



WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM _____
Finance JC

DA JG

Risk Mgt N/A

HR N/A

Other N/A

STAFF REPORT

BOARD MEETING DATE: May 12, 2015

DATE: April 20, 2015

TO: Board of County Commissioners

FROM: Robert Smith, Animal Services Manager

Phone: 353-8945; email: rasmith@washoecounty.us

THROUGH: Shyanne Schull, Director of Animal Services

SUBJECT: Introduction and first reading of an Ordinance amending Washoe County Code Chapter 55 by clarifying the meaning of a dangerous dog; by specifying that an administrative hearing officer may determine whether a dog is dangerous; by forbidding a finding that a dog is dangerous based solely on its breed; by prohibiting the introduction, relocation or removal of a dog declared to be dangerous without notification to regional animal services; by clarifying that an appeal from a dangerous dog determination is made via petition for judicial review; by providing that the owner of a dangerous dog must maintain an increased surety bond or liability insurance; by providing for mandatory microchipping and spay or neuter of a dangerous dog; by making changes to the dangerous dog registration requirements; by clarifying provisions related to the impoundment of a dangerous dog, and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on June 9, 2015 at 6:00 p.m. (All Commission Districts)

SUMMARY

The Washoe County Commission will introduce and hold the first reading of an ordinance amending Washoe County Code Chapter 55, by revising provisions relating to dangerous dogs.

Washoe County Code Chapter 55 was rewritten to create a unified animal control ordinance which was adopted on June 14, 2005 in accordance with the Interlocal Agreement entered into by the Cities of Reno and Sparks and the County of Washoe to effectuate the consolidation of animal services in the County. In accordance with that Interlocal Agreement and the consolidated ordinances, animal services have been provided on a regional basis now in excess of nine years. It is based on this experience, revision to State Statutes and public input during this time that these amendments to Chapter 55 are being proposed.

In the 2013 legislative session, amendments were made to NRS 202 Crimes against public health and safety, prohibiting breed discrimination when determining a dog dangerous, therefore requiring Washoe County to amend WCC 55.750.

- NRS 244.189 provides that the board of county commissioners may exercise such powers and may enact such ordinances not in conflict with Nevada statutes for, inter alia, the control and protection of animals.
- NRS 244.359 provides that the board of county commissioners may enact and enforce ordinances fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid; regulating or prohibiting the running at large and disposal of all kinds of animals; establishing a pound, appointing a pound keeper and prescribing his duties; prohibiting cruelty to animals; and designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners. Any such ordinances may apply throughout the entire county or govern only a limited area within the county.
- The Washoe County Board of Commissioners and the City Councils of the City of Reno and City of Sparks consolidated animal control functions in Washoe County to be on a regional basis. The consolidation of animal control services was accomplished by the adoption of ordinances of the three jurisdictions approving an interlocal agreement among the cities of Reno and Sparks and Washoe County which regionalized all field services, including, but not limited to, licensing, enforcement, rabies control, kennel permitting and related administrative functions relating thereto under the jurisdiction and control of Washoe County. The final step in the consolidation process occurred on June 14, 2005 when the Washoe County Board of Commissioners adopted the ordinance which amended Washoe County Code Chapter 55 in compliance with the interlocal agreement for the consolidation of animal services. Since that date, animal services within Washoe County has been operated and provided on a regional basis. We now have over nine years of regional operational experience.
- It is the intention of this Ordinance to repeal, enact and revise sections to Washoe County Code Chapter 55 based upon that experience and public input.

County priority/goals: Safe, secure and healthy communities; Public participation and open, transparent communication.

PREVIOUS ACTION

On April 22, 2014 the Washoe County Commission approved the establishment of Washoe County Regional Animal services as a stand-alone department.

On June 17, 2014 the Washoe County Commission authorized initiation of proceedings to amend Washoe County Code (Chapters 5 and 55) related to the creation of the Department of Regional Animal Services.

On July 22, 2014 the Washoe County Commission received an update on the public input process regarding Washoe County Code Chapter 55.750 Dangerous Dog Determination.

BACKGROUND

On April 22, 2014 the BCC approved establishing Washoe County Regional Animal Services as a standalone department.

On June 17, 2014, the Board directed the Clerk to submit a request to the District Attorney to initiate proceedings to amend Washoe County Code (Chapters 5 and 55).

Also, changes within this code have been recommended based on mandates from the Legislative session of 2013. Specifically, amendments were made to NRS 202 Crimes Against Public Health and Safety, prohibiting breed discrimination when determining a dog dangerous, therefore requiring Washoe County to amend WCC 55.750.

The County Managers Office and Washoe County Regional Animal Services (WCRAS) initially met with OnStrategy to plan the public input process for the proposed code amendments. A first step in the public input process was to share proposed revisions with key stakeholder groups including the Cities of Reno and Sparks and major animal groups in our County, which included the SPCA, NHS and Pet Network. Through individual meetings with staff, input was received from these groups regarding the proposed code amendments.

An online comment process “Open Washoe” was utilized from July 7, 2014 to August 18, 2014 to establish priorities for ordinance workshops, to raise awareness of the code issues and obtain a broad range of input on topics important to the public. The unique feature of this community engagement tool allowed visitors to the site to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree. However, the topic of dangerous dogs remained open until October 10, 2014 for public comment on the proposed code revision.

During the public input process there were numerous media releases and targeted email notifications encouraging the public to give input on the amendments as well as several news stories, print articles and radio shows discussing the changes and encouraging public input, which resulted in additional input being received via phone calls and emails.

This process was implemented to raise awareness of the community issues and to insure the widest range of public input. At key points during the public input process, new questions regarding the code revisions were posted and the proposed code amendments were edited based upon public input. These changes were then posted on “Open Washoe” for citizens to review.

Additionally, links to “Open Washoe” were added to the Animal Services web page and an email account animalcode@washoecounty.us was created for the public to communicate their comments and concerns specific to proposed Code changes.

As stated previously, a workshop was held at the Wilbur D. May Museum on August 25, 2014 to discuss Dangerous Dogs, providing an opportunity for the public to ask questions and give input on the proposed amendments. During this workshop, staff had an opportunity to meet one-on-one with many citizens and address concerns as well as receive valuable input. 50 citizens attended the public workshop on dangerous dogs with 15 visits through “Open Washoe”, and three comment cards. Twenty one respondents rated this as their number one priority. A summary of the public input received online and through the workshops is attached along with the specific detailed correspondence provided from all public input.

Furthermore, in the 2013 legislative session, amendments were made to NRS 202 Crimes Against Public Health and Safety, prohibiting breed discrimination when determining a dog dangerous, therefore requiring Washoe County to amend WCC 55.750.

A significant area identified from public input focused on requests to introduce penalties into WCC 55.750 Dangerous Dog Determination. Pursuant to current and recommended code changes, the action to determine a dog dangerous is a civil action and therefore penalties or fines cannot be assessed at that time. Once a determination is made, it is the actions of the animal or owner that result in criminal penalties which then can be enforced. WCRAS continues to work collaboratively with the Washoe County District Attorney to ensure penalties and or criminal charges where determined appropriate.

FISCAL IMPACT

None

RECOMMENDATION

It is recommended that the Board of County Commissioners introduce a first reading of an Ordinance amending Washoe County Code Chapter 55 by clarifying the meaning of a dangerous dog; by specifying that an administrative hearing officer may determine whether a dog is dangerous; by forbidding a finding that a dog is dangerous based solely on its breed; by prohibiting the introduction, relocation or removal of a dog declared to be dangerous without notification to regional animal services; by clarifying that an appeal from a dangerous dog determination is made via petition for judicial review; by providing that the owner of a dangerous dog must maintain an increased surety bond or liability insurance; by providing for mandatory microchipping and spay or neuter of a dangerous dog; by making changes to the dangerous dog registration requirements; by clarifying provisions related to the impoundment of a dangerous dog, and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on June 9, 2015 at 6:00 p.m.

POSSIBLE MOTION

Should the Board approve, a possible motion would be: Move to “introduce on behalf of the Board of County Commissioners a first reading of an Ordinance amending Washoe County Code Chapter 55 by clarifying the meaning of a dangerous dog; by specifying that an administrative hearing officer may determine whether a dog is dangerous; by forbidding a finding that a dog is dangerous based solely on its breed; by prohibiting the introduction, relocation or removal of a dog declared to be dangerous without notification to regional animal services; by clarifying that an appeal from a dangerous dog determination is made via petition for judicial review; by providing that the owner of a dangerous dog must maintain an increased surety bond or liability insurance; by providing for mandatory microchipping and spay or neuter of a dangerous dog; by making changes to the dangerous dog registration requirements; by clarifying provisions related to the impoundment of a dangerous dog, and all other matters properly relating thereto; and, if supported, set the public hearing for second reading and possible adoption of the ordinance on June 9, 2015 at 6:00 p.m.”

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to dangerous dogs.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CLARIFYING THE MEANING OF A DANGEROUS DOG; BY SPECIFYING THAT AN ADMINISTRATIVE HEARING OFFICER MAY DETERMINE WHETHER A DOG IS DANGEROUS; BY FORBIDDING A FINDING THAT A DOG IS DANGEROUS BASED SOLELY ON ITS BREED; BY PROHIBITING THE INTRODUCTION, RELOCATION OR REMOVAL OF A DOG DECLARED TO BE DANGEROUS WITHOUT NOTIFICATION TO REGIONAL ANIMAL SERVICES; BY CLARIFYING THAT AN APPEAL FROM A DANGEROUS DOG DETERMINATION IS MADE VIA PETITION FOR JUDICIAL REVIEW; BY PROVIDING THAT THE OWNER OF A DANGEROUS DOG MUST MAINTAIN AN INCREASED SURETY BOND OR LIABILITY INSURANCE; BY PROVIDING FOR MANDATORY MICROCHIPPING AND SPAY OR NEUTER OF A DANGEROUS DOG; BY MAKING CHANGES TO DANGEROUS DOG REGISTRATION REQUIREMENTS; AND BY CLARIFYING PROVISIONS RELATED TO THE IMPOUNDMENT OF A DANGEROUS DOG.

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

SECTION 1. Section 55.750 of the Washoe County Code is hereby amended to read as follows:

55.750 Dangerous dog; determination.

1. As used in this section a dog is:



(a) Dangerous if:

(1) It is so declared pursuant to subsections 2 or 3; or
(2) Without provocation, on 2 separate occasions within 18 months, it behaves ~~d~~ menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog ~~is was off the premises of its owner~~;

(3) Without provocation, it killed or inflicted substantial bodily harm upon a human being on public or private property; whether on or off the property of its owner; or

(4) Without provocation, it killed or injured any domestic animal while the offending dog was off its owner's property.

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

— (b) ~~Provoked when it is tormented or subject to pain.~~

— (c) ~~Vicious if:~~

— (1) ~~Without being provoked, it kills or inflicts substantial bodily harm upon a human being; or~~

~~(2) After its owner or keeper has been notified by a law enforcement agency or animal control officer, it continues the behavior described in paragraph (a).~~

2. 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. **Dangerous dog determination.**

(a) Any person who has been attacked by a dog, or an authorized representative of such person, ~~or a person whose domestic animal has been killed or injured without provocation,~~ or any law enforcement officer or animal control officer, may make a complaint before **an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, charging the owner of such a dog with harboring a dangerous dog or vicious dog requesting the dog be determined dangerous.**

(b) Any person whose domestic animal has been attacked by a dog, without provocation, and which has been killed or injured by said dog may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.

(c) The **hearing officer or** judge in such action may make a determination that the dog is a dangerous dog ~~or vicious dog~~



based upon evidence of the dog's history or propensity to attack without provocation as provided herein.

(d) In the interests of public safety, regional animal services may require a dog pending a dangerous dog determination to be kept in a completely enclosed and locked enclosure, approved by regional animal services.

4. A dog may not be found dangerous ~~or vicious~~:

(a) based solely on the dog's breed; or

(b) because of a defensive act against a person who was committing or attempting to commit a crime; or

(c) ~~who~~because a person provoked the dog by physically abusing, tormenting, teasing, assaulting, or attacking the subject animal.

5. This section shall not apply to animal shelters, commercial animal facilities, rescue/sanctuary animal facilities which have qualified as commercial animal facilities, or licensed veterinary clinics. This section shall not apply to dogs which are utilized by any law enforcement officer during the performance of his or her duties.

6. An owner or possessor of a dangerous dog shall not:

(a) Introduce the dog into or relocate the dog within Washoe County without 30 days written notice to regional animal services. The notice must include:

(1) a description of the dog;
(2) a copy of the dangerous dog determination order;
(3) the dog's current address and proposed new address;

(b) Introduce the dog into or relocate the dog within Washoe County without prior approval from regional animal services. The dog's owner must submit a new application and fee for property inspection and enclosure approval by regional animal services.

(b) Remove from Washoe County any dog declared dangerous or which has a dangerous dog determination pending without 30 days written notice to regional animal services.

57. If a hearing officer or judge has made a finding under subsection 3 found a dog to be dangerous, the hearing officer or judge shall make a report of a that determination to an animal control officer regional animal services. If a law enforcement agency has made the declaration under subsection 2, the agency shall make a report to an animal control officer regional animal services.

68. Upon receipt of the determination from the hearing officer or judge or declaration from a law enforcement officer that a dog is a dangerous dog, an animal control officer regional animal services shall notify the owner of the dog that he must comply with the provisions of sections 55.760.

SECTION 2. Section 55.760 of the Washoe County Code is hereby amended to read as follows:

55.760 Dangerous dog; registration.

1. The owner of a dog that has been certified to be dangerous pursuant to section 55.750 must:

(a) Demonstrate that he has provided a proper enclosure to confine the dog and posted on his premises a clearly visible warning sign (containing letter at least 2 inches high) that there is a dangerous dog on the property. In addition, the owner shall display conspicuously a sign with a warning symbol that informs children of the presence of a dangerous dog.

(b) A proper enclosure includes, but is not limited to:

(1) An enclosure constructed of not less than 11 9 gauge chain link fencing or other material of equal strength as approved by animal control regional animal services. The floor(s) need not be concrete provided that 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 6 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 11 9 gauge chain link fencing and securely fixed to all sides of the enclosure. All fencing and gate(s) shall be at least 6 feet in height. 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 size of such enclosure shall be determined by the size of the dog as follows:

- (i) Small breeds (20 pounds or less): 4 feet in width by 6 feet in length for one dog. An additional 2 feet in width for each additional dog.
- (ii) Medium breeds (under 40 pounds and over 20 pounds): 6 feet in width by 12 feet in length for one dog. An additional 4 feet in width for each additional dog.
- (iii) Large breeds (40 pounds or more): 12 feet in width by 18 feet in length for one dog. An additional 6 feet in width for each additional dog.

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

2. The owner of a dangerous dog must:

- (a) Post a surety bond with the county in an amount of ~~\$50,000.00~~ **at least \$250,000.00 per dog declared dangerous**, issued by an insurer **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

- (b) 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 ~~\$50,000.00~~, **\$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**.

- (c) Microchip the dog declared dangerous and provide the identification number to regional animal services.

- (d) Spay or neuter the dog within 30 days of declaration and provide proof to regional animal services.

3. The owner of the dangerous dog shall also provide a signed statement attesting that the owner:

- (a) Shall maintain and not voluntarily cancel the liability insurance policy or surety bond required herein during the ~~period covered by the registration unless the owner ceases to own or have custody of the dangerous dog during the registration period~~ **life of the animal**; and

- (b) Shall immediately notify ~~an animal control officer~~ **regional animal services** once the owner has knowledge that the dangerous dog is at large, is unconfined, has attacked another animal, has attacked a human being, **or** has died ~~or has been sold or given away~~. If the dangerous dog has been sold ~~or given away~~, the owner shall provide ~~an animal control officer with the name, address and telephone number of the new owner of the dangerous dog~~.

(c) Shall not transfer or give away any dog that has been declared dangerous.

4. The owner of a dangerous dog shall pay ~~an annual inspection and~~ registration fee ~~for the dog~~ in an amount **per dog as** set by the board of county commissioners. The registration fee shall be in addition to any other fees payable under this chapter **to cover the increased costs of maintaining the animal's records.**

5. The owner of a dangerous dog shall comply with the provisions of this section within 30 days of receipt of

~~the court's hearing officer or judge's~~
notification of the ~~court's hearing officer or judge's~~ determination of a dangerous dog. Upon compliance with this section, ~~the county regional animal services~~ shall issue a certificate of registration to the owner of the dangerous dog.

6. As a condition to the issuance of a certificate of registration for a dangerous dog, ~~t~~**The dog's owner** shall allow an animal control officer ~~upon or peace officer to inspect~~ the premises where the animal is maintained at any reasonable hour ~~for inspection of such premises.~~

Section 3. Section 55.770 of the Washoe County Code is hereby amended to read as follows:

55.770 Dangerous dog; unlawful acts.

1. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750, to fail to register the dog in accordance with section 55.760.

2. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750 to permit the dog to be outside the required enclosure unless the dog is under the direct control and supervision of the owner and the dog is muzzled and restrained by a chain having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or license tag, but must prevent the dog from **attacking or** biting any person or animal ~~or from destroying property with its teeth.~~

3. If a dog determined to be dangerous pursuant to section 55.750, ~~through the intentional, reckless or negligent conduct~~

~~of the dog's owner, attacks a person or attacks another domestic animal, said person is found to be in violation of this chapter, the owner of said dog~~ shall be guilty of a misdemeanor.

Section 4. Section 55.780 of the Washoe County Code is hereby amended to read as follows:

55.780 Impoundment of dangerous dog; determination pending.

1. A dangerous dog shall be immediately confiscated and impounded by an animal control officer or ~~law enforcement~~ **peace** officer upon the occurrence of any of the following:

- (a) The dog is not validly registered under section 55.760;
- (b) The owner of the dangerous dog does not secure and maintain the surety bond or insurance required under section 55.760;
- (c) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the required physical restraint of the owner.;

(d) The dog attacks a person or another animal.

2. ~~If a dog determined to be dangerous pursuant to section 55.750, through the intentional, reckless or negligent conduct~~

~~of the dog's owner attacks a person or attacks another domestic animal, and in addition to the criminal penalty provided in section 55.770, the dog shall be immediately confiscated and impounded, placed in quarantine if required for rabies control, and thereafter may be destroyed in an expeditious and humane manner, with the costs of quarantine and destruction to be borne~~

~~by the dog's owner~~ **A dog determined to be dangerous pursuant to section 55.750, or a dog which is the subject of a pending dangerous dog hearing, may be held at the county animal shelter in the interest of public safety. The dog's owner shall bear the costs of boarding and other related expenses.**

~~3. All known incidents of dog attacks in the county shall be reported to the county animal services staff. An animal control officer shall conduct an investigation of the incident and take the appropriate steps as provided herein if a dog has been determined to be dangerous~~ **If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the dog shall be immediately confiscated and impounded as required by law pending further court order from a court of competent jurisdiction. The dog's owner shall bear the costs of boarding and other related expenses.**

[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 _____ day of _____, 2015.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2015.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after
_____, 2015.

SUMMARY: An ordinance amending the Washoe County Code by revising provisions relating to dangerous dogs.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE WASHOE COUNTY CODE BY CLARIFYING THE MEANING OF A DANGEROUS DOG; BY SPECIFYING THAT AN ADMINISTRATIVE HEARING OFFICER MAY DETERMINE WHETHER A DOG IS DANGEROUS; BY FORBIDDING A FINDING THAT A DOG IS DANGEROUS BASED SOLELY ON ITS BREED; BY PROHIBITING THE INTRODUCTION, RELOCATION OR REMOVAL OF A DOG DECLARED TO BE DANGEROUS WITHOUT NOTIFICATION TO REGIONAL ANIMAL SERVICES; BY CLARIFYING THAT AN APPEAL FROM A DANGEROUS DOG DETERMINATION IS MADE VIA PETITION FOR JUDICIAL REVIEW; BY PROVIDING THAT THE OWNER OF A DANGEROUS DOG MUST MAINTAIN AN INCREASED SURETY BOND OR LIABILITY INSURANCE; BY PROVIDING FOR MANDATORY MICROCHIPPING AND SPAY OR NEUTER OF A DANGEROUS DOG; BY MAKING CHANGES TO DANGEROUS DOG REGISTRATION REQUIREMENTS; AND BY CLARIFYING PROVISIONS RELATED TO THE IMPOUNDMENT OF A DANGEROUS DOG.

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

SECTION 1. Section 55.750 of the Washoe County Code is hereby amended to read as follows:

55.750 Dangerous dog; determination.

1. As used in this section a dog is:

(a) Dangerous if:

(1) It is so declared pursuant to subsections 2 or 3;

(2) Without provocation, on 2 separate occasions within 18 months, it behaved menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog was off the premises of its owner;

(3) Without provocation, it killed or inflicted substantial bodily harm upon a human being on public or private property; whether on or off the property of its owner; or

(4) Without provocation, it killed or injured any domestic animal while the offending dog was off its owner's property.

2. 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. Dangerous dog determination.

(a) Any person who has been attacked by a dog, or an authorized representative of such person, or any law enforcement officer or animal control officer, may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.

(b) Any person whose domestic animal has been attacked by a dog, without provocation, and which has been killed or injured by said dog may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.

(c) The hearing officer or judge in such action may make a determination that the dog is a dangerous dog based upon evidence of the dog's history or propensity to attack without provocation as provided herein.

(d) In the interests of public safety, regional animal services may require a dog pending a dangerous dog determination to be kept in a completely enclosed and locked enclosure, approved by regional animal services.

4. A dog may not be found dangerous:

- (a) based solely on the dog's breed; or
- (b) because of a defensive act against a person who was committing or attempting to commit a crime; or
- (c) because a person provoked the dog by physically abusing, tormenting, teasing, assaulting, or attacking the subject animal.

5. This section shall not apply to animal shelters, commercial animal facilities, rescue/sanctuary animal facilities which have qualified as commercial animal facilities, or licensed veterinary clinics. This section shall not apply to dogs which are utilized by any law enforcement officer during the performance of his or her duties.

6. An owner or possessor of a dangerous dog shall not:

(a) Introduce the dog into or relocate the dog within Washoe County without 30 days written notice to regional animal services. The notice must include:

- (1) a description of the dog;
- (2) a copy of the dangerous dog determination order;
- (3) the dog's current address and proposed new address;

(b) Introduce the dog into or relocate the dog within Washoe County without prior approval from regional animal services. The dog's owner must submit a new application and fee for property inspection and enclosure approval by regional animal services.

(c) Remove from Washoe County any dog declared dangerous or which has a dangerous dog determination pending without 30 days

written notice to regional animal services.

7. If a hearing officer or judge has found a dog to be dangerous, the hearing officer or judge shall report that determination to regional animal services. If a law enforcement agency has made the declaration under subsection 2, the agency shall report to regional animal services.

8. Upon receipt of the determination from the hearing officer or judge or declaration from a law enforcement officer that a dog is dangerous, regional animal services shall notify the owner of the dog that he must comply with the provisions of section 55.760.

SECTION 2. Section 55.760 of the Washoe County Code is hereby amended to read as follows:

55.760 Dangerous dog; registration.

1. The owner of a dog that has been certified to be dangerous pursuant to section 55.750 must:

(a) Demonstrate that he has provided a proper enclosure to confine the dog and posted on his premises a clearly visible warning sign (containing letter at least 2 inches high) that there is a dangerous dog on the property. In addition, the owner shall display conspicuously a sign with a warning symbol that informs children of the presence of a dangerous dog.

(b) A proper enclosure includes, but is not limited to:

(1) An enclosure constructed of not less than 9 gauge chain link fencing or other material of equal strength as approved by regional animal services. The floor(s) need not be concrete provided that 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 6 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 9 gauge chain link fencing and securely fixed to all sides of the enclosure. All fencing and gate(s) shall be at least 6 feet in height. 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 size of such enclosure shall be determined by the size of the dog as follows:

(i) Small breeds (20 pounds or less): 4 feet in width by 6 feet in length for one dog. An additional 2 feet in width for each additional dog.

(ii) Medium breeds (under 40 pounds and over 20 pounds): 6 feet in width by 12 feet in length for one dog. An additional

4 feet in width for each additional dog.

(iii) Large breeds (40 pounds or more): 12 feet in width by 18 feet in length for one dog. An additional 6 feet in width for each additional dog.

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

2. The owner of a dangerous dog must:

(a) Post a surety bond with the county in an amount of at least \$250,000.00 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

(b) 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.

(c) Microchip the dog declared dangerous and provide the identification number to regional animal services.

(d) Spay or neuter the dog within 30 days of declaration and provide proof to regional animal services.

3. The owner of the dangerous dog shall also provide a signed statement attesting that the owner:

(a) Shall maintain and not voluntarily cancel the liability insurance policy or surety bond required herein during the life of the animal; and

(b) Shall immediately notify regional animal services once the owner has knowledge that the dangerous dog is at large, is unconfined, has attacked another animal, has attacked a human being, or has died.

(c) Shall not transfer or give away any dog that has been declared dangerous.

4. The owner of a dangerous dog shall pay an annual inspection and registration fee in an amount per dog as set by the board of county commissioners. The registration fee shall be in addition to any other fees payable under this chapter to cover the increased costs of maintaining the animal's records.

5. The owner of a dangerous dog shall comply with the provisions of this section within 30 days of receipt of notification of the hearing officer or judge's determination of a dangerous dog. Upon compliance with this section, regional animal services shall issue a certificate of registration to the owner of the dangerous dog.

6. The dog's owner shall allow an animal control officer—upon

or peace officer to inspect the premises where the animal is maintained at any reasonable hour.

Section 3. Section 55.770 of the Washoe County Code is hereby amended to read as follows:

55.770 Dangerous dog; unlawful acts.

1. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750, to fail to register the dog in accordance with section 55.760.

2. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750 to permit the dog to be outside the required enclosure unless the dog is under the direct control and supervision of the owner and the dog is muzzled and restrained by a chain having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or license tag, but must prevent the dog from attacking or biting any person or animal.

3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the owner of said dog shall be guilty of a misdemeanor.

Section 4. Section 55.780 of the Washoe County Code is hereby amended to read as follows:

55.780 Impoundment of dangerous dog; determination pending.

1. A dangerous dog shall be immediately confiscated and impounded by an animal control officer or peace officer upon the occurrence of any of the following:

- (a) The dog is not validly registered under section 55.760;
- (b) The owner of the dangerous dog does not secure and maintain the surety bond or insurance required under section 55.760;
- (c) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the required physical restraint of the owner;
- (d) The dog attacks a person or another animal.

2. A dog determined to be dangerous pursuant to section 55.750, or a dog which is the subject of a pending dangerous dog hearing, may be held at the county animal shelter in the interest of public safety. The dog's owner shall bear the costs of boarding and other related expenses.

3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the dog shall be immediately confiscated and impounded as required by law pending further court order from a court of competent

jurisdiction. The dog's owner shall bear the costs of boarding and other related expenses.

[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 _____ day of _____, 2015.

Proposed by Commissioner _____.

Passed on the _____ day of _____, 2015.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

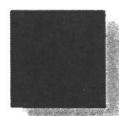
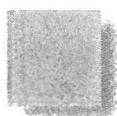
County Clerk

This ordinance shall be in force and effect from and after
_____, 2015.



Washoe County Animal Code Public Input Report

Topic: Dangerous Dogs - Washoe County Code 55.750 - 55.780





PUBLIC INPUT REPORT

Washoe County Code 55.750 - 55.780



Topic: Dangerous Dogs - Washoe County Code 55.750- 55.780

The Public Input Report lists constituent feedback under the heading "Major Topics". The input is placed into categories and referenced to code for ease of use. For each statement, the amount of support received for this item (high, medium, low), the legal and operational implications are noted in separate columns. The amount of support received was determined by the number of people submitting similar topics/items. The legal and operation implications include any changes necessary to meet the request. Proposed changes resulting from the feedback that were incorporated into the proposed County Code are indicated in the column "Proposed Code Changes". Public comment often brings up healthy discussions. Statements that don't necessarily necessitate code changes are marked with "NA" under proposed code changes. Those comments have been captured to allow for future consideration by policy makers and staff.

- Number of Citizens at Public Workshop: 50
- Number of Responses from Open Washoe (as of 9/25/14): 15
 - 21 voted "Dangerous Dogs" as #1 priority
- Number of comment cards: 3

Major Topics	Citizen Support	Legal Implications	Operational Implications	Proposed Code Changes
BREED DISCRIMINATION				
Support of making breed discrimination illegal.	High	Required changes per legislative action.	None	Legislative additions to NRS 202.500 55.750 (4) (a)
MICRO-CHIPPING				
Support micro-chipping.	High	Supports accurate and complete owner identification.	AS Staff workload implications. (minimal)	55.760 (2) (c)
Do not support micro-chipping.	Low	NA	None	
FINES, INSURANCE, PUNISHMENTS				
Support of increased fines.	Low	NA	None	
Support of increased insurance.	Med	NA	None	55.760 (2) (a) & (b)
Support of increased punishments.	Med	NA	None	
Increase in Registration and License Fees.	Med	NA	Allow to cover the cost of dangerous dog investigations.	
ENCLOSURES				



PUBLIC INPUT REPORT

Washoe County Code 55.750 - 55.780

Enclosure restrictions too restrictive.	Med	NA	None	No code changes to this area.
Shouldn't be muzzled outside primary but inside secondary enclosure.	Low	NA	None	
Don't agree with smaller enclosures—concern with dog history being known before adopted out.	Low	NA	None	
RELOCATION OF DANGEROUS DOGS				
Need for clarity on how/why a dangerous dog can move in and out of different counties & enforcement.	High	Require notification to other jurisdictions prior to movement.	None	55.750 (5)
Not being able to move dog out of county or to a different county—what do we do with it then?	Low	NA	None	
Support relocating dangerous dogs to Washoe County.	Low	NA	None	
What determines dangerous dog in other areas may not be the same as ours—national data?	Low	NA	None	
What classification of dangerous dogs from other counties—review—if it can be in WC—more details needed	Low	NA	None	
More detailed methods required in determining dangerous and allowing dangerous dogs from other counties.	Low	NA	None	
PROVOCATION				
Need for better definition of "provocation."	Med	NA	None	55.750 (1) (b) (i) & (ii) No proposed code change here- staying as is.
Provoked if on/off your property?—what are other criteria for determining dangerous dogs beside provocation?	Low	NA	None	
Define bite—provoked versus unprovoked for dangerous dog—look at bite by injury.	Low	NA	None	
DETERMINING A DOG "DANGEROUS"				
Clarification and maintaining language of what classifies a dog "dangerous."	High	NA	None	55.750 (1), (2), (3)
What defines a dangerous dog — clarity carefully and systematically.		NA	None	
Not defined enough to make determination.		NA	None	
More detailed methods required in determining dangerous and allowing dangerous dogs from other counties.				
OTHER TOPICS				
Unleashed dog restrictions.	Low	NA	None	NA
Dangerous dog owners to pay for veterinarian bills.	Low	Civil liability issue	None	NA
Training course for dangerous dogs.	Low	NA	None	NA
Support if code was enforced.	High	NA	None	NA
Would support code if it were less restrictive and/or less Animal Services' authority.	Low	NA	None	NA

Proposed code changes for dangerous dogs

What are your thoughts on proposed code changes on dangerous dogs? Can you support the proposed changes? If not, why not?

All Statements sorted chronologically

As of October 6, 2014, 9:54 AM

Failed to fetch image from https://pd-oth.s3.amazonaws.com/production/uploads/portals/88/welcome_item/image/27/county_seal_1861_150px.gif

As with any public comment process, participation in Open Washoe County is voluntary. The statements in this record are not necessarily representative of the whole population, nor do they reflect the opinions of any government agency or elected officials.

Proposed code changes for dangerous dogs

What are your thoughts on proposed code changes on dangerous dogs? Can you support the proposed changes? If not, why not?

Christine Page in District 3 (on forum)

September 23, 2014, 9:08 AM

I would like to see language directed to landlords to allow non-discriminated big breed dogs in their properties. So many more dogs would be adopted if this practice would change.

1 Supporter

Name not shown in District 1 (on forum)

August 30, 2014, 1:17 PM

yes to proposed language

Name not shown in District 4 (on forum)

August 30, 2014, 7:35 AM

yes to proposed languages. why can't washoе be as considerate about barking dogs as they are being about dangerous dogs?

Name not available (unclaimed)

August 29, 2014, 11:56 PM

I think more needs to be done to hold any dog owner responsible for the actions of their dog. Its not always the dog, sometimes its the owner being irresponsible with the animal. Lets do more to hold owners responsible.

Name not shown in District 3 (on forum)

August 27, 2014, 5:39 PM

Test post

Name not available (unclaimed)

August 26, 2014, 9:01 AM

The proposed changes impose an onerous financial burden on those accused of harboring a dangerous dog. There should be a new classification (DOG IN NEED OF SUPERVISION) offering owners real chances to save their dogs from extremely strict containment requirements, muzzling requirements, etc. and giving the dogs opportunities to be rehabilitated to non-dangerous status. Emphasis should be toward saving dogs, not affording better opportunities for the county to euthanize them. Finally, no complaint alleging a dangerous dog should be entertained months after an event allegedly occurred. All complaints should be within a reasonable period of time, i.e. 12 to 24 hours; otherwise people can set up some dog owner for a false charge that a dog owner would have a hard defending against since dogs cannot talk. James Davis, phone (775) 453-9876, jimdavispi@gmail.com

1 Attachment

<https://pd->

Proposed code changes for dangerous dogs

What are your thoughts on proposed code changes on dangerous dogs? Can you support the proposed changes? If not, why not?

http://s3.amazonaws.com/production/uploads/attachments/12jfbacc5ncg.3l0/MY_SUGGESTIONS_FOR_CHANGE_IN_WASHOE COUNTY_DANGEROUS DOG ORDINANCE.pdf (82.7 KB)

Name not available (unclaimed)

August 25, 2014, 7:00 PM

what is the current definition of a dangerous dog? A fee of \$500 is punitive when most people could not afford this. Requirements for appropriate kenneling and other restraint and possibly training education might be a better way for the owners to spend their money. Indeed any breed can be dangerous with the wrong owners. I personally have had more bites from chihuahuas. Prohibiting a "dangerous" dog from moving here ought to depend on the dog, the circumstances and whether the owners are willing to comply with restraint, education, etc.

m wacker in District 2 (on forum)

August 25, 2014, 9:27 AM

I feel that increasing liability insurance limits and registration fees is a positive way to have owners take responsibility for their pets that could potentially cause harm to another animal or person. But I feel that the bigger picture here is how and why that animal has the opportunity to cause harm. The times that I or my pet have been attacked by another animal was always because that animal was not under the control of the owner. Either the animal was being walked while not on leash or it came running out from a house or yard. I didn't see anything in your leash law ordinance that specifically addresses fines or strict enforcement of dogs that roam free. I would like to see a much more strict ordinance that enforce owner animal control at all times. I feel that this, in turn, would decrease the menace of the dangerous animals. I do agree with "dangerous" not being based solely on breed. I don't see any way of enforcing "no dangerous dogs allowed" in the county.

3 Supporters

Name not shown in District 5 (on forum)

August 20, 2014, 2:56 PM

2. 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. Just because an animal is trained by the owner to commit criminal acts does not make the dog dangerous, it makes the owner dangerous. As a former Police Officer I disagree with this particular section as written. There would need to be more reason. My dog steals from my purse, but that does not make him dangerous, just a brat. I don't take him out to steal from purses. Since he is a rescue dog, I did not train him to do this he just likes the stuffed animal on my key chain. Needs to be more succinct.

2 Supporters

Name not shown in District 2 (on forum)

August 20, 2014, 1:24 PM

I fully support the proposed code changes on dangerous dogs. I would suggest increased fines for owners of dangerous dogs that fail to provide contact information if their pet attacks another dog. Owners of dangerous

Proposed code changes for dangerous dogs

What are your thoughts on proposed code changes on dangerous dogs? Can you support the proposed changes? If not, why not?

dogs should also be subject to prosecution if they fail to pay all veterinary bills incurred by the owner of the dog that is attacked.

Finally, it is very important to maintain the language stating that a dog may not be classified as "dangerous" based solely on the breed of the dog.

3 Supporters

Name not shown outside Washoe County (on forum)

August 18, 2014, 1:20 PM

55.750, #4, page 67, "Dangerous or Vicious dog":

Add: A dog may not be found dangerous or vicious by a Homeowners' Association based solely on the breed of the dog.

1 Supporter

Ardena Perry in District 4 (on forum)

August 16, 2014, 8:28 PM

There are too many dogs out front in unfenced yards not restrained, if that dog nails you and runs back into its yard it's home free, not right..... not right at all. Also, why are we giving two swings at attacks ?? I believe the "on its premises" is not appropriate these days Both human and animal demographics have changed and the laws need to change with them. This is not going to protect meter readers or mail person, Fed-Ex etc.

Unprovoked attack, one time and dog goes on the list for stronger containment.

4 Supporters

PM Freed in District 2 (on forum)

August 15, 2014, 4:56 PM

How is it possible to say no dangerous dogs will not be allowed to move into WC? Who is policing this? I live in Washoe Valley and there are a lot of dogs out here that I am sure are not registered--and unless the dog has been reported, how would you know it is dangerous? I do not see this statement as reasonable or feasible unless language is added to the effect of: No registered dangerous dog will be allowed...

Increasing registration from 50 to 500 will be a financial hardship. Owners/Families will have to give up their pet (will a shelter take them and re-home it?) or abandon it. More likely the owner would not renew registration, and now the dog is off the radar altogether.

Failure to register a dangerous dog or otherwise comply with the rules are punishable only to a misdemeanor. It seems to me that the laws are too strong and the punishment too weak--creating a "near incentive" not to follow the laws. If the punishment were stronger, it might payoff not to challenge the laws.

This is a topic near and dear to my heart. I had to euthanize my dog on Christmas Day, 2013, as a result of injuries sustained from an attack by two other dogs on a beach at Washoe Lake. The owner of the other dogs gave me his name and phone number, but not his address. He threw his dogs into the back of his truck and

Proposed code changes for dangerous dogs

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sped off, leaving me to get my badly broken and bleeding dog into my car and off to the emergency vet alone. That was torture for both of us.

10 Supporters

Name not available (unclaimed)

August 15, 2014, 2:02 PM

Any dog that attacks should be put down, no questions asked. There are so many un-responsible dog owners letting their animals loose, and animals that get loose because of an weather or accident and attack should also be put down. Now it appears that the laws are there to protect the offending owners and their vicious dogs. Why can't RPD get involved when there is negligence, minors present, dog owners fleeing the scene of an attack by their animals etc. Animal Control seems to be constantly trying to play down the problem with pit bulls. I was told by a emergency physician the over 90% of the dog bites they get are from pit bulls!! Let's take a look at this very dangerous breed and their owners.

Name not shown in District 5 (on forum)

August 15, 2014, 1:26 PM

proposed language on dangerous dogs okay but if they offend/attack another's pet in washoe, need to be put down and need to be responsible for all medical bills for pet they attacked
make these laws tighter
too many people here with too many dogs and they _e dangerous

6 Supporters

Wade, Valerie

From: qin marshall <ogdragonshrine@yahoo.com>
Sent: Sunday, August 17, 2014 2:08 PM
To: AnimalCode
Subject: HSUS

Just glossed over this and a lot of this is far reaching, must have 8" fencing? Any dog caught chasing another animal can be ceased? So all herding and ratters need to go including every terrier breed? and there not just talking about the zoo being encased in concrete but ALL outdoor enclosures. Does this include chicken coops? Dog runs? Horse areas.

Ken Marshall

Rural Reno resident.

This is my swing set. This is my sandbox. I'm not allowed to go in the deep end. - Ralph Wiggum