

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to variance permits to keep more than three dogs and/or seven cats over four months of age within a congested area of Washoe County.

BILL NO. 1097

ORDINANCE NO. 1708

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 (ANIMALS AND FOWL) BY ADDING A SECTION GOVERNING VARIANCE PERMIT RENEWALS; BY MODIFYING THE THRESHOLD REQUIRING A VARIANCE PERMIT FROM THREE DOGS TO FIVE DOGS; AND BY AMENDING PROVISIONS RELATED TO THE VARIANCE PERMIT REQUIREMENTS FOR: THE PERMIT APPLICATION; THE MANDATORY PREMISES INSPECTION(S); CONTAINMENT OF DOGS AND CATS; APPROVAL OR DENIAL OF A VARIANCE PERMIT; RENEWAL FEES; AND PERMIT REVOCATION. THE ORDINANCE ALSO AMENDS A SECTION RELATED TO DANGEROUS AND VICIOUS DOG REGISTRATION BY CHANGING THE WORD "DANGEROUS" TO "VICIOUS" IN ONE SENTENCE.

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

Section 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto a new section which shall be labeled 55.435 and read as follows:

55.435 Variance permit: Annual renewals.

1. Each holder of a variance permit shall receive an annual permit renewal in order to continue to keep more than five adult dogs and/or seven adult cats as required by section 55.390.
2. The annual permit renewal shall be processed prior to the renewal deadline.
 - (a) Renewal inspections. As part of the renewal process, the permit holder shall schedule and undergo a premises inspection, to include inspection of all animals subject to the permit, to determine whether the permit holder is in compliance with permit requirements and the animal control officer can make the findings required by section 55.400(2). The premises inspection shall be completed between 7-30 days prior to the renewal deadline. The permit holder's failure to schedule and undergo the premises inspection at least seven days before the

renewal deadline will result in automatic denial of the variance permit renewal. The permit holder's failure to be present on the premises at the time of the scheduled inspection will also result in automatic denial of the variance permit renewal. Any request by the applicant to cancel/reschedule a premises inspection must occur at least 24 hours prior to the scheduled inspection. The applicant's failure to cancel/reschedule at least 24 hours prior to the scheduled inspection may result in denial of the variance permit renewal.

3. Provided the renewal inspection is timely completed, regional animal services may allow a 30-day grace period to complete all requirements for a variance permit renewal beyond the renewal deadline.

SECTION 2. Section 55.390 of the Washoe County Code is hereby amended to read as follows:

55.390 Variance permit: Permit to keep more than five dogs over four months of age and/or seven cats over four months of age.

Except as provided in section 55.430, it is unlawful for a person(s) to keep more than five dogs and/or more than seven cats over four months of age, for more than 30 days in a six-month period, at any place or residence within a congested area without a variance permit issued in accordance with sections 55.400 to 55.420, inclusive. For purposes of this chapter, a dog or cat over four months of age shall be deemed an adult.

SECTION 3. Section 55.400 of the Washoe County Code is hereby amended to read as follows:

55.400 Variance permit: Applications; inspections; fees.

1. An application for a variance permit to keep more than five adult dogs and/or seven adult cats must be submitted to regional animal services. The application must:
 - (a) Specify the number of dogs and/or cats for which the permit is requested;
 - (b) Specify the purpose for keeping more than five dogs and/or seven cats on the premises;
 - (c) Be accompanied by drawings to scale, blueprints and/or aerial photographs showing the layout of the property,

including the residence, and type of fencing and/or enclosure required under sections 55.410 and/or 55.415;

- (d) Be accompanied by an emergency preparedness plan for evacuation of any and all animals on the property;
 - (e) Contain the contact information for the property manager, property owner/landlord and homeowners' association, as applicable; and
 - (f) Be accompanied by an application fee in the amount established by the board.
2. Upon receipt of the application to keep more than five adult dogs and/or seven adult cats, an animal control officer shall review the submitted materials and inspect the premises for which the application for a variance permit is made to determine that:
- (a) Keeping the dogs and/or cats at the location specified in the application will not violate any state or local animal laws or regulations;
 - (b) The fencing, containment or enclosure located on the premises will meet the requirements contained in sections 55.410 and/or 55.415;
 - (c) Maintenance of the dogs and/or cats is not likely to endanger the peace, health or safety of persons or animals residing in the county; and
 - (d) The premises are capable of being maintained in a clean and sanitary condition, and any dog or cat therein is not likely to be subject to neglect, cruelty or abuse.

3. The premises inspection shall be scheduled within 30 days of receipt of the application for a variance permit. The applicant's failure to schedule the premises inspection within the 30-day deadline will result in denial of the variance permit. The inspection must be completed within 45 days of receipt of the application. Any request by the applicant to cancel/reschedule a premises inspection must occur at least 24 hours prior to the scheduled inspection. The applicant's failure to cancel/reschedule at least 24 hours prior to the scheduled inspection may result in denial of the variance permit. The applicant's failure to be present on the premises at the time of the scheduled inspection will result in automatic denial of the variance permit application.

Section 4. Section 55.410 of the Washoe County Code is hereby amended to read as follows:

55.410 Containment requirements for keeping more than five adult dogs.

1. The dogs which are the subject of a variance permit to keep more than five adult dogs must be kept:
 - (a) In a yard of appropriate size (no less than 50 square feet per dog), with a secure perimeter fence of appropriate height for the largest breed of dog being kept;
 - (b) Inside the residence (no less than 50 square feet per dog); or
 - (c) In a secure enclosure, of appropriate size based on the requirements for the maximum number of dogs being kept, for any length of time, within the enclosure (if an enclosure is required by regional animal services).
2. Enclosure specifications. Except as provided in subsection 3, enclosures must:
 - (a) Be not less than five feet in width by ten feet in length by five feet in height for one dog. The size of the enclosure must be increased by 50 square feet for each additional dog.
 - (b) Be constructed of at least 11.5 gauge chain link fence, wood or sturdy material of equal or greater strength as specified by regional animal services;
 - (c) When deemed necessary by the animal control officer, a top to the enclosure shall be required and securely attached to the walls; and
 - (d) Contain shelter, as defined in section 55.010, to which the dogs have access at all times. Shelter(s) will be provided in the quantity and size to adequately accommodate each dog contained in the enclosure.
3. Enclosures of equivalent size but other dimensions may be approved by the animal control officer on a case-by-case basis.
4. If the dogs will be kept in an existing enclosure, an animal control officer shall inspect the enclosure to determine that it meets the requirements contained in this section. The animal control officer may recommend and specify alterations to be made to an existing enclosure to come into compliance with the requirements of this section.

Section 5. Section 55.415 of the Washoe County Code is hereby amended to read as follows:

55.415 Containment requirements for keeping more than seven adult cats.

1. The cats which are the subject of a variance permit to keep more than seven adult cats must be kept in a containment which:
 - (a) Is structurally sound and maintained in good repair;
 - (b) Ensures that the cats are not allowed to be free-roaming in the congested areas of the county;
 - (c) Prevents the entrance of other animals;
 - (d) Maintains an ambient temperature sufficient to protect the cats from excessive heat and cold; and
 - (e) Contains shelter, as defined in section 55.010, to which the cats have access at all times.
2. The enclosure shall provide a minimum space of 50 square feet per cat.
3. The enclosure shall be constructed and maintained so that the cats have access to clean water, food, resting perches, wholesome air and litter.
4. Nothing in this section prevents a cat owner from using their residence to house the cats.

Section 6. Section 55.420 of the Washoe County Code is hereby amended to read as follows:

55.420 Variance permit: Approval or denial of application to keep more than five adult dogs and/or seven adult cats; issuance of permit; appeals.

1. In addition to the required premises inspection, the animal control officer shall conduct an investigation and shall consider:
 - (a) If there are any material misstatements or misrepresentations in the permit application;
 - (b) Any animal-related complaints pertaining to the premises and/or the applicant;

- (c) Whether the applicant has received a warning, notice of civil penalty or citation for a violation of Washoe County Code Chapter 55 within three years immediately preceding the application; and
 - (d) Whether the applicant has outstanding or unsatisfied fines from a notice of civil penalty or restitution due from a criminal citation for a violation of animal laws; whether the applicant has complied with all conditions of supervised release; and whether the applicant has complied with all conditions of sentencing, as applicable.
2. The animal control officer shall notify and/or contact persons residing within 200 feet of the location at which the dogs or cats will be kept or maintained and persons residing on property adjacent to the property for which the variance permit application has been submitted that an application has been filed. Such persons may submit written objections to the application to regional animal services within 15 days of the notification.
 3. Upon completion of the animal control officer's review, inspection and investigation, the animal control officer shall submit his or her written recommendation to approve or deny the variance permit, along with all supporting documentation, to the director of regional animal services. The animal control officer shall not recommend approval of the permit unless the officer can make the findings set forth in section 55.400(2). The animal control officer may also recommend additional conditions on the issuance of the permit.
 4. The director of regional animal services or the director's designee shall review the animal control officer's recommendation and shall approve or deny the permit application within 120 days of receiving the completed application. In addition to the animal control officer's recommendation and supporting documentation, the director may consider the number and size of dogs and/or cats residing on the property, any written objections received in response to the application, and any other information the director deems material to the variance permit application. If approved, the director may specify conditions on the permit deemed necessary for the health of the involved animals and/or public safety.
 5. As a requirement of the variance permit, the applicant must ensure that:
 - (a) All dogs are licensed in accordance with section 55.340;

- (b) All dogs and/or cats are microchipped;
 - (c) All dogs and/or cats over the age of 4 months have a current rabies vaccination; and
 - (d) Animal control officers are granted access to inspect the premises where the dogs and/or cats are located upon reasonable notice at a reasonable time. Inspections shall be performed before a permit is issued in accordance with section 55.400(3), upon receipt of a complaint and during the required annual renewal. Failure to comply with a reasonable request for inspection shall result in denial or revocation of the variance permit.
 - (e) The applicant shall notify regional animal services within 30 days of any material change to the variance permit. Material changes include the keeping of any new or additional dog or cat over four months of age on the premises, the death of any permitted animals, the rehoming of such animals, a change in the contact information for the permit holder, a change in the residence of the permit holder, a change in the required emergency preparedness plan, or a modification to any enclosure required by sections 55.410 and/or 55.415.
6. If the director of regional animal services determines that the applicant must construct or remodel a dog or cat containment to comport with sections 55.410 and/or 55.415, the applicant must apply to the building department of the local jurisdiction for the appropriate permits, if required, within 15 days of the director's notification that the variance permit has been approved. The construction or remodeling must be completed within 60 days of the permit's approval. In case of demonstrated hardship or for other good cause, regional animal services may permit a longer period of time in which to construct or remodel the enclosure.
 7. If the director of regional animal services denies an application for a variance permit, thereby prohibiting the keeping of more than five adult dogs and/or seven adult cats on the premises, the applicant must comply with section 55.390 within 30 days of the director's decision. The director shall provide the applicant with a written reason(s) for denying the permit. Any person(s) whose variance permit application has been denied may not reapply for a period of one year.
 8. The director's decision is a final decision. If the applicant is aggrieved by the director's decision, they may file an appeal with the administrative hearing office not later than 30 days after receiving the director's notification that the

application for a variance permit has been denied. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

9. The administrative hearing office shall hold a hearing on the appeal as soon as practicable. If the administrative hearing officer affirms the director's decision, the applicant may file a petition for judicial review in the district court within 30 days.

Section 7. Section 55.430 of the Washoe County Code is hereby amended to read as follows:

55.430 Variance permit not required; circumstances.

1. A variance permit to keep more than five adult dogs and/or seven adult cats is not required and the provisions of sections 55.390 to 55.420, inclusive, do not apply to:
 - (a) Commercial animal establishments used to board animals owned by other persons and operated pursuant to a commercial animal welfare permit and a duly issued business license;
 - (b) Kennels used by a member of a public law enforcement agency for dogs in the service of that agency;
 - (c) Dogs or cats under the age of four months;
 - (d) Dogs or cats in the custody or control of persons who are temporarily in the county for a period not to exceed 30 days in a six-month period;
 - (e) Dogs or cats brought into the county for participation in any dog or cat show or exhibition; and
 - (f) Dogs or cats belonging to activated military personnel that are being cared for by a resident of the county for the period of the activation, but in no event for a period greater than 18 months.

Section 8. Section 55.440 of the Washoe County Code is hereby amended to read as follows:

55.440 Variance permit renewal fees.

A person holding a variance permit shall pay an annual permit renewal fee set by the board of county commissioners. The renewal fee shall be paid each year by the deadline for renewal. If a permit lapses, a late fee as set by the board of county commissioners shall apply. The failure to pay the renewal fee

within 30 days of the renewal deadline may result in revocation of the variance permit.

Section 9. Section 55.450 of the Washoe County Code is hereby amended to read as follows:

55.450 Variance permit: Revocation; appeal.

1. The holder of a variance permit is subject to continued compliance with the provisions of sections 55.400 to 55.420, inclusive, and to any condition(s) imposed on the permit. A variance permit may be revoked if:
 - (a) The permittee receives more than one notice of civil penalty or citation for violating the provisions of Washoe County Code Chapter 55 within the permit year;
 - (b) The permittee receives citation for cruelty to animals, as described in section 55.140, or state law;
 - (c) The permittee receives a notice of civil penalty or citation for violations of sections 55.110, 55.190 or 55.460(2) of this chapter;
 - (d) The permittee fails to comply with the provisions of sections 55.400 to 55.420, inclusive; or
 - (e) The permittee fails to comply with any condition(s) imposed on the permit.
2. If an animal control officer determines that a permittee has engaged in activity in violation of section 55.450(1)(a), (b) or (c), or is not complying with the provisions of sections 55.400 to 55.420, inclusive, or with any condition(s) imposed on the permit, the animal control officer may submit his or her recommendation to revoke the variance permit, along with supporting documentation, to the director of regional animal services. If the director revokes a variance permit, the permittee shall be advised in writing of the reason(s) for the revocation. Any person(s) whose variance permit has been revoked may not reapply for a period of three years.
3. A permittee who is aggrieved by the director's revocation decision may appeal that decision to the administrative hearing office not later than 30 days after receiving the written notice. A failure to appeal the decision within 30 days precludes further administrative or judicial review.
4. A permittee aggrieved by the administrative hearing officer's decision may file a petition for judicial review in the district court within 30 days. During the course of judicial

review, the variance permit shall be continued until a decision is rendered by the district court.

Section 10. Section 55.760 of the Washoe County Code is hereby amended to read as follows:

55.760 Dangerous and vicious dog; registration.

1. The owner or keeper of a dog that has been declared to be dangerous or vicious pursuant to section 55.750 must comply with the following registration requirements:

(a) Warning sign. Post on their premises a warning sign, issued by regional animal services, which indicates that there is a dangerous or vicious dog on the property. The sign must be posted in a location which is clearly visible from any access point onto the property. (This may require multiple signs.)

(b) Enclosure requirements. Demonstrate that the dog is securely confined within the owner or keeper's residence or property.

(1) For a dog which is confined inside a dwelling, requirements will be based on aspects of the particular dwelling and shall include such security measures as regional animal services deems acceptable to prevent the entry of young children and to prevent the dog from escaping the dwelling.

(2) For a dog which is left unattended outside for any period of time, the dog shall be secured inside a proper enclosure. A proper enclosure consists of an enclosure constructed of not less than nine-gauge chain link fencing or other material of equal or greater strength as approved by regional animal services. The floor(s) shall be concrete or an equivalent material unless the posts supporting the kennel walls have concrete footings not less than 24 inches in depth and the perimeter of the kennel has a concrete footing at least six inches wide and not less than 12 inches deep. The enclosure fencing shall be securely fixed to the pad or footing. A roof over the entire enclosure shall be constructed of not less than nine-gauge chain link fencing or other material of

equal or greater strength as approved by regional animal services. The roof must be securely fixed to all sides of the enclosure. All fencing and gate(s) shall be of suitable height to comfortably house the adult size of the largest breed of dog kept within that enclosure. All animals shall at all times have access to an area sheltered from adverse climatic conditions. All sheltered areas must be located inside the enclosure. All entrances to the enclosure must be secured by a padlock at all times. The minimum size of such enclosure shall be determined as follows:

- (i) At least ten feet in length by five feet in width for one dog.
- (ii) For each additional dog kept in the enclosure for any length of time: A minimum of an additional five feet in width per dog is required.

Enclosures of equivalent size but other dimensions may be approved by an animal control officer on a case-by-case basis.

(c) Liability insurance.

(1) The owner of a dangerous dog must:

- (i) Post a surety bond with the county in an amount of at least \$150,000.00 per dog declared dangerous, issued by an agency authorized to do business in the State of Nevada, payable to any person(s) injured by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest; or
- (ii) Provide evidence of a policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business in the State of Nevada in the amount of at least \$150,000.00 per dog declared dangerous, insuring the owner for any personal injuries inflicted by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest.

(2) The owner of a vicious dog must:

- (i) Post a surety bond with the county in an amount of at least \$250,000.00 per dog declared vicious, issued by an agency authorized to do business in the State of Nevada, payable to any person(s) injured by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest; or
 - (ii) Provide evidence of a policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business in the State of Nevada in the amount of at least \$250,000.00 per dog declared dangerous, insuring the owner for any personal injuries inflicted by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest.
- (3) The owner of a dangerous or vicious dog shall maintain the surety bond or liability insurance policy required herein during the life of the animal.
- (d) Microchipping. Microchip the dog declared dangerous or vicious and provide the identification number to regional animal services.
- (e) Spay or Neuter. Spay or neuter the dog within 30 days of declaration and provide proof to regional animal services.
- 2. Fees. The owner of a dangerous or vicious dog shall pay an initial application fee to register the dog as a dangerous or vicious dog in an amount per dog as set by the board of county commissioners. Thereafter, the owner of a dangerous or vicious dog shall pay an annual renewal fee.
- 3. Time Period for Compliance. The owner of a dangerous or vicious dog shall comply with the provisions of this section within 30 days of receipt of notification of the hearing officer's dangerous or vicious dog determination. In regional animal services' discretion, regional animal services may agree to extend the time period for compliance with this section for one additional period of 30 days.
- 4. Inspections. The dog's owner shall allow an animal control officer or peace officer to inspect the premises where the animal is maintained at any reasonable hour.
- 5. Relocating a dangerous or vicious dog. An owner or keeper of a dangerous or vicious dog shall not:

(a) Relocate the dog within Washoe County or re-introduce the dog into Washoe County from an outside jurisdiction without 30 days' written notice to regional animal services. The notice must include:

- (1) The name and description of the dog;
- (2) A copy of the dangerous or vicious dog determination order; and
- (3) The dog's current address and proposed new address. Prior to relocating the dog to the new address within Washoe County, the dog's owner or keeper must submit an application to register the dog at the new address, pay the registration fee, and submit to property inspection and enclosure approval by regional animal services. Prior to relocating the dog to the proposed new address, the dog's owner or keeper must comply with all registration requirements.

Pending compliance at the new address, the dog may be impounded by an animal control officer or peace officer, in which case, the dog's owner or keeper shall pay all associated fees.

(b) Introduce a dog into Washoe County which has been declared potentially dangerous, dangerous, vicious, or a similar designation in another jurisdiction without 30 days' written notice to regional animal services. The notice must include:

- (1) The name and description of the dog;
- (2) A copy of the relevant order from the other jurisdiction declaring the dog to be potentially dangerous, dangerous, vicious, or the similar designation; and
- (3) The dog's current address and proposed new address.

(c) Remove from Washoe County any dog declared dangerous or vicious or which has a dangerous or vicious dog determination hearing pending without 30 days' written notice to regional animal services. The notice must include:

- (1) The name and description of the dog;

- (2) A copy of the dangerous or vicious dog determination order, if applicable; and
- (3) The dog's current address and proposed new address.

Once the dog is removed from Washoe County, the dog's owner or keeper must also provide regional animal services with verification that the dog is no longer in Washoe County. Such verification shall include, at a minimum, proof of change of address, proof of licensing the dog in the new jurisdiction (if applicable), and proof that the dog's microchip information has been updated in the applicable brand-specific microchip registry.

6. Transferring ownership. The following provisions relate to transferring ownership of a dog who has a determination pending, a dangerous dog, or a vicious dog, as provided herein:

(a) Dog with a determination pending. The owner or keeper of any dog which is awaiting a dangerous or vicious dog determination hearing shall not transfer or give away the dog without first providing written notice to regional animal services. The notice must include:

- (1) The name and description of the dog;
- (2) The dog's current address and proposed new address;
- (3) The contact information for the dog's new owner or keeper;
- (4) A statement that the owner or keeper has informed the new owner or keeper that they must comply with the registration requirements contained in this section if the dog is ultimately declared dangerous or vicious.

(b) Dangerous dog. The owner or keeper of a dangerous dog shall not transfer or give away the dog without first obtaining approval from regional animal services. If the transfer is approved, the dog's new owner or keeper must microchip the dog and provide the microchip identification number to regional animal services prior to the dog's transfer. If approved for a transfer within Washoe County, the person to whom the dangerous dog is transferred must comply with all dangerous dog registration requirements set forth in section 55.760 and all other provisions of the dangerous dog code.

(c) Vicious dog. The owner or keeper of a vicious dog is prohibited from transferring or giving away the dog under any circumstances as provided in NRS 202.500(4).

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

Proposed on the 11 day of July, 2023.

Proposed by Commissioner Garcia.

Passed on the 17 day of October, 2023.

Vote:

Ayes: Hill, Garcia, Clark, Andriola

Nays: Herman

Absent: None



Chair
Washoe County Commission



This ordinance shall be in force and effect from and after October 07, 2023.