, pet fancier/foster permit, enact a civil process of enforcement, and clarify provisions as shown on **Exhibit A.**

Section 2. Boulder City, Nevada, does by this Ordinance hereby amend Boulder City Municipal Code, Title 4, Business Regulations, Chapter 1, Business Licenses, Section 22, License Classifications And Fees to create a breeders' permit business license classification as shown on **Exhibit B.**

Section 3. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 4. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on \_\_\_\_\_ in the Las Vegas Review Journal, a daily newspaper published in Las Vegas, Nevada.

Section 5. EFFECTIVE. This Ordinance shall become effective the \_\_\_\_ day of \_\_\_\_\_, 2024.

DATED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_  
Joe Hardy, Mayor

Bill No. XXXX  
Introduced by: \_\_\_\_\_

Tami McKay, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 12<sup>th</sup> of March, 2024, which was a regular meeting; thereafter, on the 26<sup>th</sup> of March, 2024, a regular meeting was held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: \_\_\_\_\_

VOTING NAY: \_\_\_\_\_

ABSENT: \_\_\_\_\_

DATED and APPROVED this \_\_\_ day of \_\_\_\_\_, 2024.

ATTEST:

\_\_\_\_\_

Tami McKay, City Clerk

\_\_\_\_\_

Joe Hardy, Mayor

## **Chapter 3 ANIMAL CONTROL**

### **7-3-1. TITLE.**

This Chapter shall be known as *THE ANIMAL WELFARE AND CONTROL ORDINANCE*.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-2. DEFINITIONS.**

All terms used in this Chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of this Code, but the following terms also have the specific meanings stated as follows:

**ADEQUATE:** Sufficient for a specific requirement and/or lawfully and reasonably sufficient.

**ADEQUATE FEED:** The provision at suitable intervals, but in no event less than once every twenty four (24) hours, or a quantity of wholesome foodstuff suitable for the animal's physical condition and age, sufficient to maintain an adequate level of nutrition in the animal, such foodstuff to be served in a clean receptacle, dish or container.

**ADEQUATE WATER:** The access to a sufficient supply of clean, fresh, potable water provided at suitable intervals for the animal's physical needs and the climatic conditions.

**ANIMAL:** All male and female living beings, except members of the human race, characterized by having sensation and voluntary motion, including, but not limited to, all domesticated, tame and/or wild mammals, livestock or raptors. Except that with regard to the portions of this Chapter pertaining to the protection and welfare of animals and the public, the term "animal" shall not include pests, invertebrates or cold-blooded vertebrates, as defined in Nevada Revised Statutes section 555.005.

**ANIMAL CONTROL OFFICER:** Any person or persons appointed by the City Manager to perform the applicable functions specified herein.

**AT LARGE:** The applicable animal is not physically restrained by a rein, lead or leash, and not confined in a building or in a cage, coop, pen or other adequately fenced enclosure. An animal shall not be considered "at large" while under the direct supervision and control of an owner or trainer who is giving auditory and/or visual commands to such animal; provided, that such animal is obeying such commands or not in any way violating the provisions of this Chapter.

**BITE:** A puncture, bruise, abrasion or tear of skin inflicted by the teeth of an animal.

**BREEDER: A person who breeds animals.**

**CAT:** Any member of the biological species *Felis catus* or *Felis domestica*, commonly known as the domestic cat, or whatever breed or mixture of breeds.

**CITY LICENSE OFFICER:** Any person or persons appointed by the City Manager to perform the applicable functions specified herein.

**CITY POUND:** The Boulder City animal control shelter or such other shelter as the City Council may by resolution designate from time to time as a place to receive and confine animals.

**CONFINED:** Means a condition whereby an animal is restricted to the property of the owner and/or caretaker by enclosed lot, leash, cord or chain of suitable length for the type of animal, as determined by the animal control authority from specifications furnished to him/her by the Clark County Veterinary Medical Association, and so

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placed that the animal has free access to feed, water and shelter, and further, so affixed as to preclude the animal becoming entangled on any obstruction; and the cage, coop, stable, leash, cord, chain or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the animal control authority from specifications furnished to him/her by the Clark County Veterinary Medical Association to allow the animal comfort and safety.

**CUSTODIAN:** One entrusted with guarding and keeping property, such as animals, or records.

**DOG:** Any member of the biological species *Canis familiaris*, commonly known as the domestic dog, of whatever breed or mixture of breeds.

**ENCLOSE:** To hold in.

**FERAL:** Any wild animal, not domesticated, cultivated or tame.

**FERAL FELINE OR CANINE:** Any member of the domestic feline or canine species, which have either reverted back to a wild state of survival, or have been born to an unowned, nondomesticated feline or canine in such a state.

**FOWL:** Any edible bird.

**HEALTH OFFICER:** Any Clark County health officer assigned to duty with the City, or any person or persons appointed by the City Manager to perform the applicable functions specified herein.

**HUMANE MANNER:** Treating animals firmly but with kindness, tenderness and compassion, and furnishing to animals necessary facilities, supplies and amenities such as wholesome food, potable water, and shelter which is adequately shaded, ventilated, cleaned, and properly heated or cooled. Destroying an animal in a humane manner shall mean bringing about the death of such animal by the injection of sodium pentobarbital (or by the administration of carbon dioxide or chloroform on recently born puppies or kittens whose eyes are not yet open). Destroying an animal by the use of a firearm or other weapon may be considered humane only if done properly, within legal boundaries and instantaneous death of the animal results.

**IMPOUND:** The act of taking or receiving into custody by any animal control, police or peace officer any animal for the purposes of confinement in an animal shelter consistent with the provisions of this Chapter.

**INHUMANE MANNER:** Any treatment of animals which is not done in a "humane manner", as defined herein.

**LIVESTOCK:** All members of the bovine, equine, porcine, with the sole exception of the miniature pot belly pig, all poultry or domesticated fowl or birds. (Nevada Revised Statutes section 561.025)

**OWNER:** Any person having a property interest in or custody of an applicable animal or who keeps or harbors such animal or who knowingly permits or allows such animal to remain on or about any premises occupied by such person. With respect to an animal owned wholly or partly by a person of minor age, the term "owner" shall include the parents or guardians of such minor person.

**RABIES QUARANTINE AREA:** Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

**SHELTER:** Protection from the elements as hereinafter provided.

**STRAY ANIMAL:** Any animal of which the ownership is unknown.

**SUFFICIENT:** Enough to meet the needs of a situation or a proposed end as may be determined by the Animal Control Officer.

**TORTURE OR CRUELTY:** Every act of omission or commission whereby unjustifiable physical pain, suffering or death is caused or permitted.

**VETERINARIAN:** Any person licensed to practice veterinary medicine in this State or in any sister state in which vaccination or treatment of an applicable animal took place.

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VICIOUS OR DANGEROUS ANIMAL: These terms, or any combination of such terms, shall mean any animal which unprovokedly bites any human being or animal, or in a terrorizing manner approaches any person in an apparent attitude of attack.

WILD ANIMAL: Wild animal means any animal found naturally in an undomesticated state, whether indigenous to this State, County, continent or not. Wild animal includes, but is not limited to: badger, bobcat, coyote, wolf, kit fox, fox, mink, big horn sheep, mountain lion, panther, raccoon, skunk, weasel, ferret, opossum, ocelot, jaguar, jagurondi, lynx, wolverine, squirrel, chipmunk, all nonhuman primates, tiger, boar, javelina, coatimundi, muskrat, prairie dog, deer, elk, armadillo, kangaroo, wallaby, pachyderm, llamas, ostrich, raptor, anaconda, cobra, coral snake, all pit-vipers.

WILD STATE: Living in a state of nature not ordinarily tame or domesticated or amenable to control or restraint.  
(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-3. KEEPING OF ANIMALS.**

[A. Business Involving Animals. Businesses involving the keeping, breeding, treating, grooming and/or boarding of animals are governed by the provisions of Title 4 and Title 11 of this Code, and by the applicable State statutes and County ordinances pertaining to animals.]

**A. Animal License Required. Every owner having within the City any dog, cat or miniature pot belly pig over the age of four (4) months shall, within thirty (30) days after such animal attains the age of four (4) months or within thirty (30) days after first bringing such animal into the City, whichever date is later, obtain for such animal and thereafter continuously maintain a current and valid animal license issued by the City as provided herein.**

**1. Renewal.** Each animal license issued by the City shall be valid for up to three (3) years. The fee for each animal license shall be determined by the City Council as provided in Section 7-3-15 of this Chapter.

**2. Attaching License To Animal.** The owner of any licensed animal shall obtain and maintain for such animal a collar or harness (or, for use on a cat or ferret only, a breakaway collar) on which shall be securely fastened the vaccination tag specified in subsection C(1)(c) of this Section and the license tag specified in subsection A(3) of this Section. Such collar or harness (or breakaway collar) shall be worn by such animal at all times when not confined on the premises of its owner; provided, however, that if such animal cat has the number of its license prominently and indelibly marked or tattooed on its groin, ear or other easily detectable body part, then the wearing of such collar or harness (or breakaway collar) shall not be so required. It shall be unlawful for any person to remove any license tag issued under the provisions of this Section from any animal not owned by him or not lawfully in his possession or under his control, or for any person to place on any animal, or to permit any animal in his control or possession to wear, any license tag not issued or provided in this Section for that particular animal, or to have in possession or to make or to place on such animal or to have in possession any animal wearing any counterfeit or imitation of any license tag provided for in this Section.

**3. Receipts And Tags.** The License Officer shall deliver to each person obtaining an animal license a receipt showing the amount paid, the date of payment, and the number of the animal tag, and he or she shall furnish to the owner a numbered license tag of durable material. If the animal license tag is subsequently lost or destroyed, the owner of the applicable animal shall apply for a replacement animal license within thirty (30) days, with the fee for such replacement license to be the same as for an original license.

**4. Registration.** The City shall keep a register of all licenses issued, showing the name and address of the licensee, date of rabies vaccination expiration, and the number of the tag. The City shall also maintain

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**an alphabetical file of the license certificates, with attached rabies vaccination certificate, by the name of the licensee.**

- B. *Keeping Of **Service** Animals.* In all land use zones of the City, "guide dogs" or "hearing dogs" are allowed to be kept and used by "blind persons" or "deaf persons", respectively, as such quoted terms are defined in Nevada Revised Statutes sections 426.041, 426.055, 426.075 and 426.081, subject to all other provisions of this Code. A permitted incidental use in all land use zones of the City is the keeping of adult animals not exceeding an aggregate of three (3) such animals, plus any number of offspring under the age of six (6) months who are the progeny of such permitted adult animals, anything in Title 11 of this Code to the contrary notwithstanding.
- C. *Rabies Vaccination Of Dog, Cat, Ferret, Wolf-Hybrid, Miniature Pot Belly Pig And Livestock When Applicable Under The Rabies Control Authority.*
1. *Rabies Vaccination Required For Dog, Cat, Miniature Pot Belly Pig And All Livestock When Applicable.* Every owner having a dog, cat, miniature pot belly pig and all livestock, when applicable, in the City limits, shall cause such animals to be initially vaccinated with rabies vaccine within a period of thirty (30) days from the date such dog or cat attains the age of four (4) months, or otherwise determined by a licensed veterinarian for the rabies vaccine to be administered, or from the date such animal is first acquired, kept or harbored within the City limits, whichever date is later, provided, however, that:
    - a. *Exception; Previous Vaccination.* This initial vaccination requirement shall not apply to any such animal as described in subsection C(1) of this Section, which has previously received, and can show proof of, such rabies vaccination within one year preceding such date, from a licensed veterinarian in the State or any sister state.
    - b. *Revaccination.* Every owner having any such animal as described in subsection C(1) of this Section, in the City limits which has been vaccinated with a rabies vaccine shall cause such animal to be revaccinated within such a period of time to be determined by a licensed veterinarian and the expiration date of rabies vaccine used, and/or the State rabies control authority.
    - c. *Rabies Vaccination Certificate.* Every veterinarian who vaccinates a dog, cat, miniature pot belly pig or applicable livestock with a rabies vaccine shall issue to the owner or custodian of any such animal (with the exception of livestock), a durable tag, evidencing such vaccination, to be attached to the collar or harness of such animal and such veterinarian shall also issue to such owner or custodian a signed certificate, in duplicate, stating therein the name and description of any such animal, the date of vaccination, expiration date of immunity, and the type of vaccine used. No vaccine shall be used unless it is designated by its manufacturer to be effective for its purpose, pertaining to such animal, and to be administered only by a licensed veterinarian.
    - d. *Rabies Vaccination Certificate Required For Dog, Cat, Miniature Pot Belly Pig Licensing.* Every person applying for a City animal license must exhibit a certificate signed by a veterinarian licensed to practice in the State or any sister state, which certificate must show that such animal for which the license is sought has been vaccinated in accordance with the requirements of this subsection. No license for such animal shall be issued until such certificate is so exhibited and a copy thereof has been furnished to the License Officer.

**D. Pet Fancier/Foster Permit.**

1. **A pet fancier or pet foster owner may own, keep or possess on his or her property not more than eight (8) spayed or neutered dogs over one year of age or eight (8) spayed or neutered cats over eight (8) months of age, or any combination thereof if the combined number of**

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**animals does not exceed eight, provided that the pet fancier has obtained from the Animal Control Officer a pet fancier/foster permit.**

**2. The pet fancier/foster permit is valid for one (1) year and must be renewed annually.**

**3. The Animal Control Officer shall issue the pet fancier/foster permit only after inspecting the applicant's property and determining that the dogs or cats, or both, will be safely confined in a completely enclosed building, residence or enclosed lot and do not pose a nuisance to the public.**

**4. Each cat or dog must have a registered microchip identification device and be up-to-date on rabies vaccination.**

**5. A fancier/foster permit shall not be issued to, and shall be revoked from, a person who keeps an animal that has been declared dangerous.**

**6. A fancier/foster permit shall not be issued to, and shall be revoked from, a person who violates the provisions of this Chapter **related to public safety or animal welfare.****

*[D. Animal License Required.]*

*1. Required.* Every owner having within the City any dog, cat or miniature pot belly pig over the age of four (4) months shall, within thirty (30) days after such animal attains the age of four (4) months or within thirty (30) days after first bringing such animal into the City, whichever date is later, obtain for such animal and thereafter continuously maintain a current and valid animal license issued by the City as provided herein.

*2. Renewal.* Each animal license issued by the City shall be annual from January 1 through December 31 of the then-current calendar year, but shall be considered valid for an additional period of thirty (30) days if a renewal license for the ensuing year is obtained within such additional period. All such animal licenses shall be issued for calendar years only, and no fractional-year term will be considered. The fee for each animal license shall be determined by the City Council as provided in [Section 7-3-10](#) of this Chapter.

*3. Attaching License To Animal.* The owner of any licensed animal shall obtain and maintain for such animal a collar or harness (or, for use on a cat or ferret only, a breakaway collar) on which shall be securely fastened the vaccination tag specified in subsection C1c of this Section and the license tag specified in subsection D4 of this Section. Such collar or harness (or breakaway collar) shall be worn by such animal at all times when not confined on the premises of its owner; provided, however, that if such animal cat has the number of its license prominently and indelibly marked or tattooed on its groin, ear or other easily detectable body part, then the wearing of such collar or harness (or breakaway collar) shall not be so required. It shall be unlawful for any person to remove any license tag issued under the provisions of this Section from any animal not owned by him or not lawfully in his possession or under his control, or for any person to place on any animal, or to permit any animal in his control or possession to wear, any license tag not issued or provided in this Section for that particular animal, or to have in possession or to make or to place on such animal or to have in possession any animal wearing any counterfeit or imitation of any license tag provided for in this Section.

*4. Receipts And Tags.* The License Officer shall deliver to each person obtaining an animal license a receipt showing the amount paid, the date of payment, and the number of the animal tag, and he shall furnish to the owner a numbered license tag of durable material. If the animal license tag is subsequently lost or destroyed, the owner of the applicable animal shall apply for a replacement animal license within thirty (30) days, with the fee for such replacement license to be the same as for an original license.

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5. *Registration.* The City shall keep a register of all licenses issued, showing the name and address of the licensee, date of rabies vaccination expiration, and the number of the tag. The City shall also maintain an alphabetical file of the license certificates, with attached rabies vaccination certificate, by the name of the licensee.]

#### **7-3-4. BUSINESS INVOLVING ANIMALS.**

**A. *Business Involving Animals.* Businesses involving the keeping, breeding, treating, grooming and/or boarding of animals are governed by the provisions of Title 4 and Title 11 of this Code, and by the applicable State statutes pertaining to animals.**

**B. *Breeder's permit***

**1. A person who wishes to breed a dog or cat may be issued a breeder's permit under the following circumstances:**

**a. The person lawfully occupies a space in a clean, healthy, safe environment with adequate feed, water, and shelter that is properly heated or cooled that provides of no less than 40 square feet of indoor space dedicated to the dog or cat being bred, and 1,000 square feet of quality outdoor space which is adequately shaded;**

**b. The person consents to an inspection by the Animal Control officer of the premises to determine its compliance with subsection a above; and**

**c. The person has no previous violations of the provisions of this title.**

**2. A person who holds a valid breeder's permit issued by the City of Boulder City, may keep and maintain not more than three (3) dogs or cats, total, intact that are one (1) year of age or older provided that, the person complies with the following conditions:**

**a. Each dog or cat being bred must be of a breed that is accepted by a nationally recognized animal club (e.g. American Kennel Club);**

**b. Each dog or cat must have a registered microchip identification device and be up-to-date on rabies vaccination;**

**c. A dog or cat may not be bred until it is at least two years of age or older and may only have one litter every two years.**

**d. No dog or cat shall be sold or gifted until it is eight weeks of age; and**

**e. A written sales contract shall be provided to the purchaser or recipient that requires the purchaser or recipient to have a microchip identification device implanted, and registered with the City, and keep the dog or cat current on rabies vaccinations.**

**3. No person may place an advertisement to sell or offer for sale a dog or cat without the current breeder's permit number being displayed in all advertising and appearing on the receipt of the animal at the time of sale.**

**4. A breeder's permit issued pursuant to this Chapter is valid for a period of one year, and must be renewed at least annually upon completion of a satisfactory inspection of the breeder's premises.**

**5. A breeder's permit shall not be issued to, or shall be revoked from, a person who keeps an animal that has been declared dangerous or a person who violates the provisions of this title related to public safety or animal welfare.**

**6. All animals covered by an expired breeder's permit must be spayed or neutered within thirty (30) days of the permit expiration date.**

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**C. It is unlawful for any person to breed an animal without a valid breeder's permit.**

**7-3-5. [E.] DANGEROUS OR VICIOUS ANIMALS.**

**A[1].** *General.* It shall be a **misdemeanor** [~~unlawful~~] for any person to have, house, shelter, quarter, own or in any other way have under his control or custody a vicious, dangerous or ferocious animal within the City limits, whether such vicious, dangerous or ferocious animal be allowed to run at large within the City, or confined on private property, except as provided in subsections [E]4 and [E]7 of this Section.

**B[2].** *Dangerous Or Vicious Animal, Unlawful Acts; Penalties.*

**1[a].** As used in this subsection, a dog is:

**a. [(1)]** Dangerous if:

**(1[A])** It is so declared pursuant to this subsection; or

**(2[B])** Without provocation [~~on two (2) separate occasions, within eighteen (18) months,~~] it behaves menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:

- i. Off the premises of its owner or keeper; or
- ii. Not confined in a cage, pen or vehicle.

**b. [(2)]** Provoked when it is tormented or subjected to pain.

**c. [(3)]** Vicious if:

**(1[A])** Without being provoked it kills or inflicts substantial bodily harm upon a human being **or another animal**; or

**(2[B])** After its owner or keeper has been notified by a law enforcement agency that it is dangerous, it continues the behavior described in subsection ~~E2a(3)(A)~~ **B(1)(c)(1)** of this Section.

**2[b].** A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.

**3[e].** A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

**4[d].** A person who knowingly:

**(a[1])** Owns or keeps a vicious dog, for more than seven (7) days after he has actual notice that the dog is vicious; or

**(b[2])** Transfers ownership of a vicious dog after he has actual notice that the dog is vicious, is guilty of a misdemeanor.

**5[e].** In lieu of, or in addition to, a penalty provided in this Section, an order may be issued by the Municipal Judge for the vicious dog to be humanely destroyed.

**6[f].** This Section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.

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- C[3].** *Allowing Dangerous Or Vicious Animals To Escape Or Run At Large.* Dangerous or vicious animals may be killed. Financial liability falls on the person(s) having care or custody of animals which bother, injure or kill animals belonging to another person.
- D[4].** *Muzzle.* Any vicious or dangerous animal leaving the private property or confines of the owner or person in charge of the animal shall be securely muzzled with a muzzle of such design and material as may be necessary to prevent such animal from biting any human or any other animal.
- E[5].** *Parades.* It shall be unlawful to permit any dangerous or vicious animal to be in exhibitions or parades in the City, except as provided in Section 7-3-~~[6]~~**11** of this Chapter.
- F[6].** *Exception.* An exception to subsection [E]**1** of this Section is herein provided for animals confined to private property and under the direct control of the owner of the ~~said~~ animal. Any animal which is known to have vicious or dangerous propensities may be kept and housed within the City, provided the following conditions are met:
- 1[a].** The private property must be adequately and properly posted with conspicuous warning signs, with identification of the owner (and trainer, if applicable) and the telephone numbers where emergency calls can be made to persons able to control such animal.
- 2[b].** The animal shall be kept, confined or housed within an enclosure:
- (a[1])** That is adequate to ensure the animal's retention and of a size sufficient to permit the animal to stand upright and to exercise reasonably; and
- (b[2])** That is high enough so that the animal cannot bite or harm anyone by overreaching the top of the fence or other enclosure.
- G[7].** *Bites Or Injuries.* The exception provided for in subsection [E]**4** of this Section shall not apply when any person is on the private property of another who has chosen to own, maintain or house a vicious or dangerous animal and said animal bites or injures in any way the said person, whether a guest, invitee or licensee, whenever such person is lawfully on the property of the owner or person in control of the animal. Keeping, harboring or maintaining any animal which bites or injures any human being as stated in this subsection shall be prima facie evidence of violation of subsection [E]**1** of this Section.
- H[8].** *Destruction Authorized.* The members of the Police Department and the Animal Control Officer are authorized to destroy any dangerous or vicious animal in a humane manner when it is necessary for the protection of any person's life or safety.
- I[9].** *Exceptions For Police Dogs.* **This section is not applicable to** ~~The foregoing subsections E2, E3 and E5 shall not apply to~~ trained attack or patrol dogs owned by the City and on duty with and under the control of the Police Department while such dogs and their assigned handlers or trainers are in the performance of their official duties.

### **7-3-6. [F] ANIMALS RUNNING AT LARGE.**

- [1].** **A.** *Animals Running At Large.* It is unlawful for any person having charge, custody or control of any "animal", as previously defined in Section 7-3-2 of this Chapter, to actively encourage or wilfully permit or negligently allow any such animal to run at large or trespass on any private premises of another, or to be on any public highway, street, sidewalk, alley, court, public ground or unfenced or otherwise unenclosed lot, or not within a sufficient, confined enclosure within the City limits; provided, however, that all equine animals are harnessed or saddled and bridled, or haltered, or dogs, cats or miniature pot belly pigs are led by an adequate and sufficient leash, lead, rope or chain and wearing rabies and animal licenses issued by the License Officer in conformity with the provisions of this Chapter and in the actual custody and control of a person capable of adequately restraining such animal, are excepted from the operation of this Section.

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- [2.] **B. *Animals.*** No animal ~~all be~~ **is** permitted upon the public streets or public property or off the premises of the owner unless such animal under the reasonable control of the owner or unless such animal is confined in the process of being transported.
1. ~~[a.]~~ Any animal shall be deemed to be under reasonable control when such a animal is on the premises of its owner or custodian of such animal, premises being construed not to include the parkway and sidewalk in front of the owner's or custodian's premises. An animal at large shall be deemed to be not under reasonable control.
  2. ~~[b.]~~ An animal shall be deemed not to be under reasonable control when such an animal commits damage to the person or property of anyone other than the owner or custodian, except in defense of the owner, custodian, his family or property.
  3. ~~[c.]~~ All animals injured or killed in the street shall be considered as running at large and the Animal Control Officer shall remove all said animals and, at his discretion, take those needing medical attention to a veterinarian or to the City animal shelter. The owners of such animals shall be liable for all expense of such veterinary treatment and of the impoundment or disposal.

### 7-3-7 [G] IMPOUNDING ANIMALS.

- [1.] **A. *Running At Large Or Other Violation.*** Any animals found running at large or without a numbered license tag or other identification, branded or tattooed on such animal, or **being held or bred** in violation of any provision of this Chapter, and any animal which has been reported to the Police Department or to the Animal Control Officer as being abandoned or unclaimed, may be impounded at the City animal shelter by the Animal Control Officer and, upon such impoundment, shall be kept there for a period of not less than five (5) days (or 10 days in the case of obviously licensed or otherwise marked animals exclusive of the day of impoundment, unless released earlier as provided herein). If any animal running at large, with or without a numbered license tag, tattoo or other means of marked identification, cannot be captured but can be identified, the Animal Control Officer may issue a citation to the owner of such animal dog for violating this subsection and/or subsection [F]7-3-6 of this Section.
- [2.] **B. *Quarantine Of Animal Which Has Bitten Person.*** Any animal which has bitten a person shall be quarantined for a period of ten (10) days or pursuant to State rabies control authority requirements.
  1. ~~[a.]~~ The owner shall have the option of quarantine at home for the required time if there is a current rabies vaccination certificate at the time of the bite and if this is the first incident of biting, or if the animal can be satisfactorily contained.
  2. ~~[b.]~~ If there is no current rabies vaccination certificate at the time of the bite, or if this is not the first incident of biting, the animal shall be quarantined at the City pound or placed under the supervision of a licensed veterinarian for observation, at the expense of the owner of such animal.
- [3.] **C. *Conditions For Release of Impounded Animal.*** If the ownership of the animal is proven and the owner calls for it within the impoundment period, he shall be able to remove it upon performance of the conditions listed herein. No adult animal so impounded shall be released to any person except where the following conditions have been performed:
  1. ~~[a.]~~ ***Presenting A Current License.*** A current license shall be presented for such animal issued by the License Officer, or if the person keeping, harboring or having such animal is not a resident of the City, such nonresident person shall present a current license for such animal issued by any other municipality or county if issued by the municipality of residence of such owner.
    - a. ~~[(1)]~~ If such adult animal was licensed and the collar bearing the license number is lost or the license tag is lost, the owner shall obtain a replacement of such at the expense of the owner.

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**b.** ~~[(2)]~~ If no valid license had been issued for such adult animal for the then current year, and the claiming owner of such animal is a resident of the City, the Animal Control Officer shall issue a citation to such owner for violation of ~~[subsection D of this]~~ Section **7-3-3(A)**.

**2.** ~~[b.]~~ *Proof Of Vaccination.* Proof must be shown to the satisfaction of the Animal Control Officer that such animal has been vaccinated with rabies vaccine within the time periods and according to the requirements prescribed in this Chapter.

**a.** ~~[(4)]~~ If the Animal Control Officer suspects that any animal so impounded may have been exposed to rabies, he shall hold such animal for inspection by the health officer or a veterinarian. If it is determined that such animal does not have or is not reasonably believed to have rabies, the animal shall be released in accordance with the provisions of this Chapter. In the event it is determined that such animal is afflicted with rabies, it shall be disposed of or confined for such time as is stipulated by this Chapter and/or the State rabies control authority.

**3.** ~~[c.]~~ *Payment Of Impounding Fees.* Payment shall be made to the Animal Control Officer for the collection and impoundment fees. In addition, the owner will be required to pay a fee per day for keep of each animal.

**4.** ~~[d.]~~ *Release Of Animal.* If all the conditions of this subsection have been satisfied, the Animal Control Officer shall release such animal to the person keeping, harboring or having such animal to the person making application for the release of such animal. Impounded animals who are not required to be licensed and vaccinated may be released to such person without compliance with the foregoing conditions, but the claiming owner will be required to pay the collection, impoundment and boarding fees.

~~[4.]~~ **D.** *Collection And Impoundment Fees.* The basic collection and impoundment fees shall be set, and revised from time to time, by resolution of the City Council as provided in Section 7-3-~~10~~**15** of this Chapter. Such basic fees shall be charged to owners of animals for the first instance of impoundment of an animal under the provisions of subsection ~~[G]1~~ of this Section. For the second instance of such impoundment of a animal owned by the same owner, whether or not concerning the same animal, the owner shall be charged collection and impoundment fees twice the amount of such basic fees. For subsequent similar instances of impoundment, the owner shall be charged collection and impoundment fees equal to such basic fees multiplied by the number of times animals owned or controlled by such owner have been impounded under the provisions of subsection ~~[G]1~~ of this Section. For the purpose of establishing the amount of such multiple fees, any impoundment occurring more than two (2) years previously shall be disregarded.

~~[5.]~~ **E.** *Disposal Of Unclaimed Animal.* If the ownership is not proven within the impoundment period specified in subsection ~~[G]1~~ of this section, then such animal shall be destroyed in a humane manner under the direction of the animal control officer; provided, however, the animal control officer may offer any unclaimed animal which he would by this chapter be authorized to destroy, for adoption to any person; provided, that the person seeking to adopt such animal shall pay the established adoption fee, if any, shall pay the basic impoundment and board fees, and shall procure for such animal the necessary collar and license. Unless the animal control officer finds evidence that the animal to be adopted has received the current rabies vaccination required by this chapter, the person seeking adoption shall be required to have the animal vaccinated accordingly. The City Council may by resolution establish, and revise from time to time, adoption fees for unclaimed animals, which adoption fees need not be uniform for such animals but may vary according to sex, age, size, appearance, disposition, obedience training, and/or apparent breed or mixture of breeds. It is the policy of the City to encourage such adoptions, and the animal control officer will make available to interested nonprofit humane societies, animal shelter organizations, animal adoption agencies and

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other similar groups, upon request of such organizations, listings of the animals currently being held in the City pound which will be available for adoption if unclaimed.

1. ~~[a.]~~ *Adoption Of Female Animals.* No female animal capable of reproduction shall be released for adoption until a certificate is presented, which will be redeemable at any veterinarian clinic specifically designated therein, to assure that said animal will be spayed. These certificates may be purchased from the License Officer.

[6.] F. *Female Animal Running At Large.* It shall be unlawful for the owner or any person having the control or possession of any female animal to knowingly allow or permit such animal to run at large during such animal's rutting or copulation season, and any female animal found running at large during such season may be impounded at the City pound and held for the duration of such season subject to the provisions herein. If such animal is not voluntarily impounded, as provided in this subsection, the collection and impoundment fees to be charged to the owner of such animal shall be twice the amount otherwise applicable ~~[under the provisions of subsection G of this section].~~

[7-] G. *Sick Or Injured Animals.* Any sick or injured animal impounded may be destroyed in a humane manner at any time after impoundment, if, in the professional judgment and with the certification of a veterinarian, inhumane suffering may be prevented thereby.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-8 MANDATORY SPAY/NEUTER OF DOGS, CAT, PET RABBITS, FERRETS AND POTBELLED PIGS.**

[1.] A. ~~[[Unlawful to Harbor.]]~~ Subject to the exceptions provided in this ~~[Section]~~ **Chapter**, it shall be unlawful **for a person** to harbor within the City of Boulder City any unspayed or unneutered dog, cat, pet rabbit, ferret or potbellied pig five months or older.

[2.] B. ~~[[Definition.]]~~ For purposes of this Section, "harbor" means legal ownership of, **or** the providing of regular care or shelter, protection, refuge, nourishment, or medical treatment **to the animal**. This shall also include the providing of routine nourishment to a stray or feral cat or dog.

[3.] C. *Exceptions.*

1. ~~[a.]~~ The spay and neuter requirements set forth in this Section 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.

2. ~~[b.]~~ The spay and neuter requirement set forth in this Section 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 in their custody and control prior to adoption or sale of such animal, unless one or more of the listed exceptions in the Section is applicable.

3. ~~[c.]~~ The spay and neuter requirement set forth in this Section shall not apply to any dogs, cats, pet rabbits, ferrets or potbellied pigs harbored by a person/organization/business holding a valid breeder's permit ~~[issued in the State of Nevada]~~ and is in possession of a valid City of Boulder City business license, **and home occupation permit, if applicable.**

4. ~~[d.]~~ The spay and neuter requirement set forth in the Section shall not apply any dog engaging in active service with any federal, state or local law enforcement agency.

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[4.] **D.** *Forfeiture.*

**1.** [a:] 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 Section **and are subject to forfeiture**, unless adopted from an animal shelter, licensed pet store or breeder 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 five (5) months, as determined by the Animal Control Officer, and "piglet" means a potbellied pig under eight (8) pounds.

**a.**[i:] 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 Section if the kitten or puppy or kit is under eight (8) 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.

[5.] **E.** *Non-spayed/Unneutered Animals Running At-Large.*

**1.** [a:] If an animal subject to the spay/neuter requirements of this Section is running at large and an Animal Control Officer determines, or has a veterinarian determine, that the animal has not been spayed or neutered in accordance with this Section;

**a.**[i:] A citation, may be issued in accordance with this chapter; and/or

**b.**[ii]. The owner may be required to have the animal spayed or neutered.

[1[:]] In such as case, the owner may elect to utilize a veterinarian of their choosing within 30 days of receiving a notice of being in violation and provide to the Boulder City Animal Control Supervisor written proof from said veterinarian that the procedure has been completed.

[6.] **F.** *Release from the City of Boulder City Animal Shelter-Neutering or Spaying.*

**1.** [a:] Before the release of any dog, cat, ferret, pet rabbit, or potbellied pig from the custody of the City of Boulder City Animal Shelter, unless an exception as outlined in this Section applies, the animal will be spayed/neutered before the animal is released.

[7.] [ *Penalty for Violations.*

a. ~~Any person violating the provisions of this Section shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or be imprisoned for not more than six (6) months in any penal facility currently authorized by the City Council for confining misdemeanants, or by both such fine and imprisonment. Each violation of any provision of this Section shall constitute a separate offense.]~~

(Ord. 1590, 6-27-2017, eff. 7-20-2017; Ord. 1591 , exh. A, 6-27-2017, eff. 7-20-2017)

### **7-3-9[4]. LIVESTOCK, FOWL AND BEES.**

A. *Keeping Of Swine.* No person shall keep any hogs or pigs on any parcel of land within the City, except for Vietnamese, Chinese or Asian miniature potbelly pigs (*Sus scrofa vittatus*) as provided in this section. The

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Vietnamese, Chinese or Asian miniature potbelly pigs (*Sus scrofa vittatus*), hereinafter referred to as "miniature potbelly pigs", shall be reclassified from the livestock designation to an exotic, nondangerous pet.

The requirements for the keeping of a miniature potbelly pig shall include applying for and being granted a permit to keep and/or harbor a miniature potbelly pig subject to the conditions set forth by this section.

1. The applicant shall pay an initial fee for an approved permit, which will be valid for one year and an annual renewal fee as set by City Council resolution.
2. Applicants shall meet the following requirements before a permit can be issued:
  - a. An on-premises investigation shall be conducted by the animal control officer to determine if the requirements of this section are met. In addition, the premises may be inspected upon each renewal;
  - b. Proof of applicant's ownership of the miniature potbelly pig shall be provided;
  - c. Verification of State requirements of "point of origin", either within the State or without will be provided;
  - d. Detailed breeder and/or seller information to include applicable licenses/permits to sell miniature potbelly pigs and registration papers certifying the pig as a "miniature potbelly pig", as defined in subsection A of this section, will be provided;
  - e. A valid dated and signed health certificate issued through veterinary inspection showing proof of pseudorabies and brucellosis testing; a valid statement of general health shall also be provided;
  - f. Applicant shall be legal owners of the property on which the animal will be housed, or shall have written permission of the legal owner. Property shall be subject to the following limitations:
    - (1) Minimum open fenced area for use by the miniature potbelly pig shall not be less than four hundred (400) square feet.
    - (2) A minimum four foot (4') high solidly constructed fence with secure gate shall be utilized for the open fenced area of the animal.
    - (3) Housing areas for the miniature potbelly pig shall be not less than twenty (20) linear feet from applicant's property line at any point and shall provide shelter, food and water facilities.
  - g. Only one miniature potbelly pig shall be allowed per residence;
  - h. The female animal must be spayed and a male animal must be neutered within not less than six (6) months of age nor more than nine (9) months of age;
  - i. The miniature potbelly pig must remain under one hundred twenty (120) pounds and under twenty four inches (24") in height, measured at the shoulders;
  - j. Applicant shall provide to animal control the following: owner's name, home phone number, work phone number, name of local veterinarian with address and phone number; the registered name of the pig. This information shall remain on file with animal control and shall be updated within five (5) working days of any changes;
  - k. Applicant shall keep all gates accessing the containment area securely locked, latched and/or padlocked;
  - l. Applicant shall provide adequate shelter, fresh food and water during all times the miniature potbelly pig is housed in an outside area;

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- m. Applicant shall provide adequate sanitation of the premises, to eliminate any noxious odors to abutting property, through daily removal of feces and washing with water any neighboring property, fences, walls or buildings urinated on by the animal.
  - 3. If applicant fails to meet any of the requirements and conditions as set forth in this section or other violations of the City animal control ordinances, they may be cited in accordance with ~~[section 7-3-13~~ ~~of]~~ this chapter, and the permit to keep said animal may be revoked.
  - 4. Miniature potbelly pigs shall be subject to rabies prevention regulations as set forth by the State Rabies Control Authority. Such regulations shall be provided to applicant and compliance will be confirmed by the animal control officer. Miniature potbelly pigs shall be subject to those regulations as set forth in subsection 7-3-9~~[7A]~~ of this chapter, when conditions warrant.
- B. *Restraining Animals.* Every person who is the owner or has the care, custody or control of any horses, colts, burros, ponies or other equine animals, or steers, goats, sheep, cows, calves or any animals of a general like character, or poultry, or rabbits or any other rodent, or any wild animal, shall keep the same upon the premises under the control of such person, restrained by a fence, cage, coop, chain, leash or other adequate means so that said animal cannot leave the premises upon which it shall be kept, except when under the direct and immediate supervision of such person.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

- C. *Keeping Of Bees.* Bees may be kept on large residential or agricultural zoned parcels provided the owner shall meet the following requirements:
- 1. Approval by appropriate State agencies shall be obtained;
  - 2. The parcel on which the bees are kept shall be at least one acre in size;
  - 3. The number of colonies or nuclei shall not exceed one per acre;
  - 4. Adequate freshwater supply shall be available for bees on the subject property at all times;
  - 5. The location of the beehives shall be not less than two hundred feet (200') from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property;
  - 6. Hives shall be removed from the parcel when no longer occupied by a colony.
- D. *Keeping Of Livestock, Fowl And Bees.* It is unlawful for any person to keep, cause to be kept, or permit to be kept any livestock, fowl, bees or other animals on-premises over which any such person may have control within the City, except as authorized herein or by title 11 of this Code.

( Ord. 1118 , 6-27-2000, eff. 7-19-2000)

### **7-3-10[5]. IMPOUNDING STRAYS.**

- A. *Impounding Of Stray Animals.* Any stray animal, running at large or which is not restrained as herein provided, and any wild animal not kept as pursuant to permit, may be impounded by the animal control officer and kept at the City pound for a period of not less than five (5) days, exclusive of the day of impoundment, within which time if the ownership of the animal is proven and the owner calls for it, he shall be able to remove such animal upon the payment of a fee as the cost of impounding, and in addition thereto, a fee for the keeping of said animal.
- B. *Disposal Of Stray Animals.* If the ownership of the stray animal is not proven within such five (5) day period, then such animal, whether domestic or wild, shall be destroyed in a humane manner under the direction of the Animal Control Officer, except as provided in this subsection. If any impounded wild animal is of a species

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protected by Federal or State laws, the Animal Control Officer shall notify the closest office of the United States Fish and Wildlife Service and/or the Nevada State Wildlife Department to arrange for the disposal of such protected wild animal. At the discretion of the Animal Control Officer, any unclaimed nonprotected stray animal which would otherwise be destroyed as authorized herein may be offered for adoption to any noncommercial zoo or zoological park, or to any animal welfare oriented group or organization referred to in subsection 7-3-~~7E~~<sup>3G5</sup> of this Chapter, or to any person nominated by such group or organization. Dogs and cats are specifically excepted from the provisions of this Section, and the provisions of Section 7-3-3 of this Chapter shall be applicable as to the impounding of dogs and cats.

- C. *Sick Or Injured Animals.* Any sick or injured animal impounded may be destroyed in a humane manner at any time after impoundment if, in the professional judgment and with the certification of a veterinarian, inhumane suffering may be prevented thereby.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-11[6]. WILD ANIMALS.**

- A. *Keeping And/or Exhibiting Wild Animals.* It is the policy of the City to discourage the keeping and/or exhibiting of wild animals. No wild animal shall be exhibited in public or kept as herein provided until the owner or person having the care, custody or control thereof shall have obtained from the Animal Control Officer a permit to do so. The Chief of Police shall not issue a permit for the keeping or exhibiting of a wild animal until he shall have caused an investigation to be made to ascertain what precautions shall be reasonably necessary to protect the public health, safety and general welfare, of both human and animal.
- B. *Permit To Keep Or Exhibit Wild Animals.* The Animal Control Officer shall require, as a condition precedent to issuing any permit to keep and/or exhibit a wild animal, that the applicant for such permit has taken reasonable precautions to protect the welfare of such wild animal and to protect the public health, welfare and safety. Each such wild animal must bear distinctive identification marks such as a tattoo, nonremovable identification tag, or unique markings, and the Animal Control Officer shall keep a record of all the permits, the marks of identification, the location of each such wild animal, and the name, address and local telephone number of the owner thereof.
- C. *Destruction Of Dangerous Or Wild Animals.* Nothing herein shall require that the Animal Control Officer impound any dangerous beast or wild animal or prevent the destruction thereof in order to protect the public health, safety or general welfare, subject to the applicable State and Federal laws pertaining to protected species.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-12[7]. RABIES PREVENTION.**

- A. *Suspicion Of Rabies.* Upon the receipt by the Animal Control Officer of any animal, if said Animal Control Officer shall have reason to believe that the same is afflicted with rabies or has been bitten by any animal afflicted or suspected of being afflicted with rabies, or has been exposed to the infection of rabies, the Animal Control Officer shall separately confine and keep so confined such animal and shall immediately notify the health officer thereof. The health officer shall thereupon make such examination of such animal as the health officer may deem necessary. If, upon such examination, the health officer shall determine that such animal is afflicted with rabies, he shall so notify the Animal Control Officer and the Animal Control Officer shall kill such animal at such time and in the manner directed by said health officer. It shall be the duty of the Animal Control Officer to keep every such animal suspected of having rabies so confined for such time as the health officer may direct, and such animal shall not be redeemed or released except upon an

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order signed by the health officer. Nothing in this Section shall be construed as permitting the redemption of any animal suspected of having or having been infected with rabies.

- B. *Impounding Or Destroying Rabid Animals.* It shall be the duty of the Animal Control Officer to impound or destroy any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, known to have rabies or known to have been bitten by any animal having rabies.
- C. *Responsibility Of Owner.* Whenever the owner or the person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he shall immediately notify the health officer or the Animal Control Officer to make an inspection or examination of such animal until it shall be established to the satisfaction of said official that such animal has or has not rabies. It shall be unlawful for the owner of any dog, cat or other animal that has bitten any person or animal or that has been exposed to another animal that is believed to have rabies to destroy such animal before it can be properly confined by the Animal Control Officer.
- D. *Bitten Animals.* Whenever any animal shall be bitten by another animal suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall immediately notify the Animal Control Officer, and thereupon, in the discretion of the Animal Control Officer, such animal so bitten may be quarantined for a period to be determined by the health officer.
- E. *Bitten Persons.* Whenever a person has been bitten by an animal suspected of having rabies, the Animal Control Officer shall have the authority to immediately impound said animal for a quarantine period to be determined by the health officer.
- F. *Powers Of Entry.* The health officer and the Animal Control Officer are hereby empowered to enter upon any private property for the purpose of ascertaining whether any animal kept or harbored therein is afflicted with rabies.
- G. *Impounding For Observation.* If it shall appear to the health officer or Animal Control Officer that an animal has rabies, he shall forthwith impound for observation such animal until released by such health officer.
- H. *Notification Of Human Contact.* When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the health officer or Animal Control Officer and advise him of any reports of human contact with said rabid animal. If any animal under quarantine dies while under observation, the Animal Control Officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Animal Control Officer shall notify the health officer of any reports of human contact with the animal.
- I. *Report Of Treatment.* Every physician or other health-care practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the Animal Control Officer, giving the names and addresses of such persons.
- J. *Veterinarian Report.* Any veterinarian who diagnoses rabies in any animal in the City shall report such fact to the Animal Control Officer. The owner of any animal shall inform the veterinarian, before any rabies inoculation is given, whether or not the subject animal is under quarantine or has inflicted a bite on any person or animal within the last ten (10) days.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-13[8]. NUISANCES.**

- A. *Noise.* It shall be unlawful for any person to keep, harbor or own any animal, which by loud or frequent habitual barking, yelping, braying or other noise causes annoyance to the neighborhood or to any persons in the vicinity.

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- B. *Excrement.* It shall be unlawful for the owner or person having custody of any animal to permit, either wilfully or through failure to exercise due care or control, any such animal to void excrement on, in or upon any sidewalk, any public street or any public park; or upon any real property under the control of or in the possession of any other person; or upon the floor of any common hall in any apartment house, tenement house, hotel or other multiple dwelling; or upon any entrance way, stairway or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building or other building used in common by the public; or upon the floor or stairway of any depot or station or public waiting room; or upon any floor, stairway, entrance way, office, lobby, foyer or patio used in common by the public; provided, however, that no citation for violation of this subsection shall be issued if the owner or custodian of such animal promptly and voluntarily removes and properly disposes of such excrement.
  - C. *Unsanitary Conditions.* It shall be unlawful for any person to keep or permit on any premises in the City owned, occupied or controlled by such person, any chicken coop, rabbit hutch, corral, yard, kennel, stable, cow shed, horse shed or horse picket line in a foul, offensive, noxious or filthy condition.
  - D. *Picketing.* It shall be unlawful for any person to picket any cow, horse or other animal upon any public or private property without the permission of the owner of such property.
  - E. *Discarding Animals.* No person shall discard, dump or otherwise abandon any animal, whether alive or dead, onto the surface of any public or private property not owned by the owner of such animal. Unless otherwise provided in this Chapter, all animals which die shall be disposed of within twenty four (24) hours from the time of death. If the Animal Control Officer is requested to dispose of any dead animal, the owner or keeper of such animal shall be charged a fee for such disposal.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-14[9]. CRUELTY TO ANIMALS.**

- A. *Fighting.* It shall be ~~unlawful~~ **a misdemeanor** for any person to keep or use, or be in any manner connected with or interested in the management of, or receive money or other things of value for the admission of any person to, a house, apartment, pit or place for the baiting and fighting of animals, and it shall be unlawful for any owner or occupant of a house, apartment, pit or place to wilfully procure or permit the same to be used or occupied for such baiting or fighting, or to instigate, promote, arrange or carry on, or to do any act as assistant, umpire, principal, spectator or otherwise, in aid of or calculated to encourage or further any fight between animals.
- B. *Cruelty.* It shall be ~~unlawful~~ **a misdemeanor** for any person to overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any animal, whether belonging to himself or to another, or deprive any animal under his control of shelter from the elements (which shelter must be of adequate size to allow the animal to stand erect with reasonable room for bodily movement and excretory functions, must have adequate ventilation, must be heated or cooled if necessary to maintain reasonable temperatures for the species of such animal, must provide a shaded area for such animal for refuge from direct rays of the sun, and must be kept reasonably clean and free from offensive odors, animal wastes, and other unwholesome or unsanitary conditions), or deprive such animal of necessary wholesome food and potable water, or to wilfully instigate, engage in, or in any way further an act of cruelty to any animal or any act tending to produce such cruelty. It shall be unlawful for any person to ride or drive a horse while such person is under the influence of any intoxicant or any controlled substance. It shall be unlawful for any person to buy, sell, trade, barter or otherwise obtain or dispose of any dog or cat, whether alive or dead, or to kill such animal, with the intent or reasonable expectation that such dog or cat will be used as a source of food for any human being or for any other animal. Nothing herein contained shall be construed to prohibit or interfere with the Animal Control Officer or the health officer in the exercise and performance of their powers and duties.

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- C. *Abandoning Injured Animals.* It shall be ~~unlawful~~ **a misdemeanor** for any person owning, possessing or having the care, custody and control of a maimed, disabled or infirm animal, to abandon the same, or leave it to die in a public street, road, alley or other public place, or upon the private property of another person.
- D. *Poisoning.* It shall be ~~unlawful~~ **a misdemeanor** for any person to unjustifiably administer any poisonous drug or substance to any animal or unjustifiably expose any such drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of himself or another; provided, that nothing herein contained shall be construed to prevent or restrict the Animal Control Officer and health officer in the exercise and performance of their powers and duties.
- E. *Endangering.* It shall be ~~unlawful~~ **a misdemeanor** for any person to wilfully throw, drop or place, or cause to be thrown, dropped or placed upon any road, highway, street, alley or public place, or upon the private property of another, any glass, nail, piece of metal or other substance or device which might wound, disable or injure any animal, or to drop, place or throw or cause to be dropped, placed or thrown any substance or device upon his own property with intent to wound, disable or injure any animal.
- F. *Transporting.* It shall be ~~unlawful~~ **a misdemeanor** for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle, device or otherwise, any animal in a cruel or inhumane manner, or so as to produce torture. For the purpose of this subsection, carrying an animal in a vehicle in such a way as to allow such animal to slide about, or to be thrown from such vehicle, due to inertia, momentum or centrifugal force, constitutes carrying in a cruel or inhumane manner. No person having control of a vehicle shall place or confine an animal or allow an animal to remain in such vehicle under such conditions or for such periods of time as may endanger the health or well-being of such animal due to heat, cold, lack of adequate air, food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- G. *Binding.* It shall be ~~unlawful~~ **a misdemeanor** for any person to lock or tie the wings of any live chicken, turkey, goose, duck or other domestic fowl for the purpose of weighing or handling or cause the same to be done.
- H. *Overcrowding.* It shall be ~~unlawful~~ **a misdemeanor** for any person to overcrowd in any crate, box or other receptacle, rabbits, domestic fowl or poultry, or fail to provide food, water, shelter or sanitation for the same.
- I. *Selling Or Giving Away Certain Animals.* It shall be unlawful for any person to give away or to sell or offer for sale or barter baby chicks, rabbits, ducklings or other fowls as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This subsection shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl, in proper brooder facilities by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes.
- J. *Reporting Killed Or Injured Animals.* Every operator of any vehicle on the roads or streets of the City who shall strike any animal causing injury or death to such animal shall stop and give such aid to such animal as he is reasonably able to render. In the absence of the owner of such animal at the scene, it is the duty of such operator to notify such owner if such owner's identity can be determined, and to take such animal if injured to the nearest available veterinarian or animal hospital. Whether or not such owner can be notified, such operator must notify the Animal Control Officer or any police officer of the City, reporting the circumstances of the striking of such animal. Any animal injured by a vehicle while not in the presence of its owner and not wearing identification shall be considered to be an animal at large.
- K. *Reporting Lost Or Abandoned Animals.* Each person who shall take custody of any lost or abandoned animal shall report the same to the Animal Control Officer within two (2) hours after taking custody of said animal.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

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### **7-3-15[10]. FEES.**

All license fees, impoundment fees, boarding fees and penalties required by this Chapter shall be set, and revised from time to time, by resolution of the City Council. License fees need not be uniform, and may be set by the City Council at different amounts for various classifications of animals, such as species, sex, neutering, breed, etc. All monies collected in connection with the enforcement of the provisions of this Chapter shall be paid into the City Treasury for the General Fund, and all expenses incurred in carrying out or enforcing the provisions of this Chapter shall be paid out of the General Fund.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-16[11]. ENFORCEMENT.**

- A. *Duties Of Officers.* It shall be the duty of the Animal Control Officer, the health officer, and every police officer on duty in the City to enforce the provisions of this Chapter and the provisions of the Nevada Revised Statutes, as amended, relating to animal control regulations.
- B. *Resisting Authorized Personnel Unlawful.* ~~[No person]~~ **It shall constitute a misdemeanor to** interfere with or oppose or resist any police officer of the City, or the Animal Control Officer, or the health officer, while engaged in the performance of the duties pertaining to the enforcement of this Chapter.
- C. *Search And Seizure Of Animals.*
  - 1. *Public Property.* The Animal Control Officer, the health officer and any police officer of the City shall have the right to enter upon any public property in the City in order to examine or capture any animal thereon.
  - 2. *Private Property.* If the Animal Control Officer, health officer, or any police officer has probable cause to believe that there exists a violation of this Chapter on private property, said officer shall employ reasonable means to contact a person having authority at such location concerning the alleged violation. If no contact can be made after reasonable effort, said officer may enter upon the property to examine or capture any animal thereon or thereat; provided, said officer shall not enter a house used as a residence without first obtaining a search warrant from a magistrate having jurisdiction.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-17[12]. ANIMAL CONTROL OFFICER'S RECORDS.**

The Animal Control Officer shall keep a record of the number, description and disposition of all animals impounded, showing in detail in the case of each animal, the date of receipt, the date and manner of disposal, the manner and time of advertising for sale, the name of the person reclaiming, redeeming or purchasing, the reason for destruction, and the charges and proceeds of sale received on account thereof. Such records shall be subject to audit by duly authorized City officials or their agents.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-18[13]. VIOLATIONS[~~,-CITATIONS~~] AND PENALTIES.**

- A. **Forms And Records Of Citations.** The Chief of Police shall provide books of citation forms, including, **without limitation, by electronic means, for violation of the provisions of this Chapter for notifying alleged violators to appear and answer to the violation charged in the Municipal Court in the form prescribed and approved by the City Attorney. The Chief of Police shall be responsible for the issuance of the books of**

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citation forms, including without limitation, by electronic means, to the Animal Control Officer or any other person authorized to enforce the provisions of this Chapter.

- B. Penalties For Violations. Any person violating the provisions of this Chapter shall be deemed to have committed a civil infraction, and may be fined an amount determined by resolution of the City Council based on the type and frequency of the violation. Each violation of any provision of this Chapter shall constitute a separate offense. Except where the imposition of a specific civil penalty is mandatory, a court may reduce the fine amount or order a person who is found to have committed a civil infraction pursuant to this Chapter to perform community service. All fines shall be paid to the General Fund of the City and all expenses incurred in carrying out or enforcing the provisions hereof, including Municipal Court costs shall be paid therefrom.**
- C. In addition to any other fine or penalty provided in subsection B of this Section, a person who violates any provision of this Chapter, may be ordered to pay restitution for all costs associated with the care and impoundment of any animal, including without limitation money expended for veterinary treatment, feed and housing.**
- D. In connection with the imposition of any sentence pursuant to this Section, the court:**
- 1. May also order the defendant to surrender ownership or possession of the animal;**
  - 2. Except as otherwise provided in Paragraph (3) below, may enter an order prohibiting the defendant from harboring, owning, possessing, keeping or exercising control over any animal; from residing in any household where an animal is present; and from working at or volunteering for a business, animal shelter or other place where the person may access an animal, for a period not to exceed four years; and**
  - 3. In a case where the mistreated animal died as a result of the mistreatment, must enter an order prohibiting the defendant from harboring, owning, possessing, keeping or exercising control over any animal; from residing in any household where an animal is present; and from working at or volunteering for a business, animal shelter or other place where the person may access an animal, for a period of at least two years and not to exceed five years, beginning either on the date of conviction or, in the case of a suspended sentence, at such other time as is determined by the court.**
- E. If a person who owns, possesses or has custody, care and control of an animal resists, interferes with or prevents the Animal Control Officer or other person authorized to carry out the provisions of this Chapter in the exercise of their duties, or violates any of the provisions of this Chapter the animal may be impounded in accordance with the provisions of this Title.**

### **7-3-19 CITATIONS; HEARINGS; AND APPEALS [AND PENALTIES].**

- [A.—*Forms And Records Of Citations.* The Chief of Police shall provide books of citation forms for violation of the provisions of this Chapter for notifying alleged violators to appear and answer to the violation charged in the Municipal Court. The books shall include serially-numbered sets of citations in triplicate in the form prescribed and approved by the City Attorney. The Chief of Police shall be responsible for the issuance of the books of citation forms to the Animal Control Officer or any other person authorized to enforce the provisions of this Chapter, and shall maintain a record of every book so issued and shall require a receipt for each book.]
- [B.—*Penalties For Violations.* Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or be imprisoned for not more than six (6) months in any penal facility currently authorized by the City Council for confining

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misdemeanants, or by both such fine and imprisonment. Each violation of any provision of this Chapter shall constitute a separate offense.]

- A. Issuance of Citation.** An person authorized to enforce the provisions of this Chapter who issues a civil infraction citation pursuant to subsection B of this Section shall sign the citation and deliver a copy of the citation to the person charged with the civil infraction. If the citation is prepared electronically, the officer shall sign the copy of the citation that is delivered to the person charged with the violation. The acceptance of a civil infraction citation by the person charged with the civil infraction shall be deemed personal service of the citation and a copy of the citation signed by the peace officer constitutes proof of service. If a person charged with a civil infraction refuses to accept a civil infraction citation, the copy of the citation signed by the peace officer as applicable, constitutes proof of service.
- B. Filing of Civil Infraction Citation.** Every citation issued in accordance with this Chapter must be filed with the Municipal Court. Upon the filing of the original or a copy of the civil infraction citation with the Court the citation may be disposed of only by an official action of a judge of the court, an online program of dispute resolution established by the court, the prosecuting attorney or by the payment of a civil penalty to the court by the person to whom the civil infraction citation has been issued.
- C. Response to Civil Infraction Citation.** Any person who receives a civil infraction citation pursuant to this Chapter shall respond to the citation as provided in this Section not later than 90 calendar days after the date on which the citation is issued.
1. If a person receiving a civil infraction citation does not contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond to the citation by indicating that the person does not contest the determination and submitting full payment of the monetary penalty, the administrative assessment and any fees to the court specified in the citation, in person, by mail or through the Internet or other electronic means.
  2. If a person receiving a civil infraction citation wishes to contest the determination that the person has committed the civil infraction set forth in the citation, the person must respond by requesting in person, by mail or through the Internet or other electronic means a hearing for that purpose. The court shall notify the person in writing of the time, place and date of the hearing, but the date of the hearing must not be earlier than 9 calendar days after the court provides notice of the hearing.
  3. If the person does not respond to the civil infraction citation in the manner specified by subsection C(1) or (2) of this Section within 90 calendar days after the date on which the civil infraction citation is issued, the court must enter an order finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to respond to the civil infraction citation as required by this section may not appeal an order entered pursuant to this section.
  4. If any person issued a civil infraction citation fails to appear at a hearing requested pursuant to subsection C(2) of this Section, the court must enter an order finding that the person committed the civil infraction and assessing the monetary penalty and administrative assessments prescribed for the civil infraction. A person who has been issued a civil infraction citation and who fails to appear at a hearing requested pursuant to subsection C(2) of this Section may not appeal an order entered pursuant to this subsection.
- D. Hearing; Appeal.**
1. If, pursuant to subsection C(2) of this Section, a person receiving a civil infraction citation requests a hearing to contest the determination that the person has committed the civil infraction set forth in the citation, the hearing must be conducted in accordance with this section.
  2. Except as otherwise provided in this subsection, before a hearing to contest the determination that a person has committed a civil infraction, the court shall require the person to post a bond of fifty dollars

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(\$50.00). In lieu of posting such a bond, the person may instead deposit cash with the court in the amount of the bond required pursuant to this subsection. Any bond posted or cash deposited with the court pursuant to this subsection must be forfeited upon the court's finding that the person committed the civil infraction. Any person whom the court determines is unable to pay the costs of defending the action or is a client of a program for legal aid in accordance with NRS 12.015 must not be required to post a bond or deposit cash with the court in accordance with this subsection.

3. The person who requested the hearing may, at his or her expense, be represented by counsel, and a city attorney or district attorney, in his or her discretion and as applicable, may represent the plaintiff.
4. A hearing conducted pursuant to this Section must be conducted by the court without a jury. In lieu of the personal appearance at the hearing by the officer who issued the civil infraction citation, the court may consider the information contained in the civil infraction citation and any other written statement submitted under oath by the officer. The person named in the civil infraction citation may subpoena witnesses, including, without limitation, the officer who issued the citation, and has the right to present evidence and examine witnesses present in court.
5. After consideration of the evidence and argument, the court shall determine whether a civil infraction was committed by the person named in the civil infraction citation. The court must find by a preponderance of the evidence that the person named in the civil infraction citation committed a civil infraction. If it has not been established by a preponderance of the evidence that the infraction was committed by the person named in the citation, the court must enter an order dismissing the civil infraction citation in the court's records. If it has been established by a preponderance of the evidence that the infraction was committed, the court must enter in the court's records an order.
6. An appeal from the court's determination or order may be taken in the same manner as any other civil appeal from a municipal court, except that:
  - a. The notice of appeal must be filed not later than 7 calendar days after the court enters in the court's records an order;
  - b. If the appellant is the person charged with the civil infraction, any bond required to be given by the appellant in order to secure a stay of execution of the order of the court during the pendency of the appeal must equal the amount of the monetary penalty and administrative assessments which the court has ordered the appellant to pay. Any bond must be forfeited if the order of the court is affirmed on appeal; and
  - c. If a prosecuting attorney does not represent the plaintiff during the hearing, the appellate court shall review the record and any arguments presented by the person charged with the civil infraction and render a decision.
6. In addition to any other penalty imposed, any person who is found by the court to have committed a civil infraction pursuant to subsection D(5) of this Section shall pay the witness fees, per diem allowances, travel expenses and other reimbursement in accordance with NRS 50.225.

(Ord. 1003, 4-8-1997, eff. 4-30-1997)

### **7-3-20 DELINQUENT PENALTY**

- A. If a civil penalty, administrative assessment or fee is imposed upon a person who is found to have committed a civil infraction, and the civil penalty, administrative assessment or fee or any part of it remains unpaid after the time established by the court for its payment, the delinquent person is liable

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**for a collection fee, to be imposed by the court at the time it finds that the civil penalty, administrative assessment or fee is delinquent, of:**

- 1. Not more than \$100, if the amount of the delinquency is less than \$2,000.**
  - 2. Not more than \$500, if the amount of the delinquency is \$2,000 or greater, but is less than \$5,000.**
  - 3. Ten percent of the amount of the delinquency, if the amount of the delinquency is \$5,000 or greater.**
- B. The Court may, in addition to attempting to collect the delinquent amounts through any other lawful means, contract with a collection agency licensed pursuant to NRS 649.075 to collect the delinquent amounts owed by a person who is found to have committed a civil infraction. The collection agency must be paid as compensation for its services an amount not greater than the amount of the collection fee imposed pursuant to subsection A of this Section in accordance with the provisions of the contract.**
- C. If a court finds that a person committed a civil infraction, the civil penalty, administrative assessments and fees prescribed for the civil infraction may be enforced in the manner provided by law for the enforcement of a judgment for money rendered in a civil action except that the judgment and any lien for the judgment expires 10 years after the date the judgment was docketed and may not be renewed. The court may request that the City undertake collection of the delinquency, including, without limitation, the original amount of the civil judgment entered pursuant to this subsection and the collection fee, by attachment or garnishment of the property, wages or other money receivable of the delinquent person.**

(Added to NRS by 2021, 3319, effective January 1, 2023)

#### 4-1-22. LICENSE CLASSIFICATIONS AND FEES.

City business licenses shall be divided into the following classes, and the fees established by resolution of the city council for such classes shall be paid along with any other applicable license fees:

( Ord. 872 , 7-24-1990, eff. 8-15-1990)

- A. *Resident Business.* The fee for a business in residence within the city limits shall be based upon a computation of points as herein provided:

( Ord. 1493 , 3-26-2013, eff. 4-18-2013)

1. *Classification By Type Of Business.* Every business shall be designated class A, and one thousand (1,000) points shall be attributable thereto, except the following, which have special characteristics and are, therefore, classified and assigned points as follows:

- a. Class B, one thousand five hundred (1,500) points:

Accountant  
Architect  
Attorney  
Barber  
Chiropractor  
Cosmetologist  
Dental laboratory  
Dentist  
Doctor, MD  
Engineer, professional  
Healing arts and schools  
Light and power company  
Massage center  
Massage technician  
Medical laboratory  
Optician, optometrist  
Osteopath  
Physical therapist  
Real estate broker  
Veterinarian  
Any medical profession which requires a state license

- b. Class C, two thousand (2,000) points:

**Breeder**

- Loan office and agency
- Motor vehicle body shop
- Pawnshop
- Pool hall
- Public dance establishment
- Secondhand store
- Taxicab and cars for hire
- Undertaker or funeral home
- Wholesale gas and oil

2. *Businesses Posing Additional Burdens.* The following businesses have special characteristics which pose additional burdens to the police, fire and other departments of the city, requiring the assessment of additional points as follows:

a.	100,000 points	Fortune teller, astrologer, clairvoyant, medium, palmist, phrenologist or similar profession, and adult oriented theater, adult oriented bookstore and businesses of a similar nature.
b.	50,000 points	Junk dealer, junkyard, auto salvage yard, refuse collection, recycling or similar business.
c.	10,000 points	Bank, bus line or railroad.
d.	2,000 points	Pawnshop, secondhand store, tavern or package liquor store (as defined by the liquor control act).
e.	1,000 points	Cocktail lounge, alcoholic liquor service bar or package limited liquor store (as defined by the liquor control act), or department store.
f.	50 points	Per vending or video game machine, excluding weighing and stamp machines.

;adv=6;( Ord. 872 , 7-24-1990, eff. 8-15-1990; amd. Ord. 931 , 11-23-1993, eff. 12-15-1993; Ord. 1493 , 3-26-2013, eff. 4-18-2013)

3. *Frontage Of Premises Of Business.* Additional points shall be assessed according to the frontage width of the premises in which the business is located as follows:

14 feet or less	100 points
15 to 24 feet	250 points
25 to 35 feet	400 points
36 to 49 feet	1,000 points
50 to 75 feet	1,500 points
76 to 100 feet	2,500 points
101 to 500 feet	3,500 points
Over 500 feet	3,500 points, plus 40 points per foot over 500 feet

All motels, hotels, trailer courts, rooming houses, rental houses, apartment buildings, and suites or units shall be deemed to have a frontage equal to one hundred (100) points.

( Ord. 1493 , 3-26-2013, eff. 4-18-2013)

For a business having frontage on two (2) streets, the primary street frontage shall be deemed primary frontage and assessed accordingly. The license officer shall make the determination as to which frontage is primary, taking into consideration which frontage is on the larger traffic artery, where the entrances and display windows are located, and any other factors he deems important.

A person operating a resident home business, subject to a license fee on the basis of the point system established in this section, shall be assessed points based on the frontage of the residence building only.

4. *Number Of Employees.* Additional points shall be assessed according to the average number of persons employed in the business and shall include the proprietor and each person working therein, for compensation or otherwise:

a.	200 points	Each full time employee, including the proprietor, and each part time employee working more than 4 hours per day
b.	50 points	Each part time employee working 4 hours or less per day

5. *Hours Of Operation Per Week.* Additional points shall be assessed according to the average number of hours per week of operation of the business, as follows:

54 hours or less	400 points
55 to 90 hours	600 points
91 to 125 hours	800 points
126 hours and over	1,000 points

6. *Combined Business.*

- a. If more than one business is conducted in the same building under the same business name and by the same person, the license fee for such business shall be the highest in the amount calculated for any one of such businesses, and shall be the only fee collected except as otherwise provided in this chapter.
- b. If more than one business is conducted in the same building, with different business names, the license fee shall be determined and assessed separately for each business at such location.

- B. *Resident Contractor.* A special contractor license shall be issued for any person conducting a business as a "contractor", as defined by Nevada Revised Statutes chapter 624. No license shall be issued until such applicant has first obtained a state contractor's license as required by said chapter 624 and shall not be combined with any other business.

( Ord. 1030 , 1-27-1998, eff. 2-18-1998)

- C. *Resident Home Business License.*

1. *Issuance.* A resident home business license may be issued upon approval of a home occupation permit by staff in accordance with the requirements of title 11 of this code for home occupations. This requirement shall also apply to a tradesman.

( Ord. 1512 , 9-24-2013, eff. 10-17-2013)

2. *Fee.* The fee will be set by resolution of the city council based on the point system established in subsection A of this section.

D. *Residential Or Commercial Rental Units.*

1. The persons owning apartment houses or any type of residential or commercial rental units with four (4) or more rental units shall pay a business license fee on the basis of the point system provided herein.
2. Fees based on the point system shall apply and be computed as follows:
  - a. Classification of business, one thousand (1,000) points.
  - b. Frontage and number of employees, points as provided by subsections A3 and A4 of this section.
  - c. Number of hours operated, four hundred (400) points.
  - d. Additional points, fifty (50) points per apartment, residential or commercial rental unit.

( Ord. 1030 , 1-27-1998, eff. 2-18-1998)

E. *Nonprofit Permits.*

1. Nonprofit permits may be issued to any person or organization operating without private profit primarily to further eleemosynary, public, charitable, educational, literary, fraternal or religious purpose.
2. An applicant for a nonprofit permit shall submit an application to the license officer and shall furnish such additional information and affidavits as the license officer shall reasonably require. Such documentation shall include, but not be limited to:
  - a. A list of all current officers and/or directors including name, address, phone number and title.
  - b. A copy of the secretary of state's acknowledgment that the organization is registered as a nonprofit entity with the state.
  - c. An application fee per ordinance.

( Ord. 1332 , 6-26-2007, eff. 7-3-2007)

3. Nonprofit permits are filed once a fiscal year, renewing on July 1, and a fee per ordinance shall be collected.

( Ord. 1493 , 3-26-2013, eff. 4-18-2013)

4. Should the license officer determine that the applicant does not have a principal purpose which is primarily charitable, nonprofit, fraternal or eleemosynary, the nonprofit permit shall not be granted and the regular business license fee shall be applicable as set forth in this chapter.

( Ord. 1332 , 6-26-2007, eff. 7-3-2007; amd. Ord. 1493 , 3-26-2013, eff. 4-18-2013)

F. *Nonresident Business Licenses.*

1. *Definitions.* For the purpose of this section, the following terms, phrases, words and their derivations shall have the meanings given herein unless the context clearly indicates a different meaning:

COMBINED BUSINESS: If more than one type of business is being conducted, such license fee shall be set at the highest fee stated.

RETAIL NATURE: The sale and delivery of goods, merchandise, articles or things for the benefit of the consumer residing in the city.

SERVICE NATURE: The performance of labor for the benefit of the consumer residing in the city and shall include installation, maintenance and repair of goods, merchandise, articles or things.

WHOLESALE NATURE: The sale of goods, merchandise, articles or things in quantity to persons who purchase for the purpose of resale, as distinguished from a retail dealer who sells direct to the consumer.

2. *Fees.* A fee shall be charged for a nonresident business license. Such fee to be set by resolution of the city council.

( Ord. 1030 , 1-27-1998, eff. 2-18-1998)

3. *One-time Permit.* Application may be made for a special permit to allow a nonresident business, including contractors to conduct business within the city for a single activity on a onetime basis. Such application and payment of fee shall be made prior to the delivery of the goods or performance of the services in the city. A "onetime basis" shall mean activities conducted any time within one 24-hour period.

( Ord. 1493 , 3-26-2013, eff. 4-18-2013)

4. *Coin-Operated Machines.* All coin-operated machines shall be licensed. Such license to be in addition to the regular business license.

5. *Nonresident Contractors.*

- a. A license is required by a "nonresident contractor", as defined by the Nevada Revised Statutes chapter 624, and who conducts a business within the city.
- b. No license shall be issued until such applicant has first obtained a state contractor's license.
- c. If it is determined that a contractor is doing business in the city without a valid contractor's business license, a penalty shall be assessed in addition to the regular license fee.

- G. *Special Category License.* Certain businesses, as described below, have special characteristics which pose additional and special burdens to the police, fire and other departments of the city, and must obtain a special category license:

1. *Auctioneers.*

- a. Applications for auctioneers' licenses, or for a single auction, shall state thereon the place of business intended to be occupied, if any, or the place of such auction, and shall give the names of employees authorized to conduct auctions under the license.
- b. This subsection is not applicable to a public auction or sale conducted by a public officer by virtue of any judicial order or process, or by virtue of any power or authority contained in a mortgage or trust deed if involving real property.

2. *Peddler.* A "peddler" is defined to be a person who sells tangible or intangible things from house to house, store to store, or on the streets or in any public place and delivery of things is made at the time of the sale regardless of the time of collection for the price thereof.
3. *Transient Vendor.* A "transient vendor" is one who sells tangible or intangible things from private premises or public places for temporary periods not to exceed six (6) weeks, excluding flea markets, swap meets and activities of a similar nature.
4. *Garage Sale.*
  - a. A "garage sale" is defined to mean and shall include all sales commonly referred to as "garage sale", "yard sale", "lawn sale", "attic sale", "patio sale" or for the casual irregular sale of personal property or donated personal property within a residential zone which is advertised by any means whereby the public at large is or can be made aware of said sale but does not include a "flea market sale", "swap meet" or similar offerings of goods, merchandise or property.
  - b. Personal property donated by persons other than the person residing on the residential premises where such sale is to take place may be included in such sale; provided, that the donated property is by a tax exempt religious or charitable organization, and the entire proceeds from such sale being donated to, or retained by, the sponsoring tax exempt religious or charitable organization.
  - c. The term "personal property" shall mean property owned, used and maintained for personal use only by the seller, and not for resale to the public.
  - d. A "garage sale" shall be restricted to two (2) per year per residence, each lasting no longer than three (3) consecutive days.
  - e. One single faced sign containing not more than four (4) square feet in total area may be placed upon a residential premises where the sale of personal property has been permitted for the duration of the sale only.
5. *Flea Market Sale Or Swap Meet.*
  - a. For the purpose of this chapter, a "flea market sale" or "swap meet" shall mean and include all offerings or sales of goods, merchandise or property by a group of individual vendors or dealers at one specified location at a specified time.
  - b. The application shall specify the place in or on which such sale or meet is to be conducted. The applicant shall submit a written statement from the property owner of the place giving permission for the conduct of such sale or, if the place is city owned, the approval of the city manager shall be required.
  - c. No license shall be issued until the chief of police and fire chief have inspected the premises to be used for such sale or meet.
  - d. If the applicant intends to conduct such "flea market sales" or "swap meets" on a regular basis, a conditional use permit shall be required in accordance with title 11 of this code.
6. *Real Estate Brokers And Salesmen.*
  - a. Licenses provided for by this subsection shall be issued only to persons holding a license required by the Nevada state real estate board in accordance with the provisions of the Nevada Revised Statutes.
  - b. A "real estate broker" is any person:

- (1) Who for another and for a compensation, or who with the intention or expectation of receiving a compensation, sells, exchanges, options, purchases, rents or leases or negotiates or offers, attempts or agrees to negotiate the sale, exchange, option, purchase, rental or lease of, or lists or solicits prospective purchasers, lessees or renters of, or collects or offers, attempts or agrees to collect rental for the use of, any real estate or the improvements thereon, or any modular homes or other housing, including used mobile homes, offered or conveyed with any interest in real estate; or
  - (2) Who engages in or offers to engage in the business of claiming, demanding, charging, receiving, collecting or contracting for the collection of an advance fee in connection with any employment undertaken to promote the sale or lease of business opportunities or real estate by advance fee listing, advertising or other offerings to sell, lease, exchange or rent property.
  - (3) Who, for another and for a compensation, aids, assists, solicits or negotiates the procurement, sale, purchase, rental or lease of public lands.
  - (4) The license fee for a "real estate broker" shall be computed and assessed in accordance with the provisions of subsection A1a of this section.
- c. A "real estate salesman" is any person who holds a real estate salesman's license, or who has passed the real estate salesman's examination pursuant to the provisions of the Nevada Revised Statutes but who, as an employee or as an independent contractor, for compensation or otherwise, is associated with a licensed real estate broker in the capacity of a salesman, to do or to deal in any act, acts or transactions included within the definition of a "real estate salesman" in the Nevada Revised Statutes.
- d. The license fee for a "real estate salesman" who is associated with a licensed real estate broker in the city in the capacity of a salesman shall be computed and assessed in accordance with subsection A1 of this section.
7. *Mobile Food Vendors.*
- a. *Defined.* A "mobile food vendor" is any person carrying on or conducting the business of selling ice cream, candy, confectioneries and other food from a vehicle or conveyance that is nonfixed and readily movable.
  - b. *Health Requirements.* Every mobile food vendor must show satisfactory medical evidence of being free from any communicable illness or disease; and further, that the vehicle or conveyance from which the food is sold meets all statutory and regulatory health requirements of the city, the county and the state.
  - c. *School Property.* Any mobile food vendor is prohibited from selling, soliciting or parking a vehicle or conveyance within one thousand feet (1,000') in any direction from the extreme outside perimeter of school property during the hours that schools are in session or one hour after the close of such sessions.
  - d. *Parking.* Vehicles and conveyances used by mobile food vendors shall not park for a period of more than forty five (45) minutes in any one block for the purpose of vending.
  - e. *Hours.* A mobile food vendor may not operate within the city between the times of one hour after sunset and three (3) hours after sunrise, except for mobile food vendors serving a bona fide construction project or a commercial place of business.

- f. *Trash.* Every mobile food vendor's vehicle or conveyance must be equipped with a trash receptacle, and the mobile food vendor shall be responsible for litter in the vicinity of his vehicle or conveyance.
- g. *Music; Parking Method.*
  - (1) No music to be played while vehicle is stopped.
  - (2) Every mobile food vendor's vehicle or conveyance stopped or parked upon a roadway for the purpose of selling goods must have the right wheels of such vehicle or conveyance parallel to and within eighteen inches (18") of the right hand curb or right hand edge of the roadway and no music, jingles or similar musical or rhythmical tunes shall be played while stopped or parked.

( Ord. 1030 , 1-27-1998, eff. 2-18-1998)

8. *Special Events.*

- a. *Defined.* "Special events" include art festivals, running races or athletic events or contests using city property or streets, vehicle or motocross races, circuses, carnivals, festivals, bazaars, similar celebrations, exhibitions, competitions, performances, any music festival, dance or "rock" festival or musical activity held on city property, and to which the public is invited or admitted with or without a charge. Special events may be conducted by profit or nonprofit entities.
- b. *Designated Officer.* Every special event shall have a designated officer, coordinator or special event manager hereinafter referred to as special event coordinator who is responsible for seeing that all city, federal, state and southern Nevada health department conditions and/or requirements have been met.
- c. *License Required.* No person shall operate, maintain, conduct, advertise, sell or furnish tickets for a special event in the incorporated areas of the city unless that person shall first obtain approval from the city and a special event business license from the city or a nonprofit permit to operate, produce, put in effect, carry on or conduct such special event. A special event business license may be granted for a specific number of consecutive days not to exceed seven (7) days, permitting "for profit" individuals, partnerships, corporations, organizations and associations to conduct authorized special events within the city.
- d. *Application; Information Required.* Application for use of City property shall be made in writing to the parks and recreation director at least sixty (60) days prior to the time indicated for the commencement of the special event, unless a shorter time period is approved by the parks and recreation director. The application shall be accompanied by a nonrefundable application fee as established by resolution of the city council and shall include:
  - (1) The name, age, residence and mailing address of the person making said application, and such information shall be furnished for all partners, directors and officers when the applicant is a partnership, corporation or other entity.
  - (2) The kind, character or type of special event proposed or planned by the applicant shall be specified in a statement, including, but not limited to, the following items as applicable:
    - (A) Type of event, location or route, and entrance fee or admission charge.
    - (B) The number of tickets, passes and/or admissions that will be printed and/or distributed to the public.

- (C) The type and extent of the promotional advertising specifying the type of media, the geographical area covered by said media and other information communicated to the public.
  - (D) A financial statement demonstrating the ability of the applicant to carry out the special event and meet all conditions required by the City.
  - (E) Whether the special event is intended for profit or for a nonprofit or charitable purpose. If the special event is conducted by a nonprofit entity, a nonprofit permit must be obtained from the business licensing department.
- (3) The date or dates and the hours during which the special event is to be conducted.
  - (4) A reliable estimate of the number of customers, spectators, admittees, participants and other persons expected to attend the special event for each day it is conducted.
  - (5) A description of the applicant's plans to provide, as needed, fire protection, water, food, sanitation, medical facilities and services, vehicle parking space, vehicle access and on-site traffic control, plans for cleanup of the premises and removal of rubbish after the special event has concluded, electrical requirements and source of power, stage construction and seating plans, as applicable.
- e. Consideration. Upon receipt of a completed application and the application fee, the parks and recreation director shall forward the application to appropriate City officials for review as set forth by written administrative policy.
  - f. Recommendation. Based upon the facts presented, the City shall recommend that the special event be approved, denied or require conditions which must be complied with before the event may be approved. If conditions are required, the applicant must demonstrate to the City that all conditions have been complied with.

The conditions, which may be required by the City, as applicable, pursuant to the City's general police power for the protection of health, safety, welfare and property of local residents and persons attending special events in the city, are as follows:

- (1) Every special event coordinator shall employ, at his own expense, police protection. The number and type of security personnel shall be determined and specified by the chief of police as required to provide for the preservation of order and protection of property in and around the special event. Where the chief of police specifies the employment of off duty police officers to meet the requirements of this chapter, said police officers shall be under the exclusive direction and control of the chief of police. Off duty police officers may be employed by the special event coordinator at an hourly rate established by the chief of police.
- (2) Water and sanitation facilities shall be adequate for the number of participants, customers or admittees expected.
- (3) Provisions for the daily pick up and removal of refuse, trash, garbage and the like.

- (4) If the special event takes place on public or City property, an amount of money to be determined by the City shall be deposited with the parks and recreation department as a cleanup deposit.
  - (5) If city recreational facilities are used, a separate fee may be charged for the use of the facility. Such fee will be set by resolution of the city council and paid to the parks and recreation department.
  - (6) Every special event coordinator shall provide adequate parking space for persons attending the special event by motor vehicle.
  - (7) The City may restrict the hours of the special event.
  - (8) Adequate electrical illumination must be provided for any special event held after dark.
  - (9) No person, except those persons providing security, shall remain at the special event overnight, and overnight camping by persons attending the special event is prohibited unless otherwise approved by the parks and recreation director.
  - (10) Any special event coordinator may be called upon to submit liability insurance coverage in favor of the city in connection with the operation of a special event. The exact amount of insurance to be set by resolution of the city council, if applicable. Special event coordinator shall further execute an indemnity agreement holding the city harmless from any and all claims for damages to property or person. A certificate of insurance must be presented to the parks and recreation department prior to the event being held.
  - (11) Adequate fire protection and emergency medical facilities must be available at the special event. First aid and fire extinguishment equipment shall be provided as directed by the fire chief.
  - (12) A fee shall be paid to the City for use of City facilities the amount of which shall be determined by resolution of the city council.
  - (13) Each special event coordinator shall demonstrate that the organization has the funds available to meet the conditions or requirements as specified in the facility use permit issued under this subsection and adequately conduct the special event in a safe and prudent manner.
  - (14) Any applicant may be required to meet any other condition prior to receiving approval to conduct a special event, which is reasonably necessary to protect the health, welfare, safety and property of local residents and persons attending a special event.
- g. *Grounds For Denial.* The City may recommend denial of an application for a special event on any of the following grounds:
- (1) Failure to meet the conditions necessary for the protection of the health, welfare, safety and property of local residents, participants or attendees of the special event or other conditions required by this subsection.
  - (2) That the applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has previously conducted a special event, which resulted in the creation of a public or private nuisance or in a violation of city, state or federal law.

- (3) That the applicant, his employee, agent, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has been convicted in a court of competent jurisdiction by final judgment of an offense involving the presentation, exhibition or performance of an obscene production, motion picture, presentation, or selling obscene matter, a crime involving lewd conduct or use of force and/or violence or other crimes, including misdemeanors, involving moral turpitude.

h. *Appeal.*

- (1) An applicant who has been denied may appeal such denial to the city manager by filing a written notice of appeal including any information the applicant wishes to be considered with the city manager within ten (10) days after receiving such notice of denial. Notification of such denial will be sent to the applicant by certified letter and must detail the specific reason(s) for denial of the application. Any required form for the appeal must be included with the notice of denial. The date of receipt of such certified letter is the date the appeal period begins. The letter of notification of the denial of the application must inform the applicant of the appeal process in detail and specify the last date the appeal must be submitted to the city manager.
- (2) The city manager will make a determination to uphold or deny the appeal within ten (10) days after receipt of such appeal from the applicant. Notification of determination must be sent to the applicant by certified letter and must detail the specific reason(s) for the decision. The letter must inform the applicant of the right to appeal the denial to the City Council and specify the last date the appeal must be submitted to the City Clerk. Any required form for the appeal must be included with the notice of such denial. The date of receipt of such certified letter is the date the appeal period begins.
- (3) Should the city manager deny the appeal, the applicant may, upon filing notice with the city clerk appeal the decision of the city manager within ten (10) days to the city council. The city clerk will place the appeal on the next available council agenda. The decision of the city council will be final.

- i. *Emergency; Closing of Event.* The chief of police, upon the approval of the city manager, shall have the authority, as an emergency exercise of the police power, to close any special event if the same is being conducted in a manner which does, in the opinion of the chief of police, adversely affect the public peace, safety or welfare of the city, or violates this code.
- j. *Civil Remedies.* The city reserves any and all civil remedies and rights available to it, including the right to seek an injunction or restraining order for the prevention of any threatened violation and for the recovery of any damages suffered.
- k. *Exception.* This subsection shall not be applicable to any special event, which is sponsored or co-sponsored, by the City.
- l. *Issuance; Transferability.* When the city certifies that conditions have been met, the City shall, upon payment of a facility use fee as established by resolution of the city council, issue a letter of approval, specifying the name and address of the special event coordinator, the kind of special event approved and number of days the operation is authorized. No approval issued pursuant to this subsection shall be transferable to another person.

- m. *Compliance.* After approval, the special events coordinator shall contact the business license department. It is the responsibility of the special events coordinator to ensure that all vendors and/or concessionaires have complied with all city, state, federal and county requirements.

( Ord. 1332 , 6-26-2007, eff. 7-3-2007; Ord. 1670 , exh. A, 8-24-2021, eff. 9-16-2021)

9. *Child Caregiver.*

- a. A "child caregiver" is one who furnishes care on a temporary basis in their home, to one, but not more than six (6), children under eighteen (18) years of age if compensation is received or expected to be received for the care of any of those children.
- b. All child caregivers as a business within the home must also be licensed by the state.
- c. The city does not permit the care of more than a total of six (6) children in the home, including the caregiver's children who are six (6) years of age or younger.
- d. The care of four (4) or fewer children is considered a "permitted use" which does not require a public hearing before the planning commission. The care of five (5) to six (6) children is considered a "conditional use" and requires a public hearing before the planning commission.
- e. Childcare as a business is not permitted in multiple-family or mobile home park zones.

( Ord. 1030 , 1-27-1998, eff. 2-18-1998)

# EXHIBIT A

## Animal Control Fees

Prior City Council Resolutions setting these fees: 3011

Fee Type	Prior Fee	Fee by this Resolution
<b>Animal Impound Fees<sup>3</sup></b>		
First Impound	\$15	\$25
Second Impound	\$30	\$50
Third Impound	\$45	\$75
Fourth Impound	\$60	\$110
Fifth Impound	\$75	\$130
Sixth Impound and thereafter	\$100	\$185
 Livestock	 Fee set by third party boarding facility	 Fee set by third-party boarding facility
 Rabies Testing	 actual costs as incurred by City through third-party services	 actual costs as incurred by City through third-party services
 Veterinary Services	 actual costs as incurred by City through third-party services	 actual costs as incurred by City through third-party services
<b>Boarding Fees (per animal, per day, after initial 24-hour impound)</b>		
Dog	\$7	\$10
Cat	\$4	\$10
<b>Rabies Quarantine Fee (per animal, per day)</b>		
Dog	N/A	\$20
Cat	N/A	\$20
<b>Adoption Fees</b>		
Adoption Fee (per animal)	\$8	\$8
Spay/Neuter Certificate (Dog)	\$50	\$50
Spay/Neuter Certificate (Cat)	\$30	\$30
Animal Surrender Fee (Dog)	\$20	\$20
Animal Surrender Fee (Cat)	\$10	\$10

**Breeder's License Fees (per year, per pet)**

Initial Fee	\$500	\$500
Renewal Fee	\$500	\$500

**City Pet License (per year, per pet)<sup>1</sup>**

Spayed/Neutered dogs and cats	\$4	\$4
Unspayed/unneutered dogs and cats (if permitted by law <sup>2</sup> )	\$8	\$8
Late Fee (for renewals)	\$2	\$2
Lost Tag (replacement fee)	\$8	\$8

**Fancier/Foster Permit Fees (per year, per pet)**

Initial Fee	\$10	\$10
Renewal Fee	\$5	\$5

**Pot Bellied Pig License Fees (per year, per pet)**

Initial Fee	\$100	\$100
Renewal Fee	\$50	\$50

**Rabies Vaccination Certificate Fees**

Adopted Animals	\$8	\$8
Owned Animals released to Owners	\$10	\$10

**Miscellaneous Fees**

Wild Animal Exhibit Fee (per animal)	\$10	\$10
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**Notes**

<sup>1</sup> - A valid rabies vaccination certificate is required to purchase a pet license.

<sup>2</sup> - Exceptions to the spay/neuter requirement are found in City Code at Title 7, Chapter 3, Section 3, Subsection H (7-3-3-H)

<sup>3</sup> - Animals impounded due to suspicion of rabies are also subject to these impound fees

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**Exhibit A:****Animal Control Fine Schedule for Violations of Title 7, Chapter 3**

<b>FEE, FINE OR SERVICE NAME/DESCRIPTION</b>	<b>FEE</b>
BREEDING WITHOUT A PERMIT (1 <sup>ST</sup> )	\$500.00
BREEDING WITHOUT A PERMIT (2 <sup>ND</sup> )	\$750.00
BREEDING WITHOUT A PERMIT (3 <sup>RD</sup> )	\$1,000.00
EXCEED NUM DOGS/CATS >6 MNTHS W/O PROPER PRMT/LIC	\$ 250.00
NO RABIES VACCINATION FOR DOG/CAT	\$150.00
NO DOG/CAT LIC/TAG	\$150.00
FAIL TO ATTACH LIC TO ANIMAL	\$150.00
POSS/TAKE WILDLIFE FROM PARK (1ST)	\$150.00
POSS/TAKE WILDLIFE FROM PARK (2 <sup>ND</sup> )	\$300.00
POSS/TAKE WILDLIFE FROM PARK (3+)	\$500.00
PROHIBIT ANIMAL IN PARK (1ST)	\$150.00
PROHIBIT ANIMAL IN PARK (2ND)	\$300.00
PROHIBIT ANIMAL IN PARK (3+)	\$500.00
UNCONTROLLED DOG IN ELDORADO AREA (1ST)	\$150.00
UNCONTROLLED DOG IN ELDORADO AREA (2ND)	\$300.00
UNCONTROLLED DOG IN ELDORADO AREA (3+)	\$500.00
DOG WITHIN HEMINGWAY PARK (1ST)	\$150.00
DOG WITHIN HEMINGWAY PARK (2ND)	\$300.00
DOG WITHIN HEMINGWAY PARK (3+)	\$500.00
DOG ON GOLF COURSE (1ST)	\$150.00
DOG ON GOLF COURSE (2ND)	\$300.00
DOG ON GOLF COURSE (3+)	\$500.00
ANIMAL NOISE/NUISANCE (1ST)	\$150.00
ANIMAL NOISE/NUISANCE (2ND)	\$200.00
ANIMAL NOISE/NUISANCE (3+)	\$300.00
ANIMAL AT LARGE (1ST)	\$95.00
ANIMAL AT LARGE (2ND)	\$200.00
ANIMAL AT LARGE (3+)	\$500.00
ALLOW ANIMAL TO DEFECATE ON PRIV/PUB PROP (1ST)	\$250.00
ALLOW ANIMAL TO DEFECATE ON PRIV/PUB PROP (2ND)	\$500.00
ALLOW ANIMAL TO DEFECATE ON PRIV/PUB PROP (3+)	\$1000.00
FEMALE ANIMAL IN HEAT AT LARGE (1ST)	\$500.00
FEMALE ANIMAL IN HEAT AT LARGE (2ND)	\$1000.00
FEMALE ANIMAL IN HEAT AT LARGE (3+)	\$2000.00
UNLAWFUL LIVING COND/EXCESS ANIMAL WAIST (1ST)	\$250.00
UNLAWFUL LIVING COND/EXCESS ANIMAL WAIST (2ND)	\$500.00
UNLAWFUL LIVING COND/EXCESS ANIMAL WAIST (3+)	\$1000.00
KEEP EXOTIC/WILD ANIMAL W/O PRMT	\$2000.00
FTC LAWS/REGS RE BEES/APIARIES	\$500.00
PET UNATTENDED IN VEH DURING EXTREME HEAT OR COLD	\$250.00
DISCARD ANIMAL/CARCASS OF DEAD ANIMAL (1ST)	\$250.00

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<b>FEE, FINE OR SERVICE NAME/DESCRIPTION</b>	<b>FEE</b>
DISCARD ANIMAL/CARCASS OF DEAD ANIMAL (2ND)	\$500.00
DISCARD ANIMAL/CARCASS OF DEAD ANIMAL (3+)	\$1000.00
UNLAW PROMOTIONAL SALE/GIFT OF LIVE ANIMAL	\$250.00
PICKET ANIMAL W/O PERMISSION (1ST)	\$250.00
PICKET ANIMAL W/O PERMISSION (2ND)	\$500.00
PICKET ANIMAL W/O PERMISSION, MANDATORY COURT (3+)	\$1000.00
FTC W/LAWS/REGS SPAY/NEUTER OF DOGS/CATS (1ST)	\$500.00

- (1) Each day the violation continues is deemed a separate offense pursuant to Section 7-3-18.B of the City Code.



# BUSINESS IMPACT STATEMENT

*The following business impact statement was prepared pursuant to NRS 237.090 to address fees and fines for breeding dogs and cats.*

*Prior to the preparation of this statement, a concerted effort was made to determine whether the proposed rule will impose a direct and significant economic burden upon a business or directly restrict the formation, operation or expansion of a business.*

- 1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their response and an explanation of the manner in which other interested persons may obtain a copy of the summary. (List all trade association or owners and officers of businesses likely to be affected by the proposed rule that have been consulted)**

Because breeding is not currently a regulated practice in Boulder City, there are no licensed breeders in the City. Therefore, notice was published in the Review Journal and the Boulder City Review, and provided to the Boulder City Chamber of Commerce via US Mail and email. The City received one comment that was supportive of the proposed annual fees and advocated for stricter fines for violations.

- 2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:**

Adverse effects: Unauthorized breeders could now be subject to civil fines, and authorized breeders must pay an annual fee and meet regulatory requirements in order to breed.

Beneficial effects: Regulate and permit the responsible breeding of animals.

Direct effects: Breeding up to 3 total dogs and/or cats would be authorized.

Indirect effects: Additional animals.

- 3. The following constitutes a description of the methods the City of Boulder City considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used: (Include whether the following was considered: simplifying the proposed rule; establishing different standards of compliance for a business; and if applicable, modifying a fee or fine set forth in the rule so that a business could pay a lower fee or fine):**

Currently, the City of Boulder City does not have a mechanism to license breeders in the City. This would provide those who wish to breed animals a way to do so. The proposed fee is to compensate for staff time doing site visits and enforcing breeding regulations.

**4. The City of Boulder City estimates the annual cost for enforcement of the proposed rule is:**

The estimated annual cost to the City for enforcement is approximately \$8,250. This is based on staff time investigating an average of 12 unlawful breeding complaints per year, inspecting premises as suitable for the animals, administrative costs, and processing permit applications.

**5. The proposed rule provides for new fees and fines and the total amount the local government expects to collect is: \$8,500 per year.**

**6. The money generated by the new fee/fines or increase in existing fee/fines will be used by the local government for:** Animal control enforcement, and judicial administration.

**7. If applicable, provide the following: The proposed rule includes provisions, which duplicate or are more stringent than federal, state, or local standards regulating the same activity. The following explains why such duplicative or more stringent provisions are necessary:** Not applicable.

This Business Impact Statement has been reviewed and is certified that, to the best of my knowledge or belief, the information contained in this statement was prepared properly and is accurate.

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Taylor Tedder  
City Manager

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Date