

Washoe County Regional Animal Services Advisory Board

MINUTES

Friday, January 24, 2020 @ 9:30 a.m.
WASHOE COUNTY REGIONAL ANIMAL SERVICES
CENTER CLASSROOM
2825 LONGLEY LANE, RENO, NEVADA

MEMBERS

Naomi Duerr (Chair)
Annette Rink (absent)
Paul Anderson (absent)
Jill Dobbs
Irene Payne
Al Rogers
Kitty Jung

1. CALL TO ORDER/ROLL CALL [Non-Action Item]

The meeting was opened and a quorum was established.

PRESENT: Naomi Duerr, Jill Dobbs, Irene Payne, Al Rogers, Kitty Jung

ABSENT: Paul Anderson and Annette Rink

2. PUBLIC COMMENT [Non-Action Item]

Rene Johnson: Discussed meeting with Reno City Council to prohibit the sale of cats and dogs/puppy mills. Also discussed sale of rabbits and ferrets.

Linda Peri: Discussed her neighbors having too many dogs in unsanitary conditions, the welfare of the animals, and neighbors given a variance for four dogs. Continued discussion regarding welfare of animals and will continue discussion at the end of the meeting.

Marika Moore: Discussion regarding proposal to ban puppy sales in stores. Requested emergency meeting before the commission for request to be heard. Discussed restriction on private breeding and welfare of animals.

Verna Kooy: Reserved comment for later on dangerous dog hearings.

Billy Howard: Absent. (Letter read into record re: puppy mills).

3. APPROVAL OF NOVEMBER 1, 2019, MINUTES [For Possible Action]

Member Payne made the motion to approve the Minutes. Member Rogers seconded the motion. Minutes approved unanimously.

4. DIRECTOR'S REPORT [Non-Action Item]

An informational update on the Department of Regional Animal Services' programs, statistics, emerging developments, financial updates, and other matters properly related thereto.

Chair Duerr: Requested change of order of meeting to focus on action items because they are lengthy for this particular meeting.

POSSIBLE ACTION ITEMS: [Taken out of order]

6. PRESENTATION AND UPDATE OF WASHOE COUNTY REGIONAL ANIMAL SERVICES' 2021 LEGISLATIVE SESSION GOALS [For possible action]:

Director Schull: Discussed cursory review of department priorities in terms of the 2021 legislative session. Would like to work on language to amend. Wants to work with Clark County to assure goals are being aligned, as well as the public.

The following discussion is from Director Schull's department's perspective in order of priority.

Chair Duerr: Discussion re: charter committees and appreciated extra effort from Director Schull re: presentation and information provided.

Director Schull: Discussed NRS 574, cruelty statute and 171 re: Animal Control Officer authority and requested clarification re: 171 so officers have the capability and authority to enforce all of state statute and county code related to animals.

NRS 574 was discussed re: better oversight and care of animals in region. Clarifications are things to be added that are not currently included. 571.100(1)(c), the cruelty section outlining what constitutes animal cruelty. Wants to see "failure to provide veterinary care causing an animal to suffer" is not in the statute and wants to see it added.

Inserting “to deprive an animal of good and wholesome air.” Encountered often with an animal contained in a hoarding environment, a vehicle, a crate, and it is inhumane, and wants it added.

Inserting “causing an animal to ingest narcotics or alcohol by intention.” Several cases are mentioned re: same. Wants it added.

Chair Duerr: Clarification on failure to provide veterinary care which results in an animal suffering from injury or illness, or are those two separate things?

Director Schull: Clarified with an example. And continued discussion to explain the need for the statute.

Member Payne: Wanted clarification on “causing an animal to ingest narcotics or alcohol,” and if this situation was to do with dog fighting, and if not, why is it done?

Director Schull: Clarified that NRS 574.100 would be to read that it was an intentional act by someone to animal, and that people do it for fun.

Discussed subsection 2 – Restraining and/or tying an animal up. Wants addition of “contain” because containing animals in a crate, a cage, a box, needs to be included as containment methods, not just restraint.

Chair Duerr: Requested clarification.

Director Schull: Referenced statute and subsection 2 reads: “Except as otherwise provided in Subsection 3 and 4, NRS 574.210 to 574.510, inclusive, a person shall not restrain a dog.” As the statute is currently written, restraint is discussed in the form of tying up a dog. Wants to include “contain” because people do contain animals.

574.100(2)(c) Time frame for tethering a dog. Currently, it’s written the dog is able to be tied up, chained up, 14 hours in a 24 hour period. She feels it’s too long of a period of time for a dog to be tied up and basically that dog lives on a chain or cable. Wants the time reduced to 8 hours in a 24 hour period. It definitely needs to be shorter than 14 hours.

574.100(2) - Adding a subsection to address confinement by crate. Also wants to add if someone chose to keep an animal contained by crate. Discussed numerous cases that so many animals are kept in their own feces and urine for so long they have scalding on the bottoms of their legs, rear ends and tails. Wants to add oversight on how long an animal can be kept in a crate, box or other restricted method. Wants the same time frame as indicated

in the restraint section of 8 hours in a 24 hour period.

Chair Duerr: Added “size appropriate restraint” to turn around, stand up and lay down.

Member Dobbs: In support of 8 hours limitation. It is believed California limits tethering to 3 hours. She felt 8 hours is a very doable time limit.

Chair Duerr: Discussion with staff re: support of 8 hour limitation and support of same.

Director Schull: Disposition of fighting animals – fighting cocks and roosters. When a complaint is issued in Washoe County, Animal Services assists law enforcement in investigating complaints. The fighting roosters are very difficult to cage and care for. The roosters can’t see each other because they will tear themselves up trying to fight each other. Cock fighting cases involve hundreds of birds. There is not a disposition process in NRS. The undue burden of housing and caring for the birds is on Animal Services if a case goes to trial, which is unrealistic. Feels a process needs to be created for a hearing to be able to dispose of the birds.

574.110 - Abandonment of Disabled Animals. Confirms that she has more healthy animals abandoned than disabled animals. Why is it any less of a crime to abandon a healthy animal than a disabled one? Wants to combine 574.100 and 574.110 to address healthy animals as well.

Chair Duerr: Skipped 574.080.

Director Schull: She believes it was a typo but needs to amend “authorize by law to make arrest” because an Animal Control Officer is not authorized to arrest. Language needs to be cleaned up.

574.190 - Carrying an Animal in a Cruel Manner. Statute discusses animals contained in the back of pickup beds. Wants to introduce language that gives better oversight over animals put in the back of a truck and driven down the highway to prevent them from jumping, falling or being thrown out in the event of an accident, either by a tandem tether or inside of an enclosure. There are a number of animals in cruelty cases who have been injured. Statute language is very vague.

Statute currently reads: “A person who carries or causes to be carried in or upon any vessel or vehicle or otherwise any animal in a cruel, inhumane manner or so as to produce

torture is guilty of a misdemeanor.” Feels language is really ambiguous. There will have to be disclosures for working/ranch animals.

Member Jung: Discussed the animals being transported in the beds of vehicles out in the elements and not having access to shelter or water. Does the general cruelty statute apply to this section or does new language need to contain access to adequate shelter, food and water for certain periods of time?

Director Schull: Will make a note.

Chair Duerr: NRS applies statewide. Will there be too much push back from rural counties where many use the back of their trucks to transport?

Member Dobbs: Often in NRS, they will parcel out a unique provision dependent on the need or regulation for the county and it will only apply for that county.

Chair Duerr: Commented there are ways to go about the statute to get things in place in the appropriate county.

Member Rogers: Shared his view on growing up in Elko and rural county, and to have room for revision for those statutes that would affect rural counties if the statute was written in general – not specific.

Director Schull: Appreciated the feedback.

574.390 and 574.400 - Covers the requirements under an operator who have pet stores. Recognizes the two pet stores in Washoe County that sell puppies and the enclosures they are contained in. When talking about the enclosure size for animals in a retail establishment, NRS doesn't have any requirements until the animal is six months old. It is a priority to suggest that puppies or kittens at 8 weeks of age or older that the enclosure requirement should be a common sensical calculation. Current language will be looked into regarding the best size in a retail establishment for an enclosure.

Member Dobbs: Gave an example of 4 square feet for an 8 week old animal. Is that for one animal, or what is needed for more than one animal?

Director Schull: The language that currently exists for an animal 6 months of age or older is calculated by finding the mathematical square of the sum of 6 inches, plus the length of the dog or cat measured from the tip of its nose to the base of its tail, and dividing that amount by 144 to arrive at the minimum amount required for space.

Confirmed all of this is just in the very early stages of getting it going and will hope that by the next meeting she will have language available.

Chair Duerr: Appreciated the advice and input and the work being done.

Member Dobbs: Echoed the efforts and appreciates the work.

Chair Duerr: Requested information about if this was put into a Bill, would it be one of Washoe County's two Bills presented?

Director Schull: Doesn't know exactly where the Bill presented will fall into the County Commissioner's priorities, however, this could be one of Washoe County's Bills. Other avenues are also available to help carry Bills and find sponsors. They are exploring everything available.

Chair Duerr: Suggested doing outreach re: understanding of proposed Bill because the opposition during a session is very difficult to deal with.

Member Jung: Suggested elected legislators to carry the Bill as well.

2. PUBLIC COMMENT [Non-Action Item] (continued)

Rene Johnson: Wanted information Best Practices for crate training and cock fighting.

Member Dobbs: Provided information on crate training and procedures for reporting cock fighting.

Marika Moore: Addressed issues of pet sales, i.e., rabbits and ferrets, and requested educational information provided to those who purchase the animals as to proper care and handling.

Verna Kooy: Brief comment on dangerous dog information.

Chair Duerr: Further discussion regarding the transport of animals and various kinds of transportation.

Also discussed the cock fighting and inquired as to what happens to the animals once they are impounded pending investigation.

Director Schull: Discussed that only a handful of instances have happened and most of the birds were euthanized. If a situation presents itself where the animal remains on the property and properly taken care of, they will do that as opposed to keeping the animals at WCRAS.

Member Dobbs made the motion for staff to continue development of the list of legislative priorities and consider the comments the Board has made. Member Rogers seconded the motion. Motion carries unanimously.

7. PROPOSED AMENDMENTS TO WASHOE COUNTY CODE CHAPTER 55.750 THROUGH 55.790 RELATING TO AMENDMENTS TO SECTIONS GOVERNING DANGEROUS DOGS [For possible action]

Director Schull: Working with Jen Gustafson on project.

ADA Gustafson: Reviewed supporting materials including Dangerous Dog Code, and also compiled similar list of ideas. Requested feedback from the Board regarding ideas listed, and an additional internal staff meeting will be held. Following that, a Chapter 2 meeting will be held with Board of County Commissioners, get feedback, and then the Board will direct the DA's Office to craft the ordinance, meetings re: same, then adoption.

Her priority is Dangerous Dog Code. Reviewed the definition of "Dangerous Dog" and "Vicious Dog." Seeking possible relief in the compliance requirements for the lessor serious interactions to still provide public safety, but be less burdensome on the dog owner.

1. State law: "Behaved menacingly 2 times in 18 months." This is current state law for dangerous, so nothing can be changed.
2. "Killed or inflicted substantial bodily harm upon a human." This is the state law of vicious dog. The state law divides between dangerous and vicious, but then doesn't set any requirements on the compliance for dangerous and vicious.

Requested different compliance requirements for dangerous and vicious rather than the same for everyone.

3. "Killed or injured a domestic animal without provocation and off the owner's premises." This is current Dangerous Dog County Code.

The proposal is for it to be divided. “Injured a domestic animal” – having that be dangerous, but then “if it’s killed a domestic animal” that be vicious. They took animal versus animal interactions and separated them between death and mild or moderate injury, and then had the lessor egregious under “dangerous” and the more egregious under “vicious” and there would be different compliance requirements.

Chair Duerr: Agreed with splitting these categories.

ADA Gustafson: Agreed that the categories needed to be split.

4. “Law enforcement agency can declare a dog dangerous if it’s used to commit a crime” – this is current state law and can’t do anything about this.

If a dog engages in further dangerous dog behavior, then it’s declared vicious and would have to comply with the more stringent requirements.

Chair Duerr: Inquired as to clarification of state law.

ADA Gustafson: Agreed the law was vague. Under state law, there is only “dangerous” and “vicious.”

Member Rogers: Inquired if any other counties are involved.

ADA Gustafson: Discussed that many local jurisdictions do similar set up. Finds that it’s often on a tiered structure.

Director Schull: Confirmed that Clark County mirrors NRS and they have the same tier system. It helps if the local code mirrors county code, but process needs to be detailed.

Member Dobbs: Further discussion of “vicious” definition and adding “killed or inflicted substantial bodily harm without provocation” plus “off owner’s premises.” There are times that the attack is stopped in time that the animal’s life can be saved – even if severe injury. Wants to broaden language.

Chair Duerr: Requested information on penalties that go along with the definitions because it’s important to distinguish between “dangerous” and “vicious” and there should be a special category.

Member Dobbs: Would keep the language “without provocation” and “off an

owner's premises." Would also include "inflicted substantial bodily harm."

Chair Duerr: Confirms language refers to not only humans, but also on animals.

Member Payne: Inquired that if wording pertains to a human, it should pertain to animal.

Chair Duerr: Confirming "animal" means domestic animal.

ADA Gustafson: After 3 years, the owner can petition to have Dangerous Dog Designation removed. It would not apply to Vicious Dog Designation.

Member Jung: Discussion re: rehabilitation is available and possible to turn around a dangerous dog with proper care, socialization, etc.

Chair Duerr: Agrees.

Director Schull: Wants dangerous dog owners to follow requirements currently in code to keep community safe and keep pet from violating again.

Chair Duerr: If a citation is issued for barking dog, can it be deleted from record?

Director Schull: Discusses the process of barking dog and what steps are taken before it becomes a misdemeanor.

Further discusses Dangerous Dog definition. As it stands now, a dog can only be declared dangerous for attacking a domestic animal or pet versus livestock. Discussed case where dogs got out and killed several goats. The goats were not considered pets. Wants to include "pets other than domestic animals" that could be the victims of dangerous dogs. Would exclude rodents, rabbits. Focus on goats, sheep as domestic. Clarification was made that cats were considered domestic animals.

Member Jung: Discussion about dogs killing birds and about residents pushing back in Washoe County.

Director Schull: Discussed leash law and dog attacking birds in parks.

ADA Gustafson: Discussed chase citation that deals with those categories.

Discussed the exceptions provision. “You cannot declare a dog dangerous because of a defensive act against a person who was committing or attempting to commit a crime.” Believes it is state law, but wants to add “trespassers” – “A person committing a wilful trespass upon the premises occupied by the dog’s owner.”

Member Dobbs: Inquired as to a provoking situation with the dogs.

ADA Gustafson: Provisions now include on or off the owner’s premises. A dog being provoked on the premises, it’s not a dangerous dog unless it kills or inflicts substantial bodily harm upon a human, then it doesn’t matter whether it’s on or off the premises.

Current exception in the code: “Dangerous dog provisions do not apply to animal shelters, commercial animal facilities, rescue sanctuary animal facilities and licensed vet clinics.” Need to review exceptions. The verbiage “commercial animal facilities” needs to be changed to “commercial animal establishments.” Need consistency in the code. Establishments is pet stores, kennels and boarding facilities. Should these be exempted? The rescue sanctuary “which have qualified as commercial animal facilities” doesn’t make sense because rescue sanctuaries are not considered commercial animal establishments.

Clean up of the wording needs to happen, and a review of what the exceptions should really be. Looking for feedback re: same.

Member Rogers: Gave an example of boarding, and in a social environment and not boarded, and you have an incident that happens, should they be exempt?

ADA Gustafson: Discussed the argument of the animal isn’t under the control of the owner who is the one that has to come into compliance with requirements when they’re at the boarding facility. There is a policy question of should a boarding facility be exempt if there is a dog that attacks another dog at a doggie daycare? Should the owner still be responsible even though it didn’t happen under the control of the owner?

Member Dobbs: Supports staff really looking into both the commercial establishments and rescues/sanctuaries. Opinions are different in adopting out vicious dogs and whether community wants to perpetuate that. Feels topic of exemption really needs to be looked at.

ADA Gustafson: Discussed next three topics of when a dog has been declared dangerous or vicious. The rules around relocating a dog, introducing a dangerous dog that’s been declared somewhere else, and transfer of dog out of the county.

1. Relocating a dangerous dog within the county. Right now, owners of a dangerous dog who is moving has to give Animal Services 30 days written notice and get approval from Animal Services. Wants requirements beefed up to also register for new address and pay the fee, get an inspection, comply with requirements, and cannot move the dog to that location until compliant. If move takes place without being compliant, then Animal Services will impound the dog and owner will pay fees until compliance is done at new address.

2. Introducing a dog declared dangerous in another jurisdiction into Washoe County. Feels it is complicated because other areas don't have the same code as Washoe County. Right now, it's still 30 days written notice and approval by Animal Services. Wants requirements confirmed.

Member Dobbs: Wanted confirmation if both codes applied to individuals, rescues and transporters as well. Should be broadened to include rescue organizations.

ADA Gustafson: Feels our exceptions would still apply so it would be individuals.

3. Transferring a dangerous dog outside of Washoe County. Washoe County requires 30 days notice if dangerous dog is leaving the county. WCRAS provides a notice to the incoming jurisdiction and that practice would be codified. Needs to be verification that the dog has actually moved.

4. Dangerous dog requirements. It includes signage on property. Owners would be given a department issued sign that's standardized rather than having people create their own signs. Wants something official and that would provide notice to law enforcement.

Member Jung: It's important that first responders are aware.

Chair Duerr: Commented that people often just put up signs to deter people from entering property.

ADA Gustafson: Required kennel for dangerous dog – 9 gauge chain link, concrete footings, perimeter walls. Wants to look at separating requirements for dangerous dog versus vicious and review the enclosure requirements. Dwelling as enclosure – could a dwelling be used for a dangerous dog instead of having to build a kennel? If the animal lives outside, what are the requirements? Wants current requirements kept for vicious dog, but dangerous dog requirements be not as stringent. Still working out these possibilities.

Member Jung: Excused herself from meeting at 11:10.

ADA Gustafson: Discussed liability insurance – \$250,000 surety bond per dangerous dog and Animal Services is listed as an additional interest. Requesting lesser amount for dangerous dog versus vicious; keeping vicious at \$250,000 and dangerous at \$100,000.

Discussed signed statement where the owner promises it won't cancel the liability insurance during the dog's life and Animal Services will be immediately notified if the dog escapes, attacks another person or dies. Wants to simplify it and take away the signed statement portion and make it mandatory requirements and specify the penalty.

Also shall not transfer or give away a dangerous dog. Requirements are: microchip your dangerous dog; get spay/neuter. After hearing, owner has 30 days to come into compliance. Extensions are given to 60 days and is a misdemeanor if not complied with by that time.

Unlawful acts - leash and muzzle requirements. Wants language to be "owner or other responsible adult." And add "at no time may a dangerous/vicious dog be unattended while off of the owner/custodian's premises."

Impoundment of a dangerous dog. Want to clarify the impoundment rules during different stages – "pending a dangerous dog hearing," making sure action has been taken and impoundment rules are followed. Wants to waive the impound fee if dog isn't determined dangerous or vicious.

Euthanasia of a dangerous dog. To apply for vicious dogs only. The hearing officer should be the one to determine/assess the situation.

Member Payne: Inquired as to why a vicious dog be determined to be euthanized?

Director Schull: Applies to particularly egregious attack.

ADA Gustafson: Not the intention that all vicious dogs should be euthanized.

Member Dobbs: Agrees that there are some dogs that can't be rehabilitated and that would be safe in the community.

Member Rogers: Inquired if staff is comfortable with the hearing officer making the determination?

Chair Duerr: Compared to a human being on death row – and the human isn't

killed despite the act of violence. The Euthanasia decision should possibly have another individual involved.

ADA Gustafson: Confirms that if your dog is deemed dangerous at the administrative hearing office level, the owner can appeal to the Second Judicial District Court.

Director Schull: Confirms AS staff does attend all administrative hearings.

Member Dobbs: Due process has to be followed for process. When dogs become the level of vicious, Euthanasia gives the animal a gift – good death.

ADA Gustafson: Discusses the process for adjudicating violations of Chapter 55 and assessing the penalties. It's not specific to dangerous dogs and will be updated for the current practice and use of administrative hearing office.

Chair Duerr: How does a dangerous dog get brought into compliance?

Director Schull: Numerous things are required – insurance, enclosure requirements, spay/neutering, micro chipped, leash and muzzle. All rules and regulations are reviewed with dog owner.

ADA Gustafson: Wants to make it incumbent on the owner to remove yellow dangerous dog tag by providing information of compliance.

Member Dobbs: Discusses rehabilitation criteria for locating a trainer who will work with a dangerous and/or vicious dog.

Chair Duerr: Inquired if that kind of dog can be given away at Humane Society. (Inaudible/group discussion).

Member Dobbs: Dogs who are turned in with a bite history have to be evaluated.

ADA Gustafson: State law doesn't indicate anything about an owner transferring of a dangerous dog, but transferring ownership of a vicious dog is guilty of a misdemeanor. Under state law it is illegal to transfer a vicious dog.

Chair Duerr: Compliments staff on proposals and outstanding work.

PUBLIC COMMENT:

Tim Stoffel: Discusses the attack of a dog on a human being. If it's defense or protective action, it should be considered if a dog is vicious or dangerous because the dog was doing something he was supposed to do. Also discussed a dog killing other animals and the nature/instinct of same.

If a dangerous or vicious dog gets transferred to a new owner to possibly provide a better life, feels like provisions should be allowed for that possibility.

Verna Kooy: Appreciated the discussion between vicious and dangerous dogs. Inquired about the hearing officer's qualifications. Further discussed her dangerous dog determination by possibly someone unqualified. Requested someone experienced in animal behavior. Feels that three years for a dangerous dog is too long for certain breeds. Inquired into rehabilitation concepts.

ADA Gustafson: Referred her to Chapter 125 for review. Hearing Officers come from the Judge Pro Tem list that is approved by the Board of County Commissioners. Isn't aware of how much animal knowledge HO's have.

Marika Moore: Seeking clarification on dangerous/vicious dogs. Thanked the Board for comments.

Chair Duerr: Advised that meeting will be ending at 11:45 because quorum will have been lost. Member Payne left meeting at 11:46.

Member Rogers: Member Rogers made a recommendation motion to continue moving forward with Washoe County Code 55 revisions, go through due process, and revisit the item at the next meeting. Member Dobbs seconded the motion. Motion carries unanimously.

Chair Duerr: Agreed that third party evaluations would greatly assist. And also making it a shorter term.

Conversation to be terminated on remaining items.

Director Schull: Confirmed that Agenda Items are just updates. Item No. 8 will get moved. Remaining items are all non-action items.

Chair Duerr: Requested portion of staff update that relates to staff still

remaining in meeting. Requested Item No. 9 - Board Member Requests; and Item No. 10 Public Comment. Called for final public comment.

Linda Peri: Discussed four sets of puppies in the last couple of years. Discussed dogs with eyes missing at location. Provided information of possible puppy mills and sick puppies.

5. PRESENTATION AND UPDATE ON WASHOE COUNTY CODE CHAPTER 55.390 THROUGH 55.450 GOVERNING VARIANCE PERMITS [Non-Action Item].

Cindy Doak: Animal Control Officer since 2001. Has been working with kennel permits, now variance permits. Generally complaint driven, mostly by barking dogs. Officers address issue requested. Officer gives owner 30 day notice to either apply for variance permit or to reduce to the legal number of dogs (3). If owner comes into compliance by reducing to 3 dogs and licensing, then process is complete. If not, a Variance Permit is applied for. Inspection takes place. Each property within 200 feet of owner needs to be notified and given 15 days to write for approval/disapproval. After all information is compiled, the director will review and make a decision. If Variance Permit is denied, owner can appeal.

There are currently 118 Variance Permits in Washoe County.

11. ADJOURNMENT [Non-Action Item].

Chair Duerr: Suggested a special meeting to occur in between the two meetings to discuss Director's Report, and other issues brought up, as well as Item No. 9.

Member Dobbs: Requested emergency meeting to be held in February.

Chair Duerr: Confirmed the meeting will be continued and a special meeting will be held to finish items, and add a new item.

Chair Duerr declared the meeting adjourned at 12:04 p.m.