



# WASHOE COUNTY

"Dedicated To Excellence in Public Service"

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CM/ACM KS

Finance LE

DA SS

Risk Mgt N/A

HR N/A

Other MS

## STAFF REPORT

BOARD MEETING DATE: December 8, 2015

**DATE:** November 18, 2015

**TO:** Board of County Commissioners

**FROM:** Robert Smith, Animal Services Manager  
Phone: 353-8945; email: [rasmith@washoecounty.us](mailto:rasmith@washoecounty.us)

**THROUGH:** Shyanne Schull, Director of Animal Services

**SUBJECT:** Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto (Bill No. 1752) (All Commission Districts).

### SUMMARY

The Washoe County Commission introduced and held the first reading of an ordinance amending Washoe County Code Chapter 55 by creating provisions relating to commercial animal establishments (through an animal welfare permit) and directed staff to set the second reading for December 8, 2015 at 6:00 p.m.

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.

- 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

AGENDA ITEM # 27

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.

On November 10, 2015 the Washoe County Commission introduced and held a first reading of an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit). The BCC directed staff to set the second reading for 6:00 pm on December 8, 2015.

## **BACKGROUND**

The proposed code was co-written by Regional Animal Services and the City of Reno Code Enforcement in response for the need to provide oversight and enforcement within commercial animal establishments in Washoe County, the City of Reno and the City of Sparks and to create an animal welfare permit process, therefore requiring Washoe County to amend Washoe County Code Chapter 55.

The County Manager's 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 community to include but not limited to 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 is to allow visitors to the site the ability to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

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 ensure the widest range of public input. The unique feature of this community engagement tool is to allow visitors to the site the ability to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

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 and 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](mailto: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 27, 2014 to discuss Commercial Animal Establishments (retail sales), promoting 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. 40 citizens spoke at the public workshop on Commercial Animal Establishments (retail sales), in addition to public comments through "Open Washoe. 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.

**FISCAL IMPACT**

None

**RECOMMENDATION**

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto.

**POSSIBLE MOTION**

Should the Board approve, a possible motion would be:

Move to adopt an ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit); by adding related definitions; and by making changes to the definition of "County" and all other matters properly relating thereto.

SUMMARY: An ordinance amending Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit) and revising definitions.

BILL NO. 1752

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY CREATING PROVISIONS REGULATING COMMERCIAL ANIMAL ESTABLISHMENTS (THROUGH AN ANIMAL WELFARE PERMIT); BY ADDING RELATED DEFINITIONS; AND BY MAKING CHANGES TO THE DEFINITION OF "COUNTY".

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

SECTION 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the following new section which shall read as follows:

**55.455 Commercial animal welfare permit.**

1. Commercial animal establishments must obtain a welfare permit from regional animal services.

(a) No commercial animal welfare permit may be transferred or assigned between persons, between commercial animal establishments, or between a person and a commercial animal establishment.

(b) A commercial animal establishment must maintain a welfare permit for each individual location.

(c) Upon a commercial animal establishment's change of ownership or location, a new inspection and welfare permit is required.

(d) Each commercial animal establishment shall be subject to unscheduled inspection by an animal control officer during normal business hours.

(e) Each commercial animal establishment shall house its animals in accordance with industry standards.

(f) The commercial animal welfare permit must be displayed in a conspicuous place within the commercial animal establishment.

(g) No commercial animal establishment may sell a dog or cat over the age of 3 months without a valid rabies vaccination.

(h) Veterinarians and/or veterinary hospitals are exempt from this provision.

2. All commercial animal establishments shall submit an application for a commercial animal welfare permit with regional animal services.

3. Regional animal services must review the application and certify that the commercial animal establishment has been inspected and is in compliance with all animal welfare permit requirements. Regional animal services shall notify the appropriate jurisdiction(s) of Washoe County, the City of Reno and/or the City of Sparks of the welfare permit status.

4. During annual inspections, an animal control officer must verify that the commercial animal establishment holds a valid business license. A certificate of occupancy for the appropriate jurisdiction or an approved business license may be accepted as evidence that the commercial animal establishment is in compliance with the local jurisdiction's licensing requirements.

(a) Regional animal services shall create an internal animal welfare permit application process with rules and records retention requirements, including, but not limited to, proof of insurance, health records, and any other conditions necessary to preserve the health and safety of the animals and the public.

(b) Records shall be maintained at the commercial animal establishment for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat identified by the record, and shall be readily available for inspection by any animal control officer.

(c) Except as otherwise provided, a commercial animal establishment shall be inspected and the welfare permit renewed annually by regional animal services.

5. In addition to the requirements set forth in NRS 574.360 through 574.510, inclusive, which outline the duties of operators, an operator of a commercial animal establishment shall:

(a) Ensure that the walls and floors of enclosures are constructed of nonabsorbent, nonporous material impervious to moisture, and are adequate to support the animal without sagging and to prevent injury.

(b) Ensure that all dogs and cats are kept in an isolation room or isolation area for a minimum of 72 hours before being made available for sale. The permittee or their representative shall observe each animal daily in order to identify general symptoms of injury, illness or disease.

(c) Ensure that any dog or cat that exhibits symptoms of injury, illness or disease is kept in an isolation room or isolation area and treated by a veterinarian. The veterinarian shall verify that the dog or cat is healthy before such dog or cat can be offered for sale.

(d) Establish and maintain a written Program of Veterinary Care (PVC). The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate oversight of the facility's care and use of animals. The PVC

must include method(s) of euthanasia, which should be consistent with the current American Veterinary Medical Association (AVMA) Guidelines on Euthanasia.

(e) Provide a hand sanitizer and require members of the public to sanitize their hands prior to and after handling any animals in order to reduce the risks of transmission of disease.

(f) Dispose of animal carcasses in accordance with NRS 571.200 and NAC 571.200.

6. Revocation of commercial animal welfare permit. If a permittee violates this section or any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare, regional animal services may revoke the commercial animal welfare permit in accordance with the procedures and penalties set forth in section 55.800.

(a) Any commercial animal establishment residing within the boundaries of the City of Reno shall maintain a City of Reno business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.

(b) Any commercial animal establishment residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.

(c) If the permittee fails to comply with any conditions imposed on the welfare permit, regional animal services may suspend or revoke the permit. If regional animal services suspends or revokes a welfare permit, the permittee shall be advised in writing of the reason(s) therefor and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.

(d) Upon the filing of an appeal, the administrative hearing office shall hold a hearing on the appeal as soon as practicable.

(e) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800(6) through 55.800(17), inclusive.

(f) The hearing officer's decision sustaining, reversing, or sustaining with conditions the suspension or revocation shall be transmitted in writing to the appellant within 14 working days.

(g) Any permittee aggrieved by the hearing officer's decision may appeal that decision by filing a petition for judicial

review in the district court within 30 days of the hearing officer's decision. The commercial animal welfare permit shall remain in place until a decision is rendered by the district court.

SECTION 2. Section 55.010 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Ambient Temperature" means the temperature of the environment immediately surrounding the animal.

"Commercial animal establishment" means any pet store, kennel or boarding facility used for the business of buying, selling or boarding animals.

"Isolation area" means a location where potentially infected animals can be separated from other animals for the period of time to control disease transmission, under such conditions as to prevent direct or indirect conveyance of the infectious agent from spreading to other animals.

"Isolation room" means a separate room in which conditions are established to control and contain the transmission of disease, such as, but not limited to, contamination from feces and bodily secretions, mites, and arthropod vectors, and which has a separate air supply with ventilation to the outside with no admixture in the general circulation.

SECTION 3. Washoe County Code 55.010 is hereby amended by changing the definitions of "Animal" and "County" as follows:

County means all **the area** of Washoe County ~~including the areas comprising the incorporated City of Sparks and incorporated City of Reno as defined by NRS 243.0430, and as it may be amended from time to time.~~

[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 Washoe County Code Chapter 55 by creating provisions regulating commercial animal establishments (through an animal welfare permit) and revising definitions.

BILL NO. \_\_\_\_\_1752

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(a) No commercial animal welfare permit may be transferred or assigned between persons, between commercial animal establishments, or between a person and a commercial animal establishment.

(b) A commercial animal establishment must maintain a welfare permit for each individual location.

(c) Upon a commercial animal establishment's change of ownership or location, a new inspection and welfare permit is required.

(d) Each commercial animal establishment shall be subject to unscheduled inspection by an animal control officer during normal business hours.

(e) Each commercial animal establishment shall house its animals in accordance with industry standards.

(fe) The commercial animal welfare permit must be displayed in a conspicuous place within the commercial animal establishment.

(g#) No commercial animal establishment may sell a dog or cat over the age of 3 months without a valid rabies vaccination.

(hg) Veterinarians and/or veterinary hospitals are exempt from this provision.

2. All commercial animal establishments shall submit an application for a commercial animal welfare permit with regional animal services.

Comment [JG1]: Added housing clarification based on public comment at 1<sup>st</sup> reading.

3. Regional animal services must review the application and certify that the commercial animal establishment has been inspected and is in compliance with all animal welfare permit requirements. Regional animal services shall notify the appropriate jurisdiction(s) of Washoe County, the City of Reno and/or the City of Sparks of the welfare permit status.

4. During annual inspections, an animal control officer must verify that the commercial animal establishment holds a valid business license. A certificate of occupancy for the appropriate jurisdiction or an approved business license may be accepted as evidence that the commercial animal establishment is in compliance with the local jurisdiction's licensing requirements.

(a) Regional animal services shall create an internal animal welfare permit application process with rules and records retention requirements, including, but not limited to, proof of insurance, health records, and any other conditions necessary to preserve the health and safety of the animals and the public.

(b) Records shall be maintained at the commercial animal establishment for a minimum of two years after the date of sale, transfer or other disposition of the dog or cat identified by the record, and shall be readily available for inspection by any animal control officer.

(c) Except as otherwise provided, a commercial animal establishment shall be inspected and the welfare permit renewed annually by regional animal services.

5. In addition to the requirements set forth in NRS 574.360 through 574.510, inclusive, which outline the duties of operators, an operator of a commercial animal establishment shall:

(a) Ensure that the walls and floors of enclosures are constructed of nonabsorbent, nonporous material impervious to moisture, and are adequate to support the animal without sagging and to prevent injury.

(b) Ensure that all dogs and cats are kept in an isolation room or isolation area for a minimum of ~~120~~ 72 hours before being ~~released to a purchaser~~ made available for sale. The permittee or their representative shall observe each animal daily in order to identify general symptoms of injury, illness or disease.

(c) Ensure that any dog or cat that exhibits symptoms of injury, illness or disease is kept in an isolation room or isolation area and treated by a veterinarian. The veterinarian shall verify that the dog or cat is healthy before such dog or cat can be offered for sale.

(d) Establish and maintain a written Program of Veterinary Care (PVC). The attending veterinarian must visit the facility on a regular basis, i.e., often enough to provide adequate

Comment [a2]: Reduced time based on public comment

Comment [a3]: Word clarification

oversight of the facility's care and use of animals. The PVC must include method(s) of euthanasia, which should be consistent with the current American Veterinary Medical Association (AVMA) Guidelines on Euthanasia.

(e) Provide a hand sanitizer and require members of the public to sanitize their hands prior to and after handling any animals in order to reduce the risks of transmission of disease.

(f) Dispose of animal carcasses in accordance with NRS 571.200 and NAC 571.200.

6. Revocation of commercial animal welfare permit. If a permittee violates this section or any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare, regional animal services may revoke the commercial animal welfare permit in accordance with the procedures and penalties set forth within section 55.800-~~penalties~~.

(a) Any commercial animal establishment residing within the boundaries of the City of Reno shall maintain a City of Reno business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.

(b) Any commercial animal establishment residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. If, at any time, the City suspends or revokes the business license, the City shall notify regional animal services and the commercial animal welfare permit shall be suspended or revoked.

(c) If the permittee fails to comply with any conditions imposed on the welfare permit, regional animal services may suspend or revoke the permit. If regional animal services suspends or revokes a welfare permit, the permittee shall be advised in writing of the reason(s) therefor and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.

(d) Upon the filing of an appeal, the administrative hearing office shall hold a hearing on the appeal as soon as practicable.

(e) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800(6) through 55.800(17), inclusive.

(f) The hearing officer's decision sustaining, reversing, or sustaining with conditions the suspension or revocation shall be transmitted in writing to the appellant within 14 working days.

(g) Any permittee aggrieved by the hearing officer's decision

**Comment [a4]:** This would be the process for other than animal cruelty which must be a criminal citation,

Per 55.800

Warning  
1<sup>st</sup> Notice of civil penalty  
2<sup>nd</sup> Notice of civil penalty  
3<sup>rd</sup> Notice of civil penalty  
Criminal citation  
Suspension/Revocation

may appeal that decision by filing a petition for judicial review in the district court within 30 days of the hearing officer's decision. The commercial animal welfare permit shall remain in place until a decision is rendered by the district court.

SECTION 2. Section 55.010 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Ambient Temperature" means the temperature of the environment immediately surrounding the animal.

"Commercial animal establishment" means any pet store, kennel or boarding facility used for the business of buying, selling or boarding animals.

"Isolation area" means a location where potentially infected animals can be separated from other animals for the period of time to control disease transmission, under such conditions as to prevent direct or indirect conveyance of the infectious agent from spreading to other animals.

"Isolation room" means a separate room in which conditions are established to control and contain the transmission of disease, such as, but not limited to, contamination from feces and bodily secretions, mites, and arthropod vectors, and which has a separate air supply with ventilation to the outside with no admixture in the general circulation.

SECTION 3. Washoe County Code 55.010 is hereby amended by changing the definitions of "Animal" and "County" as follows:

County means all the area of Washoe County as defined by NRS 243.0430, and as it may be amended from time to time.

[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

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Ayes:

Nays:

Absent:

\_\_\_\_\_  
Chairman  
Washoe County Commission

ATTEST:

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

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