

SUMMARY: An ordinance amending Washoe County Code Chapter 55 by vacating the animal control board; and by amending provisions related to a variance permit to keep more than three dogs and/or seven cats over four months of age within a congested area of Washoe County.

BILL NO. 1793

ORDINANCE NO. 1610

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY VACATING THE ANIMAL CONTROL BOARD; BY LABELING THE EXISTING PERMIT TO KEEP MORE THAN THREE ADULT DOGS AND/OR SEVEN ADULT CATS WITHIN THE CONGESTED AREAS OF THE COUNTY A "VARIANCE PERMIT"; BY AMENDING PROVISIONS RELATED TO THE APPLICATION FOR A VARIANCE PERMIT, THE PROCESSING OF A VARIANCE PERMIT, THE REQUIREMENTS OF AND CONDITIONS IMPOSED UPON A VARIANCE PERMIT, THE APPROVAL OR DENIAL OF A VARIANCE PERMIT, THE REVOCATION OF A VARIANCE PERMIT, AND THE APPEAL PROCESS; AND BY MODIFYING CONTAINMENT REQUIREMENTS FOR KEEPING MORE THAN THREE ADULT DOGS AND/OR SEVEN ADULT CATS.

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

SECTION 1. The definition of "Animal control board" contained within section 55.010 and section 55.030 are hereby repealed.

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

55.390 Variance permit: permit to keep more than three dogs over 4 months of age and/or 7 cats over four months of age.

Except as provided in section 55.430, a person shall not keep more than three dogs and/or more than seven cats over 4 months of age, for more than 30 days in a six month period, at any place or residence within a congested area without a permit issued in accordance with sections 55.400 to 55.420, inclusive. For purposes of this chapter, a dog or cat over 4 months of age shall be deemed an adult.

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

55.400 Variance permit: Applications; inspections; fees.

1. An application for a variance permit to keep more than three adult dogs and/or seven adult cats must be submitted to

regional animal services. The application must:

(a) Specify the number and breed(s) of dogs and/or cats for which the permit is requested;

(b) Be accompanied by drawings showing the layout of the property and type of fencing, containment or kennel required under sections 55.410 and/or 55.415;

(c) Be accompanied by an emergency preparedness plan for evacuation of any and all animals on the property; and

(d) Be accompanied by an application fee in the amount established by the board. A releasing agency as defined herein is exempt from the application fee.

2. Upon receipt of the application to keep more than three adult dogs and/or seven adult cats, an animal control officer shall review the submitted materials and inspect the premises for which the application for a variance permit is made to determine that:

(a) Keeping the dogs and/or cats at the location specified in the application will not violate any state or local animal welfare laws or regulations;

(b) The fencing, containment or kennel located on the premises will meet the requirements contained in sections 55.410 and/or 55.415;

(c) Maintenance of the dogs and/or cats is not likely to endanger the peace, health or safety of persons residing in the county; and

(d) The premises are capable of being maintained in a clean and sanitary condition, and any dog or cat therein is not likely to be subject to neglect, cruelty or abuse.

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

55.410 Containment requirements for keeping more than three adult dogs.

1. The dogs which are the subject of a variance permit to keep more than three adult dogs must be kept:

(a) In a yard with a secure perimeter fence, of appropriate height for the largest breed of dog being kept;

(b) Inside the residence; or

(c) In a secure kennel, of appropriate size based on the requirements for the largest breed of dog being kept (if a kennel is required by regional animal services). If more than four dogs are kept in the kennel, the width of the kennel must be increased by the size requirements for the largest breed of dog being kept in that kennel.

2. Kennel specifications. Except as provided in subsection 4, kennels must:

(a) Be not less than 6 feet in width by 10 feet in length by 6 feet in height for four small size dogs under 30 pounds. The width of the kennel must be increased by 2 feet for each additional dog of similar size.

(b) Be not less than 12 feet in width by 15 feet in length by 6 feet in height for four medium size dogs between 30 pounds and up to 60 pounds. The width of the kennel must be increased by 4 feet for each additional dog of similar size.

(c) Be not less than 18 feet in width by 20 feet in length by 6 feet in height for four large size dogs between 61 pounds and up to 90 pounds. The width of the kennel must be increased by 6 feet for each additional dog of similar size.

(d) Be not less than 20 feet in width by 25 feet in length by 6 feet in height for four extra-large size dogs, over 91 pounds. The width of the kennel must be increased by 8 feet for each additional dog of similar size.

3. In addition to the requirements of subsection 2, kennels must:

(a) Be constructed of 11.5 gauge chain link fence or sturdy material of equal or greater strength as specified by regional animal services;

(b) Meet the following flooring requirements:

(1) Have a concrete floor; or

(2) Have a gravel or dirt floor if:

(i) the posts supporting the kennel walls have concrete footings not less than 24 inches in depth; and

(ii) the perimeter of the kennel has a concrete footing, or material of similar strength at least 6 inches wide and not less than 12 inches deep;

(c) Have walls which are securely fixed to the concrete floor or footings;

(d) When deemed necessary by the animal control officer, the top of the kennel shall be enclosed and securely attached to the walls; and

(e) Contain an area sheltered from adverse climatic conditions to which the dogs have access at all times.

4. Width and length of kennels may be altered upon approval of the animal control officer provided that the overall square foot size requirements specified in subsection 1(c) and subsection 2 are met for the size and number of dogs kept.

5. If the dogs will be kept in an existing kennel, an animal control officer shall inspect the kennel to determine that it meets the requirements contained in this section. The animal control officer may recommend and specify alterations to be made to an existing kennel to come into compliance with the requirements of this section.

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

55.415 Containment requirements for keeping more than seven adult cats.

1. The cats which are the subject of a variance permit to keep more than seven adult cats must be kept in a containment which:

- (a) Is structurally sound and maintained in good repair;
- (b) Ensures that the cats are not allowed to be at large in the congested areas of the county;
- (c) Prevents the entrance of other animals;
- (d) Maintains an ambient temperature sufficient to protect the cats from excessive heat and cold; and
- (e) Contains an area sheltered from adverse climatic conditions to which the cats have access at all times.

2. The enclosure shall provide a minimum space of 500 cubic feet for eight cats. An additional space of 100 cubic feet is required for each additional cat.

3. The enclosure shall be constructed and maintained so that the cats have access to clean water, food, resting perches and litter.

4. Nothing in this section prevents a cat owner from using his or her residence to house the cats.

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

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

1. In addition to the required premises inspection, the animal control officer shall conduct an investigation and shall consider:

- (a) Any animal related complaints pertaining to the premises; and
- (b) Whether the applicant has received a notice of civil penalty or citation for more than one violation of Washoe County Code Chapter 55 within one year immediately preceding the application.

2. The animal control officer shall notify and/or contact persons residing within 200 feet of the location at which the dogs or cats will be kept or maintained and persons residing on property adjacent to the property for which the variance permit application has been submitted that an application has been filed. Such persons may submit written objections to the application to regional animal services within 15 days of the notification.

3. Upon completion of the animal control officer's review, inspection and investigation, the animal control officer shall submit his or her written recommendation to approve or deny the variance permit, along with all supporting documentation, to the director of regional animal services. The animal control officer shall not recommend approval of the permit unless the officer can make the findings set forth in section 55.400(2). The animal control officer may also recommend additional conditions on the issuance of the permit.

4. The director of regional animal services or the director's designee shall review the animal control officer's recommendation, and approve or deny the permit application within 90 days of receiving the completed application. If approved, the director may specify conditions on the permit deemed necessary for the health of the involved animals and/or public safety.

5. As a requirement of the variance permit, the applicant must ensure that:

(a) All dogs are licensed in accordance with section 55.340;

(b) All dogs and/or cats are microchipped; and

(c) Animal control officers are granted access to inspect the premises where the dogs and/or cats are located upon reasonable notice at a reasonable time. Inspections shall be performed before a permit is issued, upon receipt of a complaint and during the required annual renewal. Failure to comply with a reasonable request for inspection shall constitute a violation of this section.

6. If the director of regional animal services determines that the applicant must construct or remodel a dog or cat containment to comport with sections 55.410 and/or 55.415, the applicant must apply to the building department of the local jurisdiction for the appropriate permits, if required, within 15 days of the director's notification that the variance permit has been approved. The construction or remodeling must be completed within 60 days of the permit's approval. In case of demonstrated hardship or for other good cause, regional animal services may permit a longer period of time in which to construct or remodel the enclosure.

7. If the director of regional animal services denies an application for a variance permit, thereby prohibiting the keeping of more than three adult dogs and/or seven adult cats on the premises, the applicant must comply with section 55.390 within 30 days of the director's decision. The director shall provide the applicant with a written reason(s) for denying the permit.

8. The director's decision is a final decision. A person aggrieved by the director's decision may file an appeal with the

administrative hearing office not later than 30 days after receiving the director's notification that the application for a variance permit has been denied. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

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

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

55.430 Variance permit not required; circumstances.

1. A variance permit to keep more than three adult dogs and/or seven adult cats is not required and the provisions of sections 55.390 to 55.420, inclusive, do not apply to:

(a) Commercial animal establishments used to board animals owned by other persons and operated pursuant to a commercial animal welfare permit and a duly issued business license;

(b) Kennels used by a member of a public law enforcement agency for dogs in the service of that agency;

(c) Dogs or cats under the age of 4 months;

(d) Dogs or cats in the custody or control of persons who are temporarily in the county for a period not to exceed 30 days in a six month period;

(e) Dogs or cats brought into the county for participation in any dog or cat show or exhibition;

(f) Dogs or cats belonging to activated military personnel that are being cared for by a resident of the county for the period of the activation, but in no event for a period greater than 18 months; and

(g) Service animals as defined in section 55.010.

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

55.440 Variance permit fees.

A person holding a variance permit shall pay an annual permit fee set by the board of county commissioners. The fee shall be paid each year upon renewal.

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

55.450 Variance permit: revocation; appeal.

1. The holder of a variance permit is subject to continued compliance with the provisions of sections 55.400 to 55.420, inclusive, and to any condition(s) imposed on the permit. A variance permit may be revoked if:

(a) the permittee receives more than one notice of civil penalty or citation for violating the provisions of Washoe County Code Chapter 55 within the permit year;

(b) the permittee receives a notice of civil penalty or citation for cruelty to animals, as described in section 55.140, or state law;

(c) the permittee fails to comply with the provisions of sections 55.400 to 55.420, inclusive, or

(d) the permittee fails to comply with any condition(s) imposed on the permit.

2. If an animal control officer determines that a permittee has engaged in activity in violation of section 55.450(1)(a) or (b), or is not complying with the provisions of sections 55.400 to 55.420, inclusive, or with any condition(s) imposed on the permit, the animal control officer may submit his or her recommendation to revoke the variance permit, along with supporting documentation, to the director of regional animal services. If the director revokes a variance permit, the permittee shall be advised in writing of the reason(s) for the revocation and may appeal that decision to the administrative hearing office not later than 30 days after receiving the written notice. A failure to appeal the decision within 30 days precludes further administrative or judicial review.

3. A permittee aggrieved by the administrative hearing officer's decision may file a petition for judicial review in the district court within 30 days. During the course of judicial review, the variance permit shall be continued until a decision is rendered by the district court.

[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 \_\_\_\_\_, 2018.

Proposed by Commissioner \_\_\_\_\_.

Passed on the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Vote:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Chair  
Washoe County Commission

ATTEST:

\_\_\_\_\_  
County Clerk

This ordinance shall be in force and effect from and after April 1, 2018.