

SUMMARY: Amends Ordinance 226 by revising appeal procedure when kennel permit denied by Animal Control Officer.

BILL NO. 692

ORDINANCE NO. 521

AN ORDINANCE AMENDING "AN ORDINANCE PROVIDING FOR THE LICENSING AND INOCULATION AGAINST RABIES OF DOGS IN DESIGNATED CONGESTED AREAS OF THE UNINCORPORATED AREA OF WASHOE COUNTY; PROVIDES FOR SPECIAL PERMITS TO MAINTAIN IN EXCESS OF THREE DOGS; PROHIBITS DOGS RUNNING AT LARGE OR TRESPASSING ON PRIVATE PROPERTY; PROVIDES FOR THE QUARANTINE OF BITING ANIMALS; PROVIDES FOR THE DESIGNATION OF A POUNDKEEPER AND THE IMPOUNDMENT OF ANIMALS FOUND IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; PROVIDING FOR REGULATIONS FOR IMPOUNDMENT, DESTRUCTION AND RELEASE OF ANIMALS; PROHIBITS THE KEEPING OF NOISY ANIMALS; PROVIDES FOR THE IMPOUNDING OF ALL DOGS ENDANGERING PRIVATE OR PUBLIC PROPERTY, PUBLIC SAFETY, THEMSELVES, OR OTHER ANIMALS; PROVIDES PENALTIES FOR NONCOMPLIANCE WITH THE PROVISIONS HEREOF; AND OTHER MATTERS PROPERLY RELATING THERETO" BY REVISING THE APPEAL PROCEDURE WHEN A KENNEL PERMIT IS DENIED BY THE ANIMAL CONTROL OFFICER.

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

SECTION 1. Section 9 of Washoe County Ordinance No. 226 is hereby amended to read as follows:

SECTION 9. Permit Procedure.

- A. Application for a special permit shall be made to the Animal Control Officer. The application shall specify the number of dogs for which a special permit is requested. Upon receipt of the application, the Animal Control Officer shall notify each person residing within 200 feet of the location at which the dogs will be kept or maintained that an application has been received for a special permit. The Animal Control Officer shall also inspect the premises for which the application for a permit is made to determine that:
- (1) Keeping the dogs at the location specified in the application will not violate any ordinance of the County, regulation of the Washoe County District Board of Health or any law of the State of Nevada;
 - (2) The premises contain an adequate enclosure for keeping the dogs;
 - (3) Maintenance of the dogs will not endanger the peace, health or safety of persons residing in Washoe County;

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- (4) The premises are capable of being maintained in a clean and sanitary condition, and any dog therein will not be subject to neglect, cruelty or abuse;
 - (5) Keeping and maintenance of the dogs will not constitute a nuisance as defined in NRS 40.140.
- B. The dogs which are the subject of the special permit must be kept in a kennel. The kennel shall:
- (1) Be not less than 6 feet in width by 10-1/2 feet in length by 6 feet in height (540 cubic feet) for four small size dogs such as toy poodles, pekingese and chihuahuas. The width of the kennel shall be increased by 2 feet for each additional dog.
 - (2) Be not less than 14 feet in width by 12 feet in length by 6 feet in height (1,008 cubic feet) for four medium size dogs such as laborador retrievers, German shepherds and collies. The width of the kennel shall be increased by 4 feet for each additional dog.
 - (3) Be not less than 18 feet in width by 20 feet in length by 6 feet in height (2,160 cubic feet) for four large size dogs such as Saint Bernards and Great Danes. The width of the kennel shall be increased by 6 feet for each additional dog.
 - (4) Be constructed of not less than 11 gauge chain link fence.
 - (5) Have a concrete floor. Wood, gravel or dirt flooring is permitted if the kennel walls have concrete footings not less than 24 inches in depth. The walls of the kennel shall be securely fixed to the concrete floor or footings and the top of the kennel shall be securely attached to the walls.
 - (6) Contain an area sheltered from adverse climatic conditions to which the dogs have access at all times.

Width and length of kennels may be altered upon approval of the Animal Control Officer provided that the overall cubic foot size requirements specified above are met.

- C. Within 10 days following the inspection of the premises, the Animal Control Officer shall approve, conditionally approve, or disapprove the appli-

cation for the special permit. If the application is conditionally approved, the Animal Control Officer shall specify in writing those conditions upon which the special permit will be issued.

- D. If the applicant or any person notified pursuant to Paragraph A of this Section is dissatisfied with any decision of the Animal Control Officer, he may, within 15 days after the decision, appeal it to the Board of County Commissioners. The Board shall hold a hearing to review the Animal Control Officer's decision and may reverse, approve or modify the decision by a simple majority vote. If the applicant appeals a decision of denial, all persons notified pursuant to Paragraph A of this Section shall be notified of the time and date of the appeal hearing. If any person notified pursuant to Paragraph A of this Section appeals a decision of approval, the applicant shall be notified of the time and date of the appeal hearing.
- E. If an application for a special permit is disapproved or the Board of County Commissioners reverses the decision of the Animal Control Officer to approve the permit, the applicant, within 30 days of the disapproval or reversal, shall comply with the provisions contained in Section 8 of this ordinance.
- F. Failure of the Animal Control Officer to render a decision within 90 days from the date of application shall constitute approval of the application for a special permit.
- G. A special permit is not required and the provisions of Paragraph B, above, do not apply to kennels used to board animals owned by other persons and operated pursuant to a business license issued by the Board of County Commissioners.

Proposed on the 10th day of November, 1981.

Proposed by Commissioners Farr, Ferrari, Brown, Underwood & Williams

Passed on the 24th day of November, 1981.

Vote:

Ayes: Commissioners: Farr, Ferrari, Brown, Underwood & Williams

Nays: Commissioners: None

Absent: Commissioners: None

Bill Farn
Chairman of the Board

ATTEST:

Judi Bailey
County Clerk

This ordinance shall be in force and effect from and after the 9th day of December, 1981.