

Title 6 - Animals

6.04.010 Definitions

The words and phrases used in this title have the following meanings:

- A. "Animal": Includes every living creature that is not a human being.
- B. "Animal control officer": An employee of Douglas County whose primary duty is the enforcement of the provisions of this title.
- C. "County officer": Sheriff or deputy sheriff or animal control officer.
- D. "Dog": Any domesticated animal of the canine family, of either sex, over the age of four months, including domesticated coyotes, wolves or other wild species of the same genus.
- E. "Dog fancier or breeder kennel": Any dealer, operator, owner or person who is responsible for the operation of a commercial establishment engaged in the business of dogs for sale or trade, or other dog fancier or commercial purpose at any residence or other location in Douglas County. The term does not include a person who breeds dogs as a hobby. A veterinary clinic or hospital is excluded from this provision.
- F. "Dog kennel": Any place of business where dogs are kept for boarding, breeding, training, grooming, treating, sale or other commercial purpose not covered under the provisions of a dog fancier or breeder, dog rescue kennel, pet grooming service or pet shop license. A veterinary clinic or hospital is excluded from this provision.
- G. "Dog license": The license required to be issued for each dog pursuant to the terms of this title.
- H. "Dog rescue kennel": Any nonprofit single person, entity or group engaged in providing temporary shelter, care or placement of dogs for up to six months, or as approved by animal control, for the purpose of placing them with new owners. A veterinary clinic or hospital is excluded from this provision.
- I. "Immediate direction and control": The power to immediately restrict the actions and movement of a dog by the person responsible for the dog.
- J. "Livestock": Cattle, sheep, swine, goats, poultry or domesticated fowl or birds, or horses or other equines with or without rider.
- K. "Person responsible": The owner or person, who harbors, controls, has custody or possession of any dog or other animal.
- L. "Pet": An animal that is kept by a person primarily for companionship or personal enjoyment.
- M. "Pet service": Any single person, entity or group engaged in grooming or training pets, primarily dogs and cats, for commercial purpose or for training or competition, or at any residence or other location in Douglas County. A veterinary clinic or hospital is excluded from this provision.
- N. "Pet shop": Any place of business, located in a commercial or industrial area, where dogs and any other animals are kept for sale, training, grooming, treating, or other commercial purpose. A veterinary clinic or hospital is excluded from this provision.
- O. "Rabies control authority": The person designated by the legislative body of a town, city or county to administer the rabies control program or the animal control officer.
- P. "Secure pen": A pen with at least ten-foot-high walls or one covered at the top and on all sides with the base secured to the ground in a way that the dog confined cannot exit by digging underneath the side walls. The pen must be made of sufficiently strong materials and constructed so that the confined animal cannot exit.
- Q. "Service dog": Any guide dog, signal dog, or dog individually trained to work or perform tasks for the benefit of an individual with a disability, including but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing animal protection or rescue work, pulling a wheel chair, or fetching dropped items.
- R. "Vicious dog": A dog which has bitten human beings or attacked another animal or has killed under circumstances that make it vicious under section 6.16.050.

S. "Welfare dog": A dog held by animal control for adoption that is temporarily boarded at a residence subject to approval from animal control.

T. "Working dog": A dog regularly, actively engaged in herding, the protection of livestock or farm animals, drawing heavy loads, or activities in connection with farming or agriculture and that may be housed, kept, or left in an area zoned for livestock. (Ord. 1340, 2011; Ord. 1305, 2010; Ord. 1170, 2006; Ord. 815, 1998; Ord. 687 §1, 1995; Ord. 584, 1993; Ord. 434 (part), 1985)

6.08 Licensing for Dogs, Kennels and Pet Shops; Cat and Ferret Registration

A. Every person keeping, harboring, having possession, charge, custody or control of any dog within the county, shall within thirty days after bringing the dog into the county or within thirty days after the dog attains the age of four months, obtain and keep a current dog license issued by the county. A dog license is valid for either one, two or three years. No license shall be issued until the applicant has presented a certificate from a licensed veterinarian that the dog has been inoculated against rabies or until applicant pays a fee for a rabies vaccination and agrees to have the dog vaccinated by a licensed veterinarian. The term of the license must not exceed the expiration date of the rabies vaccination by more than thirty days. The current license tag must be displayed on a collar worn around the dog's neck.

B. A dog license may be renewed at any time prior to the date of expiration. The date of expiration of the renewed license is either one, two, or three years after the date on which the prior license would have expired.

C. The animal control officer or the county clerk is authorized to collect the license fee and must issue a metallic tag for each dog licensed. The tag must be stamped Douglas County and the number corresponding with the number on the license application.

D. Dog tags are not transferable from one dog to another and no refunds may be made on any dog license fee because of the death of the dog or the owner's leaving the county before the expiration of the license period.

E. A dog license is delinquent when it is not renewed within thirty days after its expiration date. (Ord. 815, 1998; Ord. 687, 1995; Ord. 434, 1985)

6.08.012 Approval of temporary boarding of welfare dogs

A. Animal control may approve the temporary boarding of welfare dogs by persons that meet the space, confinement, cleanliness, and animal health requirements of animal control.

B. Animal control will inspect the premises where the welfare dog is to be kept before the placement and may make random inspections to verify compliance.

C. All welfare dogs that are temporarily boarded must have a current rabies vaccination, an identification tag, and should be spayed or neutered unless a veterinarian advises against it due to a health or medical condition. A welfare dog may be boarded for up to 90 days. Animal control may grant an extension based on the needs of the animal or the shelter. (Ord. 1170, 2006)

6.08.015 Voluntary cat and ferret registration

A license tag may be obtained for cats or ferrets providing the owner pay the fee set by resolution of the board and shows proof of a current rabies vaccination for the period the tag is in effect. (Ord. 815, 1998; Ord. 687, 1995)

6.08.020 License--Required for kennels, pet services, and pet shops

A. The owner of any dog kennel, dog fancier or breeder kennel, dog rescue kennel, pet service, or pet shop in the county must obtain and keep a current license for each kennel, pet service, or pet shop. The license, unless surrendered or revoked, is valid for one year from the date of issue.

B. An unexpired license may be renewed by submitting an application and fee 30 days before the date of expiration. After approval by animal control the date of issuance of the license which is renewed, is the date the license would have expired.

C. A kennel, pet service, or pet shop license is not transferable to a new owner.

D. A kennel, pet service, or pet shop which contains more dogs than it was licensed for is considered an unlicensed kennel and this constitutes grounds for revoking the license to operate the kennel.

E. The animal control officer must review the application for a kennel, pet service, or pet shop license or its renewal, inspect the kennel, pet service, or pet shop, and then either grant or deny the license. If the decision is for denial, the reasons for the denial must be stated. Issuance or denial of a license or its renewal is subject to appeal to the board of commissioners.

F. All dog kennels, pet services, and pet stores must meet the following requirements to be licensed:

1. Indoor or outdoor enclosures (cages, kennels, or runs) must be provided for each animal housed. These enclosures must be constructed of an impervious material. Floors must be made of metal, fiberglass, concrete, or completely covered with a non-permeable surface and must be designed for rapid drainage of surface water. All enclosures must be kept clean and dry and outdoor kennels must provide animals protection from the rain, snow, wind, and sun. Enclosures housing animals must be cleaned daily with a disinfectant, cleanser, or chlorine bleach. Enclosures, except those in an animal shelter, cannot be stacked. Enclosures must be constructed as to prevent the animals inside from biting or otherwise harming another animal or person outside of the enclosure.

2. Cleaning materials sufficient to clean the entire facility must be present at time of inspection. Cleaning supplies must be stored separately from food supplies.

3. Building temperatures must be maintained at a comfortable level with adequate ventilation by windows, doors, vents, fans, or HVAC system. Building temperatures must remain cool during a period for which the National Weather Service has issued a heat advisory. Outdoor kennels must have shade and a place to stay warm when temperatures are below 50 degrees or protect animals when the National Weather Service has issued a high wind warning.

4. Each animal must have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure.

5. All animals must be fed palatable food, free from contamination, in an amount and with a nutritional value to meet the normal daily requirements for the condition and size of the animal.

6. All animals must have fresh water available at all times.

7. Any animal over the age of four months must have proof of a current rabies vaccination.

8. Veterinary care must be provided, if needed, to maintain good health and general welfare and to prevent suffering by animals. All costs for veterinary care must be paid for by the kennel operator to be reimbursed by the animal owner unless the care is necessary because of the action or inaction of the kennel operator.

9. All animal bites involving any dog housed on the premises must be reported immediately to animal control pursuant to section 6.12.020.

10. A kennel must meet the zoning criteria required by title 20 and its location be approved by the planning department before applying to animal control for a license.

11. Every dog kennel will be inspected to determine if the requirements for the license have been met before a license is issued. Additionally, every dog kennel will be inspected annually during the license renewal process and will be subject to unannounced random inspections throughout the duration of the license to ensure compliance with the provisions with this title. If requested by animal control during inspections, the kennel owner or operator must produce proof of current rabies vaccinations for each dog over the age of four months old.

G. A dog fancier or breeder kennel must, in addition subsection F, meet the following requirements to be licensed:

1. A dog fancier or breeder kennel must meet the zoning criteria required in title 20 and be approved by the planning department before applying to animal control for a license.

2. Puppies may be housed in the same enclosure as their mother.
3. All dogs over the age of four months must have a current license pursuant to subsection

6.08.010.

4. A dog fancier or breeder kennel may not have more than six dogs over the age of six months for parcels one to five net acres and eight dogs over the age of six months for parcels five net acres or more, including dogs kept as pets, at that location. No more than three dogs of mixed breed or of a breed different than the purebred breeding dogs may be kept as pets, or counted in the total number of dogs allowed at that location. All dogs kept as pets must have an identification micro-chip permanently implanted or a permanent tattoo with unique numbers, letters or a combination of numbers and letters to distinguish the pet dogs from the breeding dogs. The micro-chip registration number or a description of the tattoo must be provided to animal control and listed on the dog license information of each pet. Breeding dogs may also have micro-chip implants or tattoos. If so, the registration number or tattoo description must also be provided to animal control and listed on the dog license information for those dogs. All dogs kept as purebred breeding dogs must have documentation of pedigree from a recognized and accredited dog kennel club.

5. Puppies, or dogs may not be sold

- a. Unless the puppy or dog has had

- i. a registered microchip subcutaneously inserted into the puppy, kitten, dog or cat; and

- ii. all the required vaccinations for rabies which are appropriate based upon the age of the puppy or dog; or

- b. without providing a written sales contract to the purchaser

6. Breeders shall not breed a femal dog

- a. before she is 18 months old; or

- b. more than once a year.

H. A dog rescue kennel must, in addition to subsection F, meet the following requirements to be licensed.

1. A dog rescue kennel must meet the criteria of a releasing agency as defined in NRS 574.620.

2. All rescue dogs brought into Douglas County from outside of the state of Nevada must have a current welfare certificate signed by a licensed veterinarian and issued not more than thirty days before the date the dog arrives in Nevada and a current rabies vaccination certificate. Certificate requirements are pursuant to NRS 571.210 and the Nevada Administrative Code 571.080.

3. All dogs over the age of four months must have a current license pursuant to section 6.08.010.

4. A dog rescue kennel may not have more than six dogs over the age of four months for parcels one to five net acres and eight dogs over the age of four months for parcels five net acres or more, including dogs kept as pets at that location. No more than three dogs housed t a dog rescue kennel may be kept as pets at that location or counted in the total number of dogs allowed at that location. All dogs kept as pets must have an identification micro-chip permanently implanted or a permanent tattoo with unique numbers, letters or a combination of numbers and letters to distinguish the pet dogs from the rescue dogs. The micro-chip registration number or a description of the tattoo must be provided to animal control and listed on the dog license registration number or tattoo description must also be provided to animal control and listed on the dog license information for those dogs.

5. Every dog rescue kennel must maintain a log book containing information about each rescue dog received by the kennel and currently housed at the kennel and each dog that has left the kennel and that indicates:

- a. The date and time each dog arrives at the kennel.

- b. The gender, age, breed and a brief physical description of each dog and whether the dog has been sterilized or is intact.

- c. The expiration date of the rabies vaccination of each dog.

- d. The date of issue of each dog's wellness certificate and the name of the issuing

veterinarian, if applicable.

e. The origin of each dog.

f. The disposition of each dog, i.e., adopted, released to another releasing agency, euthanized, etc.

g. The location where each dog is sent to.

This information must be given to animal control, either in person, by telephone, or by a facsimile transmittal within 3 working days of the kennel receiving possession of a rescue dog in Douglas County. Additionally, the log maintained at the kennel must be produced for review by animal control if requested at any time to ensure compliance with this and all applicable subsections of this title.

I. A pet shop must, in addition to subsection F, meet the following requirements to be licensed:

1. Adequate enclosures (cages, kennels, aquariums, terrariums, etc.) must be provided for all animals housed in the shop. Animals include mammals, birds, reptiles, amphibians, fish, insects, arachnids and any other creatures traditionally sold as pets. These enclosures must be made of sufficiently strong materials and constructed so that the confined animals cannot exit or escape from the enclosures. Outdoor enclosures, if used, must be designed for rapid drainage of surface water. All enclosures must be cleaned and excreta removed from primary enclosures at least once daily to prevent contamination and to reduce to a minimum odors and the risk of disease. Outdoor enclosures must provide animals protection from the rain, snow, wind and sun.

2. All animal bites involving any dog, cat or ferret must be reported immediately to animal control pursuant to section 6.12.020.

3. Every pet shop will be inspected prior to a license being issued to determine if the requirements for the license have been met. Additionally, every pet shop will be inspected annually during the license renewal process and will be subject to unannounced random inspections throughout the duration of the license to ensure compliance with the provisions with this code. During initial and subsequent annual and random inspections the pet shop owner, operator or manager must produce proof of current rabies vaccinations for each dog, cat or ferret over the age of four months old if requested by animal control.

J. A pet service must, in addition to subsection F, meet the following requirements to be licensed:

1. Adequate enclosures (cages, kennels, etc) must be provided for all animals housed during hours of operation. No animals may be boarded overnight. These enclosures must be made of sufficiently strong materials and constructed so that the confined animals cannot exit or escape from the enclosures. Outdoor enclosures, if used, must be designed for rapid drainage of surface water. All enclosures must be cleaned daily and before placing another animal in the enclosure to prevent contamination and to reduce to a minimum odors and the risk of disease. Outdoor enclosures must provide animals protection from the rain, snow, wind and sun.

2. All animal bites involving any dog, cat or ferret must be reported immediately to animal control pursuant to section 6.12.020.

3. The location of every pet service will be inspected prior to a pet service license being issued to determine if the requirements for the license have been met. Additionally, every pet service will be inspected annually during the license renewal process and will be subject to unannounced random inspections throughout the duration of the license to ensure compliance with the provisions with this title. (Ord. 1340, 2011; Ord. 1170, 2006; Ord. 815, 1998; Ord. 687, 1995)

6.08.030 License fee

A. The fee for issuance of a dog license or its renewal is set by resolution of the board.

B. Working dogs and service dogs are exempt from the fee requirement.

C. The fee for issuance of a license for a dog kennel, dog fancier or breeder kennel, dog rescue kennel, pet service, or pet shop or its renewal is set by resolution of the board. (Ord. 1170, 2006; Ord. 815, 1998; Ord. 687, 1995; Ord. 434 (part), 1985)

6.08.040 License--Issuance procedure

A. All applications for dog, kennel, pet service, and pet shop licenses or their renewal must be on the forms furnished by the animal control officer or the county clerk.

B. On receipt of a completed application for a dog license, with the fee and a certificate signed by a licensed veterinarian stating that the dog is currently vaccinated against rabies for the period of the license, the animal control officer or the county clerk must issue the applicant a dog license and a metal tag.

C. On receipt of a completed application for a kennel, pet service, or pet shop license with the fee and a written promise to maintain proof of a current rabies vaccination for all kennel or pet shop dogs over four months of age, and an inspection approving a kennel by animal control the animal control officer may issue a kennel, pet service, or pet shop license.

D. The animal control officer or the county clerk shall retain a copy of the application and the license in his files. The dog license tags shall be metallic and be stamped with "Douglas County" and the number of the tag. The animal control officer is authorized and directed to obtain a sufficient number of serially numbered license tags, blank applications and license forms to carry out the provisions of this chapter. (Ord. 815, 1998; Ord. 434, 1995)

6.08.070 Denial or revocation of kennel, pet service, or pet shop license

A. Grounds for denial of a dog kennel, dog fancier or breeder kennel, dog rescue kennel, pet service, or pet shop license or its renewal:

1. Fraudulent practices or misrepresentation in the operation of any previous kennel or pet shop in the county or elsewhere;

2. Concealment or misrepresentation in the application for a kennel or pet shop license or its renewal;

3. Suspension or revocation of a kennel or pet shop license in the county or elsewhere;

4. One or more previous violations of any regulation designed to protect the public health, safety and welfare in any jurisdiction, including but not limited to, health and sanitation regulations and building and fire codes;

5. Conviction of any criminal offense involving cruelty to animals.

6. Failure to meet requirements for kennels.

B. Grounds for revocation of a dog kennel, dog fancier or breeder kennel, dog rescue kennel, pet service, or pet shop license:

1. Fraudulent practices or misrepresentation in the application for a kennel or pet shop license or its renewal;

2. Concealment or misrepresentation in the application for a new or renewed kennel or pet shop license;

3. One or more violations of any county, state or federal regulation designed to protect the public health, safety and welfare, including but not limited to health and sanitation regulations and building and fire codes;

4. Any violation by the licensee, his agents or employees of this title;

5. One or more incidents of cruelty to animals committed by the licensee or his agents or employees.

C. Procedure for denial.

1. A decision by animal control after a public hearing to deny a kennel, pet service, or pet shop license application upon any of the above grounds is final. An applicant aggrieved by the decision may file a written appeal within 10 days of the decision for an appeal to the board of county commissioners.

2. An applicant whose application for a new or renewed kennel, pet service, or pet shop license has been denied may reapply for a license after a year has elapsed from the date of denial. An earlier reapplication may be made if accompanied by satisfactory evidence that the grounds or ground for the

denial of the application no longer exists.

D. Procedure for revocation.

1. Animal control on its own motion, or upon complaint of any person, may institute proceedings to revoke a kennel, pet service, or pet shop license by serving written notice on the licensee with the time, date, place, and reason for the hearing.

2. The licensee will be given an opportunity to be heard and present evidence, by witnesses or otherwise.

3. If the licensee fails to appear at the place and time designated for the hearing, animal control may order the license revoked.

4. On revocation of license, the kennel, pet service, or pet shop must shut within 5 days. Animal control may impound or relocate the dogs if necessary.

5. The decision to revoke a kennel, pet service, or pet shop license may be appealed to the board by the licensee if a written appeal is filed with the clerk within 10 days of the decision. (Ord. 1170, 2006; Ord. 815, 1998; Ord. 687, §2, 1995.)

6.12 Rabies Control

6.12.010 Vaccination of dogs, cats, or ferrets

The owner of any dog, cat, or ferret over the age of four months shall, within 30 days after the animal reaches the age of four months, have the animal vaccinated for rabies as required by the state department of public health. The person giving an antirabies vaccination to any dog, cat, or ferret within the county must give the owner of the animal a certificate stating the name of the owner, a description of the animal, the date of the vaccination and the type of vaccine used. (Ord. 815, 1998; Ord. 687, 1995; Ord. 434 (part), 1985)

6.12.020 Dog, cat, or ferret bites

A. Whenever the person responsible for any dog, cat, or ferret knows that the animal has bitten a human being, the person shall immediately inform the rabies control authority, and the victim, or the victim's parent or guardian if the victim is a minor, of the name and address of the person responsible for the animal and its location. The person responsible for the dog, cat, or ferret must immediately quarantine the animal and maintain a secure quarantine for 10 days. If the person responsible knows or should know that he is or will be unable to provide a secure quarantine, or if the dog, cat, or ferret does not have a current rabies vaccination, the person must deliver the animal to animal control for quarantine. If the victim of a dog, cat, or ferret bite or the victim's representative requests, in writing, that quarantine be at the animal control center or a veterinary clinic or hospital the animal control officer may order the quarantine.

The animal control officer may, at the owner's request, permit quarantine in a veterinary clinic. The owner will be liable for the expenses of quarantine and veterinarian examination costs and fees at the animal control center or at a veterinary clinic.

B. Whenever the animal control officer or the sheriff's department is informed that a dog, cat, or ferret has bitten a human being, and the person responsible for the animal cannot be identified or has failed to make the required notifications and to quarantine the animal, animal control must impound the animal for quarantine and if reasonably possible, to make the required notifications.

C. If it is determined by a veterinarian that the dog, cat, or ferret has rabies, the animal control officer must destroy the animal. If at the end of quarantine, it appears that the dog, cat, or ferret does not have rabies, the animal may be released to the person responsible or be considered abandoned. The animal control officer may extend the quarantine upon the recommendation of the veterinarian. The animal control officer may keep the dog, cat, or ferret until all costs and fees are paid. (Ord. 815,

1998; Ord. 687, § 3 (part), 1995; Ord. 434 (part), 1985)

6.16 Dog Restrictions--Penalty

6.16.010 Dogs at large

A. It is unlawful for any person who owns, harbors or keeps or who has possession, charge, custody or control of any dog to cause, permit, suffer or allow the dog to stray, run or to be at large in or on any public highway, street, alley, sidewalk, park, place or school ground, or upon any lot or land whether public or private, other than that of the owner.

B. This section does not apply to any dog performing under the immediate direction and control of the person responsible for the dog or an agent or employee of the person.

C. The county officer may tranquilize a dog at large to aid in its capture. If a safe capture cannot be made using tranquilization, the county officer may use any reasonable means necessary, including destruction of the animal, to capture the animal. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.16.020 Dogs at large--Livestock

It is unlawful for any person who owns, harbors, keeps or has possession, charge, custody or control of any dog to cause, permit, suffer or allow the dog to stray or run at large if the dog, while straying or running at large, actively pursues, chases, attacks, injures, or kills, or worries any livestock within the county. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.16.030 Barking dogs

It is unlawful for any person who owns, harbors or keeps or who has possession, charge, custody or control of any dog to cause, permit, suffer or allow the dog to persistently and habitually howl, bark, bay, cry, or make any noise audible beyond the boundaries of the property on which the dog is situated for an extended period of time. No summons and complaint shall be issued for a violation of this section unless there are at least two (2) or more complaining witnesses from separate households who have signed such complaint. Such extended period of time shall consist of constant barking, baying, crying, howling or making of any noise for 30 minutes or more in any 24-hour period, or sporadic barking, baying, crying, howling or making any noise for 60 minutes or more during any 24-hour period. Dogs making noise in response to a person trespassing, threatening to trespass, teasing or provoking the dog, or dogs while working as a law enforcement canine or working dog pursuant to 6.04.010, shall not be deemed a violation. (Ord. 1335, 2011; Ord. 815, 1998; Ord. 434 (part), 1985)

6.16.040 Number of dogs allowed

It is unlawful for any owner, lessee or renter to hold, keep or maintain or permit the holding, keeping or maintenance of a total of more than three dogs over the age of four months:

- A. On the premises of a residence; or
- B. On the premises of a business other than a veterinary clinic or veterinary hospital;
- C. At any other location within a fenced enclosure; or
- D. Unless it is a licensed dog kennel, dog fancier or breeder kennel, dog rescue kennel, pet service or pet shop, or an organized day event for dogs.
- E. This section does not apply to working or welfare dogs. (Ord 1170, 2006; Ord. 434 (part), 1985)

6.16.045 Dogs in heat

The person responsible for a dog in heat must not allow the dog to be at large or to cause a disturbance. Animal control may require a dog in heat to be confined to a secure pen during estrus. A dog in heat may be impounded if not kept in a secure pen after required by animal control. (Ord. 815,

6.16.050 Vicious dogs

A. If any dog has bitten a human being the dog may be considered vicious by animal control or by a court of competent jurisdiction. The victim, or if the victim is a minor, the victim's parent or guardian, may request in writing that the bite should be considered as an indication of the vicious propensities of the dog. The statement must be filed with the animal control officer and when possible with the person responsible for the dog. It must include the reasons for the conclusion, the name and address of the person responsible for the dog, description of the dog and dog's name, and the name and address of the victim or the person making the statement. The following factors must be considered in making the determination if the dog is vicious:

1. Whether the bite resulted from teasing or mistreatment of the dog;
2. Whether any teasing or mistreatment was by the victim;
3. Whether the victim was warned to stay away from the dog;
4. The viciousness of the attack; and
5. Any other circumstances that would be considered by a reasonable person. A dog must not

be considered vicious when it is:

6. Acting to defend an attack upon a human being by a person or other animal.
7. Owned by the sheriff's department or other law enforcement agency when it is used in the

performance of law enforcement work.

8. Acting against a trespasser who has illegally entered the residence of the person responsible;

or

9. Acting against a trespasser who illegally entered on or into a fenced or enclosed business premises, when those premises have signs posted in a conspicuous way to the public warning of a potentially dangerous animal on the premises.

B. If a dog bites a person, the person responsible for the dog may acknowledge without a statement by the victim that a dog bite should be considered vicious by animal control. The acknowledgment must be in writing and must be delivered to the animal control officer.

C. If a dog enters on the property of another and attacks an animal it may be considered vicious. If a dog enters the property of another and kills an animal or has on a second occasion entered on the property of another and attacked an animal, the dog must be considered a vicious animal.

D. A vicious dog may be impounded by animal control until a secure pen is provided.

E. A vicious dog must be confined in a secure pen. When not confined in a secure pen a vicious dog must be restrained by an adult with a sturdy leash of no more than 4 feet and must wear a muzzle to prevent the dog from biting with its mouth. The muzzle must be the proper size and design for the dog. Animal control must approve all secure pens, leashes, and muzzles used on vicious dogs. A county officer may impound any vicious dog that is not securely confined. The county officer may tranquilize or use any other reasonable means necessary to impound the dog. If the county officer determines that the dog cannot be safely impounded, the dog may be destroyed.

F. The owners of a vicious dog must have it sterilized within 90 days of the date animal control determines the dog is vicious. The owner must provide animal control with a copy of the sterilization certificate signed by the veterinarian that performed the procedure.

G. The provisions of section 6.20.010 apply to the impoundment of a vicious dog or dog in heat except that an impounded dog may not be reclaimed unless a secure pen is provided. If the person responsible for the dog fails to provide a secure pen within five days after written notice, the dog may be destroyed pursuant to subsection 6.20.010(B). (Ord. 1305, 2010; Ord. 1170, 2006; Ord. 815, 1998; Ord. 434 (part), 1985)

6.20 Impoundment

6.20.010 Impounding, redemption and destruction of animals

A. All animals impounded by the county officer must be delivered to the animal control facilities unless another procedure is approved by animal control. The animal control officer will make a reasonable effort to notify the person responsible for any impounded animal as soon as practical. If telephone contact cannot be made, notice must be given to a known owner by first class mail. The person responsible for an impounded animal may reclaim the animal upon proof of vaccination, or proof of payment of the fee for vaccination and agreement to vaccinate, payment of any unpaid license and payment of a board and pickup fee.

B. Any animal not reclaimed within five days after it is impounded is abandoned and may be destroyed or put up for adoption. The person responsible for the animal will be liable for the cost of destruction of the animal. (Ord. 1305, 2010; Ord. 815, 1998; Ord. 434 (part), 1985)

6.20.020 Emergency impoundment

A. A county officer may impound an animal when the person responsible for the animal is unable to care for it due to emergency circumstances. The officer impounding the animal must make a record of the circumstances of impounding including:

1. Name, address and phone number of person responsible for the animal;
2. Current location of the person responsible;
3. Name, address and phone number of owner if other than the person responsible;
4. Arrangements that have been made for reclaiming the animal; and
5. Circumstances that created the necessity of impoundment.

B. The officer impounding the animal must notify the person responsible for the animal of the following rules which will apply when an animal is impounded under emergency circumstances:

1. That a boarding fee and all other applicable fees will be charged for all animals not reclaimed on the first business day after impoundment;
2. That the person responsible for the animal will be responsible for veterinary fees for treatment of the animal;
3. That the animal may be considered abandoned pursuant to section 6.20.010(B) if not reclaimed from animal control within five days after it is impounded.
4. That an abandoned animal may be destroyed or put up for adoption;
5. That the person responsible may designate an agent to reclaim the animal; and
6. That the animal may be relinquished to animal control pursuant to section 6.24.030. (Ord. 1305, 2010; Ord. 815, 1998; Ord. 434 (part), 1985)

6.24 Restraining and Abandonment of Animals

6.24.005 Restraining animals

A. Every person who is the owner of any animal, has an absolute duty to keep the animal upon his premises under his control, shall keep said animal properly restrained by a fence, cage, coop or other adequate means so that said animal shall not leave or escape from the premises upon which it shall be kept.

B. Cats are exempt from this section.

C. Animals grazing on open land pursuant to NRS chapter 568 and the Taylor Grazing Act are exempt from this section.

D. Service Dogs and Working Dogs are exempt from this section. (Ord 1305, 2010)

6.24.010 Abandonment of animals

It is unlawful for any person owning, possessing, or having custody and control of any animal to:

- A. Leave the animal without food for a period of more than 24 hours;
- B. Move a residence or business without providing for the transportation of the animal;
- C. Leave the animal in a public street, road, alley or other public place, or upon the private property

of another, for more than one hour after receiving notice of or obtaining knowledge that the animal is disabled or sick.

D. Leave the animal in a public street, road, alley or other public place, or upon the private property of another for more than three hours after obtaining knowledge or receiving notice of the death of the animal.

E. Leave the animal in a motor vehicle where it may suffer from exposure to the heat. Animal control may remove an animal from a motor vehicle or suffering or distressed from exposure or from heat. The sheriff or his deputy may impound a vehicle in which an animal is enclosed. The animal control officer may impound the enclosed animal. The vehicle and animal may be released upon payment of the costs of impoundment and, in the discretion of the county officer, the issuance of a citation. The cost of impoundment of the vehicle and animal must be paid by the person responsible for the animal. (Ord 1305, 2010; Ord. 815, 1998; Ord. 434 (part), 1985)

6.24.020 Cruelty to animals--Release or removal of animal of another

A. It is unlawful for any person to overdrive, overload, torture or cruelly beat, injure, maim, mutilate or kill any animal whether belonging to himself or to another, or deprive any animal of necessary sustenance, food, drink or shelter, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.

B. It is unlawful for any person to keep an animal in conditions that are unsanitary. For purpose of this section, unsanitary conditions shall include but shall not be limited to the following: excessive feces, lack of sufficient shelter, space ventilation, excessive pests, excessive rubbish, or any other condition which threatens the health of animals or humans.

C. It is unlawful for any person to tease, coax, release or otherwise cause an animal to escape from an enclosure provided for the animal.

D. It is unlawful for any person to remove a domestic animal from the county without the approval of the owner. If the animal is not owned or the owner cannot be ascertained, it is unlawful to remove it from the county without providing animal control with the following information:

1. Description of the animal;
2. Location where the animal was found;
3. Name, address and phone number of the person removing the animal; and
4. Name, address and phone number of the person who will have custody of the animal. The

person removing the animal from the county must make the animal available for a potential owner to reclaim for at least 10 days. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.24.030 Relinquishment of animal to animal control

A county resident who is the owner of an animal may relinquish ownership of the animal by signing a statement that he or she is the legal owner of the animal and authorizing animal control to dispose of the animal. Disposal may occur through destruction or adoption. The owner of the animal must pay the cost of disposal at the time of relinquishment. The cost will be the price charged the county for the medical supplied for destruction. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.24.040 Adoption of animal

Animal control may permit the adoption of any pet that is abandoned or has been relinquished. Before a pet may be released the pet must be sterilized or an agreement for the sterilization must be signed by the new owner. Animal control must adopt a policy for minimum ages and weights for sterilization, health requirements, and the required vaccinations. The new owner must pay the fees set by resolution of the board for the adoption and the services provided by the veterinarians. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.24.050 Destruction of an animal

The county animal control officer may euthanize any animal which is abandoned or for which ownership has been relinquished. The method of euthanasia must be by injection. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.28 Investigation, Citations and Penalties

6.28.010 Investigation

The animal control officer is empowered to investigate grievances concerning animals in the county. Prior to conducting an on-the-scene investigation based on telephone grievances, the animal control officer may ascertain what attempts have been by the complaining party or others to bring the problem to a satisfactory solution. Attempts by a citizen to solve a problem and the emergency nature of the situation should be considered by the animal control officer in determining whether or not immediate on-the-scene investigation or action is necessary. (Ord. 815, 1998; Ord. 434 (part), 1985)

6.28.020 Authority to issue citations

The county animal control officers are empowered to prepare, sign and serve written citations on persons accused of violating this title. In lieu of citation, the animal control officer may issue a warning and instructions for corrective action. (Ord. 1170, 2006; Ord. 815, 1998; Ord. 434 (part), 1985)

6.28.030 Violation--Penalties

Any person violating any of the provisions of this title is guilty of a misdemeanor. (Ord 1305, 2010; Ord. 645, 1994; Ord. 434 (part), 1985)

6.32 Bear-proof Collection Bins, Containers, and Structures

6.32.010 Definitions

A. "Bear-proof collection bin": A secured container, made of metal or its equivalent, with a locked lid or swinging door on top of the bin or its equivalent that makes the contents of the bin inaccessible to bears.

B. "Bear-proof container or structure": Any container or structure that as a result of its construction makes the contents of the container or structure inaccessible to bears.

C. "Garbage": Kitchen and table refuse, offal, swill, and other consumption, decay, or dealing in, or storage of meats, fish fowl, birds, fruits and vegetables.

D. "Responsible party": A natural person, a lessee or lessor, any form of business or social organization, including, but not limited to, a corporation, partnership, association, trust or unincorporated organization exercising physical control of any private property.

E. "Enforcement Officer": Any sheriff, deputy sheriff, animal control officer or code enforcement officer. (Ord. 1218, 2007; Ord. 963, 2001)

6.32.020 Applicability

Within the boundaries of Douglas County, except for the Gardnerville Township and Minden Township, all responsible parties with two or more violations as defined in section 6.32.040, must, at all times, place garbage in a bear-proof collection bin, container or structure. (Ord. 1218, 2007; Ord. 963, 2001)

6.32.030 Collection bin, container, and structure maintenance

Each bear-proof collection bin, container or structure must be kept clean inside and out by the responsible party so that no odor or nuisance is allowed to exist. A cover must not be removed except when necessary to place garbage inside the bear-proof collection bin, container or structure or to remove garbage from the bear-proof collection bin, container or structure. The bear-proof collection bin, container or structure shall not be overloaded to the extent a cover cannot be securely replaced or the container or structure securely enclosed. (Ord. 1218, 2007; Ord. 963, 2001)

6.32.035 Authority to issue citations

Enforcement officers are empowered to investigate, prepare, sign and serve written citations on a

responsible party or person accused of violating this chapter. (Ord. 1218, 2007)

6.32.040 Violation and Penalty

- A. A responsible party must not allow a bear to gain access to garbage.
- B. It is unlawful for any person to tamper with or disable a bear-proof bin, container or structure.
- C. Violations of this chapter will be punished by the following progression of sanctions:
 - 1. For the first incident, a verbal or written warning will be issued to the responsible party.
 - 2. For a second incident within two years from receiving a verbal or written warning for a first incident, the responsible party will be required to purchase or construct a bear-proof collection bin, container or structure and install within ninety days of the incident. A responsible party that fails to purchase or construct a bear-proof collection bin, container or structure within ninety days will be cited and if convicted punished for an infraction.
 - 3. For a successive incident within two years of a second incident, the responsible party shall be punished for an infraction with a fine of not less than \$100. (Ord. 1218, 2007; Ord. 963, 2001)