

ORDINANCE NO. 4115
Henderson Municipal Code Title 7-Animals

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, REPEALING TITLE 7 OF THE HENDERSON MUNICIPAL CODE ENTITLED "ANIMALS" AND ADOPTING A NEW TITLE 7 ENTITLED "ANIMALS" TO MAKE SUBSTANTIAL REVISIONS TO NUMEROUS AREAS OF ANIMAL REGULATION.

WHEREAS, Ordinance No. 2932 was adopted by the City Council on September 20, 2011; and

WHEREAS, The following amendments to Title 7 were adopted by the City Council: Ordinance No. 3229 on November 4, 2014; Ordinance No. 3341 on June 7, 2016; Ordinance No. 3763 on March 2, 2021; Ordinance No. 4011 on March 5, 2024; Ordinance No. 4038 on September 3, 2024; and Ordinance No. 4080 on June 17, 2025; and

WHEREAS, Title 7 is a living document that requires periodic amendments to remain current and consistent with best practices for animal welfare; and

WHEREAS, Title 7 requires periodic updates to remain effective and in alignment with Nevada law and other provisions of the Henderson Municipal Code; and

WHEREAS, Substantial changes to Title 7 are now necessary to address numerous areas of animal regulation in the City, including but not limited to: animal cruelty, consistent with the recently enacted Nevada Assembly Bill AB381, also known as Reba's Law; the keeping of animals on residential and other properties, to align with HMC Title 19; the management of community cats; the implementation of an administrative enforcement process and associated fines for violations of Title 7; an updated fee schedule for animal-related services; updated requirements and procedures for issuance and revocation of various types of permits; microchipping requirements for dogs and cats; animal disposal and trapping requirements; animal impoundment and release processes and requirements; lost and found animal reporting requirements; updated wild and exotic animal provisions; rabies protocols; and mobile animal exhibitor and business requirements; and

WHEREAS, The City Council of Henderson believes it is in the best interest of the City to adopt reasonable regulations to protect the welfare of the animals in Henderson; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1: Henderson Municipal Code Title 7 entitled "Animals" is hereby repealed in its entirety.

SECTION 2: A new Title 7 entitled "Animals" is hereby added as follows:

TITLE 7 - ANIMALS

CHAPTERS:

- Chapter 7.01 – DEFINITIONS
- Chapter 7.02 – GENERALLY; POWERS OF ANIMAL PROTECTION SERVICES
- Chapter 7.04 – PET LICENSING AND PERMITS; FEES; APPEAL PROCESS
- Chapter 7.06 – PETS GENERAL WELFARE; NEGLECT; CRUELTY
- Chapter 7.08 – NUISANCE
- Chapter 7.10 – MANDATORY SPAYING AND NEUTERING OF ANIMALS
- Chapter 7.15 – MANAGED CARE OF COMMUNITY CATS
- Chapter 7.20 – DANGEROUS ANIMALS
- Chapter 7.25 – VICIOUS ANIMALS
- Chapter 7.30 – IMPOUNDMENT
- Chapter 7.40 – WILD AND EXOTIC ANIMALS; REPTILES; NON-DOMESTICATED COMPANION ANIMALS; ANIMAL EXHIBITORS
- Chapter 7.50 – RABIES
- Chapter 7.60 – ANIMAL HANDLER
- Chapter 7.65 – MOBILE ANIMAL BUSINESS
- Chapter 7.70 – ANIMAL ESTABLISHMENT
- Chapter 7.75 – COMMERCIAL ANIMAL ESTABLISHMENT
- Chapter 7.80 – RETAILERS AND DEALERS
- Chapter 7.90 – ENFORCEMENT PROVISIONS

Chapter 7.01 – DEFINITIONS

As used in this title, unless the context otherwise requires, the following definitions shall be in effect:

7.01.010 – Adequate feed.

Adequate feed means the provision at suitable intervals, but in no event less than once every 24 hours, of a quantity of wholesome food-stuff suitable for the animal's physical condition and age, sufficient to maintain an adequate level of nutrition in the animal, such food-stuff to be served in a clean receptacle, dish or container.

7.01.020 – Adequate water.

Adequate water means the access to a sufficient supply of clean, fresh, potable water provided at suitable intervals for the animal's physical needs and the climatic conditions at all times.

7.01.030 - Animal.

Animal shall be defined for the purposes of this title to be any mammal (excluding a human being), amphibian, fowl, bird, fish, or reptile, wild or domestic, living or dead.

7.01.040 - Animal boarding.

Animal boarding generally means a facility for keeping and/or boarding of pets not owned by the operator whether for profit or not-for-profit.

7.01.050 – Animal control officer or animal protection officer.

Animal control officer or animal protection officer means any duly authorized person in the employ of the city responsible for the enforcement of this title and regulations promulgated thereunder.

7.01.060 – Animal establishment.

Animal establishment generally means any pet store, animal boarding facility, animal training facility, animal grooming facility, animal rehabilitation/therapy facility, animal acupuncture provider or other business that will keep or possess animals in its care on its premises whether for profit or not-for-profit. This does not include the sale of dogs, cats, and/or rabbits as defined under commercial animal establishment.

7.01.065 – Animal establishment permit.

Animal establishment permit means a permit issued by the director of community development and services or designee to the owner or owners of an animal establishment. The permit is required in order to operate an animal establishment whether for profit or not-for-profit. The permit is required for owners meeting the definition as set forth in section 7.01.060.

7.01.070 - Animal grooming.

Animal grooming generally means a service that provides cosmetic care for animals such as clipping, bathing, shaving, haircuts, and dying a pet's coat whether for profit or not-for-profit.

7.01.080 – Animal handler.

Animal handler means a person(s) who provide an animal training service, pet care service, pet sitting service, or any similar animal related business or service subject to the requirements of section 7.60.

7.01.085 – Animal handler permit.

Animal handler permit means a permit issued by the director of community development and services or designee to an animal handler. The permit is required in order to operate or carry on a business as an animal handler whether for profit or not-for-profit.

7.01.090 – Animal protection facility.

Animal protection facility shall mean the City of Henderson's authorized facility for the confinement, maintenance, safekeeping and control of all animals that come into the custody of the City of Henderson animal protection services.

7.01.100 – Animal shelter.

Animal shelter means any establishment authorized by the city for the confinement, maintenance, safekeeping and control of animals.

7.01.110 – Animal vaccination certificate.

Animal vaccination certificate means a certificate executed by a veterinarian which includes the following information: the name, complete address, telephone number of the owner of the animal, a description of the animal, including the name, age, sex, breed, color, and weight of the animal, whether the animal is spayed or neutered as applicable, the date the vaccination was administered, the product for revaccination based on the duration of immunity provided by the vaccine according to its label, the number on the rabies vaccination tag issued, the name, address, telephone number and license number of the veterinarian, and the signature of the veterinarian who administered the vaccine.

7.01.120 - At large.

At large means any animal, not including feral or community cats, not confined or contained on the owner, caretaker, or responsible party's property or not having said animal under the effective control of a leash being held by the owner, caretaker or responsible party.

7.01.130 – Bite.

Bite means a breaking of the skin by the teeth of an animal.

7.01.140 – Breeder.

Breeder means any person who causes the breeding or birthing of household pets or makes an unsterilized pet available for breeding purposes, or any person who sells or offers for sale any unsterilized household pet, whether for profit or not-for-profit. This also includes any person who is in possession of an unsterilized dog, cat, and/or rabbit over the age of four months.

7.01.145 – Breeder's Permit.

Breeder's permit means a permit issued by the director of community development and services or designee. The permit is required for person(s) meeting the definition as set forth in section 7.01.140

7.01.150 – Business days.

Business days means the days the City of Henderson animal protection services facility is open to the public.

7.01.155 –Caretaker.

Caretaker means a person employed to look after people or animals.

7.01.160 – Cattery.

Cattery means an enclosed area for the total confinement of one or more cats.

7.01.180 – Commercial animal establishment.

Commercial animal establishment means any for-profit business enterprise, including, but is not limited to all dealers, retailers, pet stores, sole proprietorships and entities in any form that for the purposes of resale or retail, display, sell, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of dogs, cats and/or rabbits in the city.

7.01.185 – Commercial animal establishment permit.

Commercial animal establishment permit means a permit issued by the director of community development and services or designee to the owner or owners of a commercial animal establishment. This also includes animal establishment permit holders authorized to sell dogs, puppies, cats, kittens, or rabbits and issued prior to March 5, 2024. The permit is required in order to operate or carry on a commercial animal establishment for profit.

7.01.190 – Reserved.

7.01.200 – Confined.

Confined means a condition whereby an animal is restricted to the property of the owner, caretaker or responsible party by enclosed lot, tether, cord or chain of suitable length for the type of animal to stand and lie comfortably.

7.01.210 – Cruelty or torture.

Cruelty or torture means every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted to any animal.

7.01.220 – Dealer.

Dealer means a person or owner or business who, for compensation or profit, buys, sells, breeds, trades or imports animals for resale including pet store owner/operators.

7.01.230 – Enclosed lot.

Enclosed lot means a parcel of land or portion thereof around the perimeter of which a fence or wall adequate to contain any animal kept therein has been constructed.

7.01.240 – Fees.

Fees means monies authorized by the city council to be collected by the City of Henderson related to animal protection services.

7.01.250 – Feral.

Feral means any animal having become wild from a state of cultivation or domestication.

7.01.260 – Fowl.

Fowl means any species of bird in the order of Anseriformes or Galliformes (ducks, geese, chicken family).

7.01.270 – Health officer.

Health officer means the Southern Nevada Health District officer or designated and duly authorized representative.

7.01.280 - Household Pet.

Household Pet means a domesticated animal, typically bred in captivity, that is traditionally kept in the home for pleasure rather than for commercial purposes. This includes the following animals only: a dog, cat, rabbit, pot-bellied pig, ferret, certain domesticated birds (passerines and psitticines only), rodent, fish, non-venomous amphibians and non-venomous reptile not more than six feet in length.

7.01.290 – Impound.

Impound means the act of taking or receiving into custody by any animal control officer, animal protection officer, or employee of the City of Henderson any animal for the purpose of confinement in an animal shelter consistent with the provisions of this title.

7.01.300 – Judicial days.

Judicial days means, for purposes of this title, the days when the Henderson Municipal Court is open to the public.

7.01.310 – Kennel.

Kennel means an enclosed area for the total confinement of one or more dogs.

7.01.320 – Leash.

Leash means any rope, leather strap, chain, retractable leash or other material not exceeding six feet in length, being held in the hand of a person capable of having and maintaining effective control of the animal to which it is attached. Electronically operated devices and retractable leashes extended beyond six feet are not recognized as a leash.

7.01.330 - Livestock.

Livestock means the following domesticated animals only typically bred in captivity: horses (*Equus ferus caballus*), cattle (*Bos taurus*), goats (*Capra hircus*), sheep (*Ovis aries*), hens (*Gallus domesticus*), ducks (*Anas platyrhynchos domesticus*), swine (*Sus domesticus*) and quail (*Coturnix coturnix*).

7.01.340 – Microchip.

Microchip means a radio frequency transponder which has a permanent and unique numeric or alphanumeric identifier programmed into it and implanted in an animal for positive identification.

7.01.350 - Mobile animal business.

Mobile animal business generally means a person or person(s) who operate a mobile animal trailer or other motor vehicle unit used for the grooming of animals, transport of animals, mobile exercise service, or any other animal related business that would include the operation of a motor vehicle or trailer and have temporary care/custody of an animal not owned by them, whether for profit or not-for-profit. This term includes mobile animal exhibitors as defined in Title 19 of the Henderson Municipal Code.

7.01.355 - Mobile animal business permit.

Mobile animal business permit means a permit issued by the director of community development and services or designee to the owner or owners of a mobile animal business permit. The permit is required for person(s) meeting the definition as set forth in section 7.01.350.

7.01.360 – Motor vehicle.

Motor vehicle means every device assisted by a motor, upon, or by which any person or property is or may be transported or driven upon a highway, street or roadway.

7.01.370– Owner.

Owner means any person who is a license-holder of an animal or any person keeping, harboring, having custody of or control of an animal, or permitting any animal to be in their residence or upon their property or premises. The term does not include a veterinarian, an operator of an animal establishment, commercial animal establishment, animal handler, mobile animal business, community cat care giver, or an employee or agent of the city while carrying out any provision of title 7.

7.01.380 – Person.

Person means any individual, partnership, firm, joint stock company, corporation, association, trust, estate or other legal entity.

7.01.390– Pet fancier.

Pet fancier means a person who, pursuant to a permit issued under this Title, is allowed to keep or possess in/on their property more birds and more spayed/neutered dogs, cats, ferrets, and/or rabbits than would otherwise be permitted by this Title. Pet fanciers are subject to the requirements set forth in section 7.40.100.

7.01.395 Pet fancier permit.

Pet fancier permit means a permit issued by the director of community development and services or designee to a pet fancier in compliance with the requirements set forth in section 7.40.100.

7.01.400 – Pet license.

Pet license means the actual receipt and durable material tag issued by the director or designee which evidences the fact that a party has purchased a pet license as required under this title. The receipt must contain information describing the type of pet, the breed, color, sex and rabies vaccination date, and the name, address and telephone number of the pet's owner. The durable material tag shall be numbered and attached to the animal's collar, leash, or harness and shall be attached to the animal.

7.01.410 - Pet sitting

Pet sitting means the act of temporarily taking care of another person's pet for a given time at the pet owner's home.

7.01.420 – Pet store.

Pet store means any business or commercial establishment, premises or part thereof, maintained for the purchase, sale, exchange or hire of animals of any type; except that the term shall not include livestock auctions where for profit or not-for-profit.

7.01.430 – Pet tag.

Pet tag means the numbered marker made of durable material which is attached to the animal's collar or harness.

7.01.440 – Provoked.

Provoked means to torment, harass, or subject to pain.

7.01.450 – Rabies quarantine area.

Rabies quarantine area means any area in which a state of emergency has been declared by the Clark County Health District or the state veterinarian to exist due to the occurrence of rabies in animals in or adjacent to this area.

7.01.460 – Reptile.

Reptile means any terrestrial or non-terrestrial, cold-blooded, usually egg-laying vertebrates of the class reptilia generally characterized as having an external shell or covering of scales or horny plates, breathing air with lungs to include, but not limited to, snakes, lizards, crocodiles, turtles, or tortoises.

7.01.470 – Research facility.

Research facility means any place at which scientific tests, experiments, or investigations involving the use of any animal are conducted, attempted, or carried out.

7.01.475 – Responsible party.

Responsible party means a person who owns or has possession of an animal.

7.01.480 – Retailer.

Retailer means a person or the owner of a business who acquires pets for resale including pet store owner/operators for profit.

7.01.490 – Serious injury.

Serious injury means:

1. A non-life-threatening injury to an animal caused by another animal characterized by bite wounds, ripping, piercing and/or tearing of skin that would cause a reasonable person to seek professional veterinary care for the injured animal.
2. A non-life-threatening injury to a human caused by an animal characterized by bite wounds, ripping, piercing and/or tearing of the skin, sprains, and/or bruising that would cause a reasonable person to seek professional medical care, whether or not treatment is sought.

7.01.500 – Service animal.

Service animal means any dog or miniature horse that is recognized under NRS 426.097 or under the Americans with Disabilities Act as a service animal that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including but not limited to, a physical sensory, psychiatric, intellectual, or mental disability. Other species of animals, whether wild or domestic, trained or untrained are not service animals for the purposes of this definition. The work or tasks performed by the service animal must be directly related to the handler's disability. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort or companionship do not constitute work or tasks for the purposes of this definition.

7.01.510 – Shelter.

Shelter means protection from the elements as hereinafter provided.

7.01.520 – Stray animal.

Stray animal means any animal of which the ownership is unknown.

7.01.530 – Substantial bodily harm.

Substantial bodily harm means bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ, or prolonged physical pain.

7.01.540 – Reserved

7.01.550 – Tether.

Tether means the practice of fastening a dog to a stationary object or stake by a chain, rope or other tethering device as a means of keeping the animal under control. The term tether does not refer to the periods when an animal is walked on a leash.

7.01.560 – Urban Wildlife

Urban wildlife means wildlife that can live or thrive in urban/suburban environments or around densely populated human areas. These include coyotes, mountain lions, fox, bats, rabbits, raccoons, skunks, snakes, raptors, waterfowl, and songbirds.

7.01.570 – Vaccination.

Vaccination means administration of an anti-rabies vaccine to any animal under the guidelines of the Nevada Board of Veterinary Medical Examiners.

7.01.580 – Vaccine.

Vaccine means a vaccination against rabies in accordance with Rabies Compendium published by the American Veterinarian Medical Association.

7.01.590 – Venomous Reptile

Venomous reptile means any species of reptile that is capable of producing venom.

7.01.595 Venomous amphibian.

Venomous amphibian shall mean any species of amphibian that is capable of producing venom and/or toxins.

7.01.600 – Veterinarian.

Veterinarian, unless otherwise indicated, means any person licensed to practice veterinary medicine by any state board of veterinary medical examiners.

7.01.610 – Veterinary clinic.

Veterinary clinic means any establishment operated by a veterinarian to provide dental, medical or surgical treatment. A veterinary hospital may have adjacent to it or in conjunction with it, or as an integral part of it, pens, stalls, cages, or kennels for quarantine or observation, in a completely enclosed building.

7.01.620 – Wild and exotic animals.

Wild and exotic animal means any warm-blooded exotic, non-domesticated animal found naturally in an undomesticated state, whether indigenous to this state or not, and/or any animal requiring a permit from the state or federal government to possess. It includes, but is not limited, to the following: alligator, badger, bear, bobcat, chimpanzee/ape, crocodile, coyote, fox, mink, monkey, mountain lion, raccoon, skunk, weasel, wolf, wolf-hybrid, jaguar, lynx, ocelot, serval, caracal, jaguarundi, coydog, wolverine, opossum, squirrel, kinkajou, monkey, non-human primates, tiger, lion, boar, javelina, coatimundi, panther, muskrat, ringtailed cat, pachyderm, prairie dog, deer, elk, armadillo, kangaroo, and wallaby. All venomous reptiles shall be included in the definition of wild and exotic animals. Birds licensed for falconry are exempt.

Chapter 7.02 – GENERALLY; POWERS OF ANIMAL PROTECTION SERVICES

7.02.010 - Animal protection facility operation.

- A. The operation of an animal protection facility which is authorized and established by the city shall be a proper charge against the general funds of the city. All monies collected hereunder, unless otherwise provided herein, shall be deposited into the general fund of the city.
- B. The director of community development and services, hereinafter referred to in this title as “the director”, and the animal protection facility administrator shall have the power to deny any animal adoption if it is in the best interest of the general health, safety and welfare of the public or the animal.

7.02.020 – Authority of Animal Protection Services.

The City of Henderson establishes animal protection services for the purpose of enforcing the provisions of Chapter 574 of the Nevada Revised Statutes and Title 7 of the Henderson Municipal Code.

- A. Animal protection services shall be responsible to investigate, or assist in investigating, incidences of animal cruelty, and animal neglect and, where substantiated, to submit requests for prosecution to the city attorney or district attorney’s office.

- B. Animal protection services shall be responsible for enforcement of each and every provision of Title 7 of the Henderson Municipal Code.
- C. Pursuant to NRS 171.17751, in order to enforce the provisions of this Title 7 of the Henderson Municipal Code and NRS 574, the director, the administrator of animal protection services and all animal protection officers have the authority to prepare, sign and serve citations, and submit requests for summons or warrant issuance to the city attorney's office.

7.02.030 - Violation of state law is a city misdemeanor.

The commission of any act within the corporate limits of the City of Henderson by any person or persons, or the failure to perform any duty imposed by law which is defined as an offense and made a misdemeanor pursuant to the Nevada Revised Statute Chapter 574 is declared to be, and shall constitute a misdemeanor when said act is committed, or said duty omitted, within the corporate limits of the City of Henderson.

7.02.040 - Unlawful to resist or obstruct animal protection officer.

It shall be unlawful for any person to willfully resist, delay, knowingly provide false information to, or obstruct any animal protection officer discharging or attempting to discharge any legal duty imposed by this title.

7.02.050 – Right of entry.

- A. An animal protection officer or police officer shall have the right, without first securing a warrant, to enter upon any private or public property, except the interior of the house or other structure used as a residence, in the city to examine or take custody of an animal if probable cause exists that:
 - 1. An animal is in imminent danger and emergency aid or assistance is immediately necessary to protect the animal; or
 - 2. It is necessary to examine or take custody of the animal to protect the health, safety and welfare of the public.

7.02.060 – Less than lethal means of capture.

An animal protection officer and any police officer, who have been formally trained and authorized by the director, shall have the authority, when deemed by them reasonably necessary, to utilize a tranquilizer gun or any other form of less than lethal device or substance in order to apprehend, capture, control, or subdue any animal either running at large, or considered to be a threat.

7.02.070 – Euthanasia - Certification.

No employee of a public or private animal shelter, including the City's animal protection facility, may use any substance in the euthanasia of animals unless (s)he is certified as competent to use those substances by a certified educational institution or by a licensed veterinarian and licensed in good standing as a certified euthanasia technician by the Nevada Board of Veterinary Medicinal Examiners.

Chapter 7.04- PET LICENSING AND PERMITS; FEES; APPEAL PROCESS

7.04.010 - Licensing of pets—Required.

- A. The owner of any dog, cat or ferret over the age of three months, shall within 30 days after said pet attains the age of three months or within 30 days after first bringing said pet into the city, obtain for said pet a current pet license.
- B. The owner of any dog or cat shall securely fasten on the pet's collar, leash or harness the pet tag attached thereto bearing the license number.
- C. It is unlawful for any person to intentionally remove a pet tag from a pet not owned by him, or to allow an animal to wear a pet tag not issued for that particular pet, or for any person to allow an animal to wear any counterfeit, imitation or altered pet tag.

7.04.020 - Fees.

All fees set forth in the fee schedule herein shall be set by the city council. The director or designee is granted the limited authority to establish service or adoption fees if not specifically listed within this fee schedule.

The director, from time to time, may reduce or waive adoption fees listed here to prevent overcrowding of animals at the animal protection facility.

Fees for services including, but not limited to boarding, quarantine, euthanasia, licensing, microchipping, adoption processing, and vaccination are non-waivable.

All return to owner and owner surrender fees shall be collected and deposited into the Animal Protection Services Revolving Account established under HMC 7.90.020.

FEE TYPE	AMOUNT
Adoption—Kitten (six months and younger)	\$100.00
Adoption—Cat	85.00
Adoption—Ferret	100.00
Adoption—Puppy (six months and younger)	150.00
Adoption—Dog under 30 pounds	125.00
Adoption—Dog over 30 pounds	100.00
Adoption—Gerbil or hamster or rat	5.00
Adoption—Guinea pig	10.00
Adoption—Rabbit	40.00
Adoption—Potbellied pigs	90.00
Adoption of misc. small pets, reptiles and birds (based on species)	5.00 to 150.00
Rabies vaccine	12.00
Owner surrender per sterilized kitten/cat	50.00
Owner surrender per intact kitten/cat	80.00
Owner surrender per sterilized puppy/dog	50.00
Owner surrender per intact puppy/dog	80.00
Owner surrender—Potbellied pig	100.00
Owner surrender—misc. small animals, rabbits, reptiles, and birds	20.00
Return to owner—1st impound (sterilized)	25.00
Return to owner—2nd impound (sterilized)	50.00
Return to owner—3rd and subsequent impound (sterilized)	100.00
Return to owner—1st impound (intact)	150.00
Return to owner—2nd impound (intact)	300.00
Return to owner—3rd impound and subsequent (intact)	500.00
Board per day after the first 24 hours	25.00
Euthanasia and/or disposal of small rodents (guinea pig, rats, etc.) and birds (fee includes required disposal/cremation fee)	25.00
Euthanasia—Dogs and cats (fee includes required disposal/cremation fee)	100.00

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in *blue italics and underlined*.

Euthanasia large animal (including but not limited to livestock such as equine, porcine, bovine, ovine) (fee includes required disposal/cremation fee)	600.00
Disposal/cremation—Small dogs and cats (under 40 pounds)	20.00
Disposal/cremation—Dogs over 40 pounds	25.00
Microchip	25.00
License for unsterilized dog or cat (per year)	50.00
License for sterilized dog, cat, or ferret (per year)	20.00
License for sterilized dogs, cat, or ferret (per year) (pet owners age 55 and over)	10.00
Replacement license tag	5.00
Animal handler permit (per year)	100.00
Breeder permit (per year)	200.00
Animal establishment permit (every six months)	50.00
Dangerous animal permit (every six months)	100.00
Pet fancier's permit (per year)	50.00
Animal exhibitor permit (application fee per exhibition)	250.00
Zoological park permit (every six months)	500.00
Adoption processing fee (to be charged for all adoptions where the adoption fee is waived).	\$15.00
Quarantine fee (per day that animal is quarantined at the animal protection facility)	\$50.00

7.04.025 - Veteran, Law Enforcement Officer & First Responder Adoption Fee Waiver Program

The director shall waive the adoption fee for not more than one animal that meets the following requirements. The fee may be waived only once every 6 months for each veteran, law enforcement officer, and first responder.

1. The animal must be 6 months or older;
2. The animal must have been adoptable, in the animal protection facility, for 7 consecutive days prior to being offered as part of this program.
3. The animal must be adopted by a person who can provide proof that they meet one of the following definitions: “first responder” shall have the meaning ascribed to either an emergency medical provider (NRS 450B.199) or firefighter (NRS 4505.071), “law enforcement officer” means any officer of the United States or this State or a political subdivision thereof who is empowered by law to conduct investigations or make arrests, or “veteran” has the meaning ascribed to it in NRS 417.125.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in *blue italics and underlined*.

The director shall keep a record of all adoption fees waived under this program and submit a report to the Director of the Legislative Counsel Bureau on or before October 1 of each even-numbered year that includes the number of animals adopted under this fee waiver program and whether each animal was adopted by a veteran, law enforcement officer or first responder. The director shall also submit this report to the city council.

7.04.030 - License fee—Exemptions for service animals.

The license fee provisions of this chapter shall not apply to an animal which has been trained and is actively being used as a service animal for the disabled, or a law enforcement K-9 currently engaging in active service.

7.04.040 – Licensing and renewal.

Each pet license issued by the city, or by the contracted agency, to issue pet licenses, shall be valid for one year from the date of its issuance, or up to three years, depending on the rabies vaccine expiration and payment of said license. Pet licenses must be renewed on or prior to the date of license expiration for the life of the dog, cat, and/or ferret while residing in the City of Henderson. It shall be the responsibility of the owner to know the expiration date of the issued license.

7.04.050 - Receipt and tag issuance; replacement.

There shall be given to each person paying such license fee a receipt stating the amount and date of payment and the date of expiration of such license, and containing a brief description of the animal. The owner shall be furnished a pet tag of durable material. If the pet tag is lost, stolen or damaged, it shall be the duty of the owner, within ten days from the date of discovery of loss or damage, to procure a new pet tag and pay the fee established in the fee schedule set in section 7.04.020.

7.04.060 – Responsibility of licensing.

The licensing functions and duties within this title shall be performed by the City of Henderson and/or a contracted agency designated by the director.

7.04.070 - License register.

The city shall keep a register of all licenses issued showing:

- A. The name, current address and telephone number, if any, of the owner;
- B. Date of issuance;
- C. Description of the pet;
- D. The number of the tag; and
- E. Expiration date of vaccination.

7.04.080 – Number and any type animals permitted on residential property.

- A. Except as otherwise provided in sections 7.04.090 and 7.04.100, the following sets forth the type and number of animals permitted in any one residence or on any one residential premises located within the City.

1. Household Pets:

- a. No more than three dogs over the age of four months, all of which must be sterilized.
- b. No more than three cats over the age of four months, all of which must be sterilized.
- c. No more than three rabbits over the age of four months, all of which must be sterilized.
- d. No more than one pot-bellied pig, which must be sterilized, unless a conditional use permit to allow more than one pot-bellied pig is obtained pursuant to and in conformance with all requirements of Title 19.
- e. No more than three ferrets over the age of four months, all of which must be sterilized.
- f. No more than a maximum combined total of 10 dogs, cats, rabbits, pot-bellied pig and/or ferrets.
- g. No more than 3 domesticated rodents.
- h. A maximum total of 20 household birds and/or domesticated or banded pigeons (psitticines or passerines only). Pigeons must be kept outdoors and only on a lot with a detached single-family dwelling in compliance with Title 19.

- i. All other household pets are permitted in numbers suitable to the housing, space, shelter and general animal welfare requirements set forth in chapter 7.06.
- 2. Hens, ducks and quail:
 - a. A maximum combined total of 10 hens, ducks and/or quail, which must be kept outdoors on a lot with a detached single-family dwelling in compliance with Title 19.
 - b. Roosters are prohibited unless permitted in a rural neighborhood in compliance with Title 19.
- 3. Swine, horses, cattle, sheep, and goats are limited in number and by property type as set forth in Title 19.
- B. Approved animal establishments, as defined in section 7.01.065, may exceed the maximum number limits in this section up to the maximum approved by their animal establishment permit.

7.04.090 – Breeder's permit.

- A. A breeder, as defined in section 7.01.140, may keep and maintain unsterilized household pets other than pot-bellied pigs, provided that such person has first obtained from the director or designee a breeder's permit for said unsterilized household pets. The breeder shall apply every year for said permit and pay the annual fee. Commercial Breeders of livestock are not breeders within the meaning of this title and are prohibited unless the breeder has zoning approval for Agriculture under Title 19.
- B. When an initial application or renewal for a breeder's permit is made, a fee as established in the fee schedule in section 7.04.020, as set forth by the city council, shall be paid to the city for the application review. If the applicant is not the property owner, the applicant must provide a written approval from the property owner/leasing agent stating that the applicant has approval to apply for said permit at the time the permit is submitted.
- C. The application review shall be conducted by the director or designee to determine compliance with this title. If compliance is met, the permit shall be issued after inspection and will expire one year from the date the permit was applied for.

- D. If the application review reveals that this title or other applicable laws, or regulations have not been complied with, the permit shall be denied, and section 7.04.130 and 7.04.135 shall apply.
- E. A breeder may keep and maintain the following unsterilized dogs, cats, ferrets and/or rabbits:
 - 1. No more than five unsterilized dogs over four months of age; or
 - 2. No more than five unsterilized cats over four months of age; or
 - 3. No more than five unsterilized rabbits over four months of age; or
 - 4. No more than three unsterilized ferrets over four months of age; or
 - 5. Any combination of dogs, cats, ferrets and/or rabbits to not exceed eight animals in total, whether or not said dogs, cats, and/or rabbits are in combination with spayed/neutered dogs, cats, and/or rabbits.
 - a. This shall include any puppy, kitten, or kit that reaches the age of four months and remains on property.
- F. A breeder may keep and maintain animals other than dogs, cats, ferrets and rabbits in the maximum numbers and according to the types, limitations and requirements set forth in section 7.04.080, as applicable.
- G. A breeder shall not breed, cause unsterilized household pets to be made available for breeding, sell, gift, adopt, or rehome an unsterilized household pet:
 - 1. Unless the unsterilized dog, unsterilized cat, or unsterilized rabbit has had a registered microchip subcutaneously inserted into the dog, cat, or rabbit (unsterilized household pets that are not a dog, cat, or rabbit do not require a microchip); and
 - 2. Without providing a written sales contract or receipt to the purchaser/recipient that contains the breeder's permit number; and
 - 3. Unless the breeder has obtained pet licenses for all dogs, cats, and/or ferrets on the property in accordance with section 7.04.010.
- H. A breeder shall not breed a female dog or female cat until she is at least 18 months old and shall allow a female dog or cat to have no more than one litter every 12 months. A breeder shall allow a female rabbit to have no more than one litter every 12 months.
- I. A breeder shall display the breeder's permit number in all advertising in which the breeder advertises an unsterilized household pet for sale.

- J. A breeder shall not breed a dog, cat, and/or rabbit until the animal has been examined by a veterinarian and deemed healthy to breed. Proof of this veterinary exam is required within six months of breeding. Upon request, the breeder must provide documentation of the exam to animal protective services.
- K. No dogs, cats, and/or rabbits shall be sold, given away, adopted, gifted, or in any manner transferred to another person(s) or business prior to eight weeks of age.
- L. No puppy or kitten shall be sold, given away, adopted, gifted, or in any manner transferred to another person(s) or business without having been first examined and deemed healthy by a veterinarian and received vaccines appropriate for the age of the puppy and/or kitten, and having been microchipped. A copy of the veterinary exam and vaccines shall be provided to the buyer/new owner upon transfer of the puppy/kitten.
- M. All puppies, kittens, and kits sold must be reported to animal protection services with the name and address of the buyer within three months of sale.
- N. Any breeder's permit, if granted, shall be subject to such conditions as may be prescribed by the director or the county health officer, in the exercise of sound discretion, to prevent the breeding of household pets from becoming a nuisance. The permit holder shall be in compliance with all other applicable requirements under title 7.
- O. A breeder shall not maintain any unsterilized dog(s), unsterilized cat(s), unsterilized rabbit(s), unsterilized ferrets or other unsterilized household pets used for breeding on property without obtaining and maintaining the necessary business license pursuant to title 4 of the Henderson Municipal Code.
- P. If a permit has been revoked or denied, applicable sections 7.04.120, 7.04.125, 7.04.130, 7.04.135, and 7.04.160 shall apply.

7.04.100 – Pet fancier permit.

- A. A pet fancier, as defined in section 7.01.390, may keep and maintain on their property the following:
 - 1. No more than six spayed/neutered dogs; or

2. No more than eight spayed/neutered cats; or
 3. No more than six spayed/neutered ferrets; or
 4. No more than eight spayed/neutered rabbits; or
 5. Any combination of spayed/neutered dogs, cats, ferrets, rabbits that does not exceed ten animals in total; or
 6. Provided that such person has first obtained from the director or designee a pet fancier's permit for said dogs, cats, ferrets, and/or rabbits.
- B. All dogs, cats, and/or ferrets must be licensed in accordance with this title.
- C. A pet fancier shall apply every year for said permit and pay the annual fee as established in the fee schedule set by the city council.
- D. If applicant is not the property owner, the applicant must provide a written approval from the property owner/leasing agent to apply for said permit at the time permit is submitted.
- E. Any such permit, if granted shall be subject to such conditions as may be prescribed by the director or designee, in the exercise of sound discretion, to prevent the keeping of dogs, cats, ferrets, and/or rabbits from becoming a nuisance.
- F. If a permit has been revoked or denied, applicable sections 7.04.120, 7.04.125, 7.04.130, 7.04.135, and 7.04.160 shall apply.
- G. A pet fancier may keep and maintain animals other than dogs, cats, ferrets and rabbits according to the requirements of section 7.04.080, as applicable.
- 7.04.110 - Vaccinations.
- A. Every owner of a dog, cat, or ferret over the age of three months shall maintain such animal currently vaccinated against rabies in accordance with this section and the recommendations set forth in the current edition of the Rabies Compendium published by the American Veterinary Medical Association.
- B. A dog or cat must be vaccinated against rabies with a vaccine that is designed to provide protection from rabies per the current Rabies Compendium published by the American Veterinary Medical Association.

- C. A ferret must be vaccinated against rabies annually. The provisions of this subsection do not prohibit the vaccination of a ferret against rabies with a vaccine that is designed to provide protection from rabies for a longer period of time if recommended in the Rabies Compendium.
- D. A licensed veterinarian may exempt a dog, cat or ferret from vaccination for health reasons. The veterinarian shall record whether the reason for the exemption is permanent and, if it is not, list the date the exemption expires.
- E. A rabies certificate is required for dog, cat, and ferret licensing. Every person applying for a pet license must provide a duly issued animal vaccination certificate.
- F. Animal vaccination certificate. Every veterinarian who vaccinates a dog, cat or ferret for rabies shall issue to the owner an animal vaccination certificate. The vaccination certificate shall be prepared in triplicate; the veterinarian shall furnish the original to the owner of the animal, a copy to the animal protection services, and shall retain a copy in his records for a period of not less than three years.
- G. Animal vaccination certificate form. The animal vaccination certificate shall be substantially as follows:

CERTIFICATE OF VACCINATION		
Date	Tag. No.	
Owner	Name	Breed
Address	Age	Color
County	Sex	Spayed
		Neutered
State	Markings	Weight
Zip	Vaccination Expires	Type
Manufacturer	Serial No.	
Veterinarian's Signature	Veterinarian's License No.	

7.04.120 – Revocation of breeder or pet fancier permit.

Any breeder or pet fancier permit issued under this title may be revoked by the director, or designee, if the holder of the permit, or person(s) responsible for the animal(s) that are the subject of the permit, violates any provision of this title or any other federal, state, or local laws relating to animals.

7.04.125 – Appeal of breeder or pet fancier permit revocation.

- A. Upon the revocation of any permit within this chapter, the permit holder shall be notified by: 1) personal service; or 2) certified mail, return receipt requested, and first class United States mail, sent to the last known address of the permit holder. The revocation letter shall set forth the basis for the revocation of the permit.
- B. Date of service shall be the date of actual receipt of the notice if personally served. If the notice is mailed, service shall be deemed complete upon mailing.
- C. The permit holder may make a request for a review of the revocation of the permit by submitting a written request for review to the director, or designee, and filing written notice of the same with the city clerk no later than the close of business on the tenth City of Henderson business day after the revocation letter is sent from the animal control administrator, or designee, to the permit holder pursuant to section 7.04.120.
- D. The director shall review all relevant information, including but not limited to, the written statement of the applicant; the revocation letter from the animal control administrator, or designee; and other pertinent information considered by the animal control administrator, or designee, in revoking the permit.
- E. After the director reviews all relevant information, the director may reinstate the permit outright or with conditions. Should the director determine that there is sufficient cause for the permit to be revoked, the director shall call the permittee to a hearing as set forth in HMC 7.90.030.
- F. The decision rendered at the hearing shall be final.

7.04.130 – Denial of animal permit applications.

The City of Henderson, through the director or designee, may deny any permit application pursuant to this title if any of the following apply:

- A. The applicant has failed to complete, willfully withheld, or falsified any information required for a permit.
- B. The applicant has violated any federal, state, or local laws relating to animals.

- C. The applicant has been convicted of cruelty to animals.
- D. The applicant has been convicted of assault, battery, domestic violence, or any similar physical violence related offenses against a person in this state or any other state.
- E. The applicant fails to allow inspection pursuant to section 7.04.150.

For the purpose of this section, a bail forfeiture shall be deemed to be a conviction of the charged offense.

7.04.135 – Appeal of permit denial.

- A. Upon a denial of any permit application within this title, the applicant shall be notified by: 1) personal service; or 2) certified mail, return receipt requested, and first class United States mail, sent to the last known address of the applicant. The denial letter shall set forth the basis for the denial of the permit.
- B. Date of service shall be the date of actual receipt of the notice if personally served. If the notice is mailed, service shall be deemed complete upon mailing.
- C. The applicant may make a written request for a review of the application denial by submitting a request for review to the director and filing written notice of the same with the city clerk no later than the close of business on the tenth City of Henderson business day after the denial letter is sent from the director or designee to the applicant pursuant to subsection A.
- D. The director or his designee shall review all relevant information, including but not limited to, the written appeal statement of the applicant, the denial letter from the animal protection administrator, and other pertinent information considered by the director or designee in denying the application.
- E. After the director or designee reviews all relevant information, the director or designee may issue the permit outright or with conditions. Should the director or designee determine that there is sufficient cause for the permit to be denied, the director or designee shall call the applicant to a hearing as described in HMC 7.90.030.
- F. The decision rendered at the hearing shall be final.

7.04.140 – Permit application.

A completed permit application and fees paid shall be submitted to animal protection services for any animal related business prior to operating in the City of Henderson, including pet fancier or breeder in the City of Henderson. The applicant shall permit a background check and Title 4 suitability requirements, as applicable, for any related offences or violations that may deny said permit per subsection 7.04.130(D).

7.04.150 – Inspection—Right of entry.

- A. As a condition to the issuance or renewal of any permit under this title, any licensing department inspector, animal protection officer, or other authorized representative of the city shall have the authority to inspect the permit location at any reasonable time to determine compliance with this title, provided advance notice is given to the permittee by the city at least one day prior to the inspection.
- B. After issuance of a permit and prior to any needed renewal inspection, an animal protection services officer shall obtain consent of the permittee or an administrative inspection warrant in order to perform an inspection of the permit location, unless there are reasonable grounds to believe the health and safety of the public or animals are in imminent jeopardy.

7.04.160 – No new permit after revocation or denial.

If a permit has been revoked or denied, the director or designee shall not accept any new animal permit application from the same person(s), for any location, for a period of 36 months after such denial or revocation, unless the applicant shows, and animal protection services finds, by inspection and/or investigation, that the reason upon which the application was revoked/denied no longer exist.

7.04.170 Microchipping dogs and cats.

- A. Except as otherwise provided in section B, it is unlawful for any person to own or harbor a dog or cat over the age of four months unless the animal has been implanted with microchip identification in accordance with this section and title. All community cats managed pursuant to HMC 7.15 shall be implanted with microchip identification in accordance with this section and title.

- B. The microchipping requirements of this section do not apply to:
1. An animal whose owner has resided within the city fewer than thirty days.
 2. An animal brought into the city temporarily from a location outside of Clark County, Nevada, for less than thirty days, and exclusively for the purpose of entering the animal in a show or exhibition, where the animal is not allowed to run at large.
 3. Dogs and cats that cannot be implanted with a microchip as attested to by a licensed veterinarian.

Chapter 7.06 – PETS GENERAL WELFARE; NEGLECT; CRUELTY

7.06.010 - Generally.

It shall be unlawful for the owner of an animal to refuse or fail to provide the animal, by deliberate or unintentional means adequate food, water, or veterinary care for illness, injury, disease or infirmity.

7.06.020 – Adequate shelter.

- A. Animals shall have protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a good state of health and includes a shaded area. For the purposes of this section, the existence of a pet door access into a structure may not be deemed as adequate shelter if it denies the animal from protection of the elements and weather conditions.
- B. Shelter for household pets shall include one or more of the following:
1. Household pets kept outdoors shall have the following:
 - a. A suitable method for the rapid drainage of surface water from the area where the animal is kept.
 - b. For each animal with a sufficient amount of shelter to:
 - (1) Remain dry from rain and/or snow;
 - (2) Have enough shade to protect the animal from any direct sunlight that is likely to cause overheating or discomfort;
 - (3) Remain cool during a period for which the National Weather Service has issued a heat advisory and/or when temperatures reach above 105 degrees Fahrenheit;

- (4) Protect the animal from wind which creates a wind chill below 50 degrees Fahrenheit or for which the National Weather Service has issued a high wind warning; and
 - (5) Remain warm when the atmospheric temperature falls below 50 degrees Fahrenheit. If the temperature is below 50 degrees Fahrenheit the shelter must have additional clean and dry bedding material or other protection as necessary for the dog or cat to remain warm.
- 2. A structure including but not limited to, a garage, barn, or shed that meets standards under Title 19, that is sufficiently insulated and ventilated to protect the animal from exposure temperatures below 50 degrees Fahrenheit or above 85 degrees Fahrenheit. The structure shall have the following if housing household pets:
 - a. Protect the animal from injury and be kept in clean and good repair.
 - b. Have an adequate and reliable sources of electrical power and potable water available.
 - c. Ensure that the interior of the structure is constructed and maintained in such a manner as to be substantially impervious to moisture and to facilitate regular cleaning.
 - d. Provide a suitable method to eliminate excessive water from the interior of the structure and primary enclosures (if any). Any drains must be constructed and maintained in such a manner as to avoid foul odors.
- 3. Ensure that indoor primary enclosures are constructed and maintained in such a manner as to:
 - a. Protect the animal(s) from excessive illumination while providing ample amount of light, by natural or artificial means, or both, of a sufficient distributions and intensity to allow for routine inspection and cleaning by owner(s)/caretaker(s).
 - b. Provide a sufficient amount of heat when necessary to protect animal(s) inside from cold and to maintain their health and comfort. The ambient temperature of an indoor primary enclosure which animal(s) are kept must not be allowed to fall below 50 degrees Fahrenheit.

- c. Provide adequate ventilation at all times to maintain the health and comfort of the household pets inside. The system of ventilation must provide fresh air by means of windows, doors, vents, or air-conditioning, and be designed to maintain drafts, odors and the condensation of moisture at a minimum. If the ambient temperature reaches 85 degree Fahrenheit or greater, air-conditioning, exhaust fans and vents, or other auxiliary ventilation must be provided to keep the animal(s) cool and healthy.
 - d. Provide sufficient housing so that each enclosure for each animal is in accordance with section 7.70.080.
- C. Coops for birds approved under this title must be in compliance with title 19 and suitable in size for the number of animals it houses.
- D. Barns, stables, or similar structures approved by title 19 for use of horse, cattle, sheep, and goat. Enclosure shall be a minimum of 20 feet by 20 feet per animal, shall include a minimum of 40 square feet of shade per animal, and shall have a properly operating hose bib within ten feet of the enclosure.

7.06.030 – Shading.

In addition to providing adequate shelter as outlined in section 7.06.020, an owner of an animal shall provide shade by means of other structures, trees, or awnings, when the temperature is expected to rise above 85 degrees Fahrenheit to protect the animal from direct sunlight that is likely to cause overheating or discomfort. In the event of a heat advisory issued by the National Weather Service, and/or when temperatures reach above 105 degrees Fahrenheit, additional mechanisms appropriate for the animal species, including but not limited to, misters, swamp coolers or air conditioning, must be provided which will allow the animal to cool down the body temperature and prevent overheating.

7.06.040 - Abandonment.

- A. It shall be unlawful for an owner to abandon an animal or the carcass of an animal on a public street or road, alley, or any other public place, or upon the private property of the owner or the private property of another.

- B. An animal shall be considered to be abandoned in the following circumstances:
1. When the animal is not claimed within 72 hours after the scheduled pick up date having been boarded, groomed, trained, handled or cared for by any animal handler, animal establishment.
 2. When the animal is not claimed within 72 hours of being impounded at the animal protection facility.

Any animals abandoned at a veterinary facility are subject to NRS 638.070(f) and NAC 638.051.

- C. After the appropriate notice has been provided to the owner, if known, and the owner has failed to reclaim, the animal shall be deemed abandoned and shall become the property of the animal protection services. The animal protection services may dispose of the animal in any reasonable, humane manner.
- D. TNVR organizations or community cat caregivers are exempt from sections 7.06.020-7.06.040 so long as they are complying with all provisions of chapter 7.15.

7.06.050 - Failure to respond to posted notice for violation of chapter 7.06.

Any owner who violates chapter 7.06 and has failed to respond to a notice posted from animal protection services shall be deemed to have abandoned the animal. The animal protection officer may take protective custody of the animal pursuant to section 7.02.050.

7.06.060 - Harmful substance on ground.

It shall be unlawful for any person to unjustifiably or knowingly, throw, drop or place, or cause to be thrown, dropped or placed upon any road, highway, street, alley, or public place, or upon the private property of the owner or another, any glass, nails, pieces of metal or other substance or chemical or device calculated or likely to wound, disable or injure an animal.

7.06.065 – Poisoning

It is unlawful for any person unjustifiably to administer any poisonous drug or substance with intent that the same shall be taken by an animal, whether such animal be the property of himself or another, or whether the drug or substance be exposed upon such person's property, the private property of another, or any public place. Nothing herein shall be construed to prevent or restrict the animal protection officer or health officer in the exercise and performance of the powers and duties set forth in this title and nothing herein shall be construed to prevent or restrict the eradication of animals commonly considered to be pests which are harmful or destructive to man, other animals or property or which are otherwise defined as a "vertebrate pest" by NRS 555.005.

7.06.070 - Vehicle confinement.

- A. No person having charge or custody of an animal, as owner or otherwise, shall place or confine such animal or allow such animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, cold, lack of food or water, or such other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. Any law enforcement officer or any animal protection officer who finds an animal in a motor vehicle in violation of this chapter may use any force that is reasonable and necessary under the circumstances to safely remove the animal from the motor vehicle.
- C. The officer removing the animal shall take the animal to the animal protection facility or to a veterinary clinic for safekeeping and shall, in the event the person having custody cannot be otherwise contacted, leave in a prominent place in the motor vehicle a written notice bearing their credentials, telephone number, and the address where the animal may be claimed by the owner thereof.
- D. The animal will be returned to the owner if the owner claims the animal within 72 hours from the time the animal was removed from the motor vehicle and pays all reasonable charges that have accrued for the maintenance of the animal.

- E. In the event the owner cannot be contacted, or expresses no interest in reclaiming the animal within 72 hours from the time the animal was removed from the motor vehicle, the animal shall be deemed abandoned pursuant to section 7.06.040 and the animal protection services may dispose of the animal in any reasonable humane manner.
- F. Any person, pursuant to NRS 202.487, who believes that a household pet is confined inside a vehicle unattended under circumstances that present a significant risk to the health and safety of the household pet, including without limitation circumstances such as extreme heat or cold, may use any means that is reasonable and necessary under the circumstances to safely remove the animal from the motor vehicle. Any person who uses force to remove the household pet from the vehicle shall:
 - 1. First determine that the motor vehicle is locked or there is no other reasonable way to remove the pet from the vehicle;
 - 2. Report the violation of subsection 1 of NRS 202.487 to the Henderson Police Department or by calling 911 and requesting assistance;
 - 3. Remain with the pet in a safe place in close proximity to the motor vehicle until informed that his or her presence is no longer necessary by the law enforcement officer, animal protection officer or other person who responds to the request for assistance made pursuant to paragraph (2); and
 - 4. Cooperate with any person who responds to the request for assistance made pursuant to paragraph (2).

7.06.080 - Transportation of animals.

It shall be unlawful for any person to carry or enclose, or cause to be carried or enclosed in or upon any vehicle or conveyance any animal in a cruel or inhumane manner. It shall be unlawful for any person to transport or convey any animal in the bed of an open pick-up truck or similar open vehicle without crating or tethering said animal in such a way to prevent the animal from jumping, falling out, or otherwise being thrown from a moving vehicle.

7.06.090 -Injury, cruelty and overwork.

It is unlawful for any person to overdrive, overload, torture, beat, or unjustifiably injure, maim, mutilate, treat cruelly, or kill any animal regardless of ownership. This section does not apply to actions of licensed pest and vermin control businesses.

7.06.100 - Cages, fences, tethering, pickets.

- A. It is unlawful to confine an animal in any cage, coop or fence barrier of a size deemed insufficient by the animal protection officer;
- B. It shall be unlawful to restrict any animal by leash, cord or chain in the following manner:
 - 1. Keep any dog on a tether less than 12 feet long;
 - 2. Tethering the dog if such tethering fails to allow the dog to move at least 12 feet or if the device is a pulley system, fails to allow the dog to move a total of 12 feet;
 - 3. Tether a dog with a choke-type collar, martingale collar or prong-type collar;
 - 4. Keep any dog tethered for more than ten hours during a 24-hour period or during anytime when the National Weather Service issues a heat advisory. This subsection does not prohibit conduct permitted by NRS 574.100(4);
 - 5. Tethering the dog in a manner where the dog is able to reach a fence or other object that may cause the dog to become injured or die by strangulation after jumping the fence or object or otherwise becoming entangled in the fence or object;
 - 6. Securing upon an animal a leash, collar, tether, or other device weighing more than ten percent of the animal's body weight; or
 - 7. Places the dog in unsafe or unsanitary conditions.
- C. It shall be a violation of this section for a person having charge to keep any dog outside, tethered, penned, caged, fenced or otherwise confined without access to adequate feed, potable water, shading, and adequate shelter as defined in this title.
- D. The provisions of this section shall not apply if the tethering or confinement is authorized for medical reasons in writing by a licensed veterinarian which must be renewed annually and adequate shelter and shading is provided.

7.06.110 - Trapping—Manner—Care while trapped.

- A. It is unlawful for any person to unjustifiably trap any animal with anything other than a humane live trap which will inflict no physical injury upon the animal.
- B. It is unlawful for any person to unjustifiably lure or entice, by means of food or otherwise, any animal into a trap other than a humane live trap.
- C. It is unlawful for any person having trapped an animal to leave it without food, water or shelter for an unreasonable period of time or in conditions that may endanger its health and safety.
- D. It is unlawful for any person to trap any dog without first notifying animal protection services.

7.06.120 - Trapping—Disposal.

It is unlawful for any person who has trapped an animal, or discovers any animal so trapped, to dispose of it in any fashion not otherwise provided by law. Any person who traps an animal shall deliver it to the animal protection facility within 72 hours of the animal being trapped, or shall return the animal to its owner within the same period. Any person who traps a feral cat shall transport the animal to an organization that verifies if the cat is sterilized. All sterilized cats shall be returned to the location of where they were trapped by the trapper or by an organization who traps, neuters, vaccinates and returns cats.

7.06.130 - Crating or boxing.

It is unlawful for any person to overcrowd any animal in any crate, box or other receptacle or fail to provide water, food, shelter or sanitation for same.

7.06.140 - Promotional sale or gift.

It is unlawful for any person, in connection with any advertising campaign or promotion, to use, give, sell, auction, barter, or offer to use, give, sell or barter, as a gift or prize, any live animal in any manner where there will be a transfer of ownership or possession.

7.06.150 - Research or medical use.

- A. It is unlawful for any person to sell or offer for sale, buy or offer to buy, barter or offer to barter, give or offer to give, or furnish any animal for experimental, laboratory or vivisection purposes except as hereinafter provided. Nothing herein shall interfere with the sale, buying, barter or gift of animals for properly conducted scientific experiments or investigations which are performed under the authority of the faculty of any regularly incorporated medical college or university of this state, or with recognized hospital or research facilities in the course and scope of their work.
- B. Notwithstanding subsection A. of this section, the protection facility shall not under any circumstances knowingly release any animal to any person who intends to use the animal for experimental, laboratory or vivisection purposes.

7.06.160 - Use as a target for amusement.

It is unlawful for any owner, operator, or agent or any carnival, fair or amusement park to use any live animal as a target.

7.06.170 - Reserved.

7.06.180 - Dyeing or coloring.

It is unlawful for any person to dye or color by any means any baby chick, rabbit, duckling or fowl, or to dye or color any animal for purposes of concealing its identity.

7.06.190 - Injury by vehicles—Motorist responsibility.

- A. Every operator of any vehicle upon the streets and ways of the city shall immediately upon injuring, striking, maiming or running down any animal give such aid as (s)he is reasonably able to render. In the absence of the owner, (s)he shall immediately notify the City of Henderson police department or animal protection services furnishing sufficient facts relative to such injury.
- B. It is the duty of such operator to remain at or near the scene until the appropriate authorities arrive, and such operator shall immediately identify himself to the appropriate authority.

- C. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal shelter of the city, and thereafter notifying the City of Henderson police department or animal protection services. Such animal shall be deemed an uncared for animal within the meaning of section 7.30.060.
- D. Emergency vehicles are not required to stop when actually responding to an emergency call, but shall notify the City of Henderson police department or animal protection services, furnishing sufficient facts relative to such injury.

7.06.200 - Intoxicated riding or driving.

It is unlawful for any person to ride or drive an equine while such person is under the influence of intoxicating liquor or drug.

7.06.210 Animal crushing.

It is unlawful for any person to purposely engage in animal crushing, including actual conduct in which one or more living non-human mammals, birds, reptiles, or amphibians is purposely crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury, as defined by the federal Preventing Animal Cruelty and Torture Act, as it may be amended from time to time.

7.06.220 Sale – Age requirements.

It shall be unlawful for any person to sell or offer for sale, barter or give away baby chicks, ducklings, other fowl under four weeks of age or rabbits under two weeks of age, as pets or novelties. This Chapter shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl, in proper breeder facilities by hatcheries, or stores engaged in the business of selling the same to be raised for commercial purposes.

7.06.230 Sale – Breeder permit required.

It shall be unlawful for any person to display, sell or offer for sale, barter, give away, or otherwise dispose of any animal upon any street, sidewalk, public building, public park, or other public place, without a breeder permit and/or commercial pet establishment permit.

Chapter 7.08 – NUISANCE

7.08.010 - Caring for animals; sanitation; nuisance.

- A. No owner of any animal shall cause or allow the animal to defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:
1. Collection of the feces by appropriate implement and placement in a paper or plastic bag or other container; and
 2. Removal of such bag or container to the property of the animal owner or public receptacle for depositing animal feces and disposition thereafter in a manner otherwise permitted by law.
- B. No owner of an animal shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's property, or to abutting or nearby property of others.
- C. No owner of any animal shall cause unsanitary dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities.

7.08.020 - Animals at large.

It shall be unlawful for any person having charge, custody or control of any animal to permit the same to be at large or trespass on the private premises of another, or to be on any public highway, street, alley, court, public ground, or unfenced lot. All animals must be confined to the owners' property or shall be on a leash and under effective control of the person holding said leash of the animal, when on any public property, any highway, street, alley, court, park, public ground, fenced lot or wash. Leash requirements do not apply to designated enclosed areas of animal parks or animals participating in sanctioned performance events. Feral cats and community cats are exempt from this provision.

7.08.030 - Noise.

It is unlawful for any person to own, keep, harbor or possess any animal which, by unreasonably loud, unnecessary, or frequent barking, yelping,

howling or other noise, causes unreasonable annoyance or disturbance to the neighborhood or to any person of ordinary sensitivity in the vicinity. In determining whether an animal's noise violates this section, factors to be considered include, but are not limited to, the time of day the sounds occur, the intensity and duration of the noise, whether the sound is recurrent, intermittent or constant, the circumstances which might cause the animal to make noise, and the proximity of the noise to others.

7.08.040 - Pigeon control.

- A. The roosting or lingering of wild pigeons poses a health hazard in addition to offending the aesthetic senses by pigeon contamination. Such roosting or lingering of wild pigeons is declared to be a public nuisance.
- B. It shall be unlawful for any person to encourage the lingering, roosting and/or congregating of wild pigeons by providing food-including but not limited to grain, seeds, greens, breadcrumbs and miscellaneous food scraps-intended for wild pigeon ingestion on public or residential property.
- C. The owner of private property where wild pigeons roost or linger is responsible for the removal of the pigeons and is responsible to remedy the conditions that allow for the roosting or lingering of wild pigeons.

7.08.050 Disposal of dead animals

Any dead dog, cat, ferret, pet rabbit, or potbellied pig that is picked up by animal protection services or the department of public works or its disposal contractor shall not be disposed of in any trash or landfill and shall be scanned for an owner identification tag and microchip identification device and shall be delivered to the animal protection facility. If an owner identification tag or microchip exists, animal protection services or the department of public works or its disposal contractor shall notify animal protection services staff and that staff will make all reasonable attempts to contact and notify the owner. Animals with an owner identification tag or microchip must be held for at least twenty-four hours for the owner to reclaim.

Chapter 7.10 - MANDATORY SPAYING AND NEUTERING OF ANIMALS

7.10.010 - Mandatory spay/neuter of dogs, cats, rabbits, potbellied pigs and ferrets.

Subject to the exceptions provided in this chapter, it shall be unlawful to harbor within the City of Henderson any dog, cat, ferret, rabbit, or potbellied pig over the age of four months that has not been spayed or neutered. For purposes of this section and chapter, "harbor" means having the legal ownership of, or providing on a regular basis, care, shelter, protection, refuge, nourishment, or medical treatment. This shall also include the providing of nourishment to a stray cat or dog.

7.10.020 - Exceptions to spay/neuter requirements.

- A. The spay/neuter requirement set forth in section 7.10.010 shall not apply if a licensed veterinarian certifies in writing that a specific dog, cat, rabbit, potbellied pig, or ferret is medically unfit to undergo the required spay or neuter procedure because of a physical condition that would be substantially aggravated by such procedure or would likely cause the animal's death.
- B. The spay/neuter requirement set forth in section 7.10.010 shall not apply to animals harbored by an animal shelter, the animal protection facility, or humane society, whether public or private, the principal purpose of which is securing the adoption of dogs, cats, rabbits, potbellied pigs, or ferrets provided that such organization has a policy and rules requiring the spaying or neutering of all dogs, cats, rabbits, potbellied pigs, or ferrets placed for adoption by such organization.
- C. The spay/neuter requirement set forth in section 7.10.010 shall not apply to any dogs, cats, rabbits, or ferrets harbored by a person holding a valid breeder's permit as provided in section 7.04.090 of this title.
- D. The spay/neuter requirement set forth in section 7.10.010 shall not apply to the sale of dogs, cats, or rabbits from an animal establishment under section 7.70.010.
- E. The spay/neuter requirement set forth in section 7.10.010 shall not apply to law enforcement K-9's currently engaging in active service.
- F. The spay/neuter requirement set forth in section 7.10.010 shall not apply to a non-profit animal organization registered with the City of Henderson for the purpose of cat trap, neuter, vaccinate, return so long as the

organization has a policy to sterilize all cats prior to returning them to the community.

- G. The spay/neuter requirement set forth in section 7.10.010 shall not apply to an owner of a service animal, under the age of 2 years old, as described in 7.04.030. This exemption is valid for no more than one dog per residence.

7.10.030 - Forfeiture.

Animals born to cats, dogs, rabbits, ferrets and potbellied pigs not spayed or neutered in violation of this chapter shall be forfeited and surrendered, immediately upon demand to animal protection services, or at a set time determined by animal protection services.

7.10.040 - Unspayed/unneutered animals running at large.

If a dog or cat is running at large pursuant to section 7.30.010, and animal protection services determines that the dog or cat has not been spayed or neutered in accordance with section 7.10.010. The owner shall be required to have the dog or cat spayed or neutered at a veterinarian of their choosing within 30 days and provide proof to animal protection services. Nothing in this paragraph shall limit an animal protection officer from proceeding with additional enforcement actions.

7.10.050 - Release—Neutering or spaying.

Before the release of any: dog, cat, rabbit, potbellied pig, or ferret, by the animal protection facility, by way of sale or adoption the animal shall be spayed or neutered by animal protection services.

7.10.060 - Pet shop reporting.

- A. In order to assist the city in enforcing this chapter, each pet shop within the city shall provide to animal protection services, on a quarterly basis, a list of the dogs, cats, ferrets, rabbits, and potbellied pigs sold by the pet shop during that quarter. The list shall include the following information for each such animal:
1. The name and residence address of the buyer.
 2. The address of the location where the animal will reside, if not the same as the buyer's residence.

3. The breed and approximate age.
 4. A description, including principal colors.
- B. In order to assist the city in enforcing this chapter, each pet shop, breeder, pound, shelter, or rescue organization that sells animals listed in subsection (A), or makes such animals available for adoption, shall:
1. Provide written notice of the requirements of this chapter to a person purchasing or adopting such an animal, in a form and with content that have been either provided or approved by City of Henderson animal protection services.
 2. Obtain from such person an acknowledgement of receipt of that notice and the person's written consent to comply with this chapter; and
 3. Include as part of the purchase or adoption transaction the spaying/neutering of the animal. The pet shop, breeder, pound, shelter, or rescue organization may provide the spay/neuter service itself or provide a voucher or other means by which the service will be provided to the person purchasing or adopting the animal. The cost of the purchase or adoption transaction shall be deemed to include the spay/neuter service, whether or not the cost is separately identified in the written record of the transaction. If the animal is later exempted from the spay/neuter requirement, the cost of the spay/neuter service shall be refunded upon request.
- C. Failure to comply with subsection (A) or Subsection (B) of this section shall be grounds for non-renewal of, or disciplinary action against, a business license.

7.10.070 - Effective date for amendments concerning rabbits and potbellied pigs.

Persons who, on or after December 1, 2019, are harboring a rabbit or potbellied pig, subject to the requirements of section 7.10.010, shall have until April 1, 2020, to comply with those requirements.

Chapter 7.15 - MANAGED CARE OF COMMUNITY CATS

7.15.010 Definitions.

For the purposes of this chapter, the following terms shall have the meaning set forth in this section. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular, and words in the singular number include the plural.

- A. "Cat" means any animal of the species *Felis catus*.
- B. "Community cat" means a cat that is free-roaming and may be cared for by one or more residents of the immediate area who is/are known or unknown.
- C. "Community cat caregiver" means any person who, in accordance with a good faith effort to trap, sterilize, vaccinate, and return any community cat, provides voluntary care including but not limited to food, water, and medical care to a community cat or community cat colony.
- D. "Community cat colony" or "colony" means a group of community cats that congregate, more or less, together as a unit and share a common food source.
- E. "Domesticated cat" means a cat that is socialized to humans.
- F. "Ear tipping" means straight-line cutting of the tip of the left or right ear of a cat while the cat is anesthetized and has been sterilized and given a rabies shot. A cat with a tipped ear is considered to be sterile and vaccinated against rabies.
- G. "Feral cat" means a cat that is born in the wild or abandoned and is not socialized or appropriate as a companion for humans.
- H. "Free-roaming" means not restrained by leash, cord, chain, or enclosure.
- I. "Nuisance" means conduct by a community cat or cats that disturbs the peace by:
 - (1) Habitually or continually howling and fighting; or
 - (2) Habitually and significantly destroying, desecrating or soiling property against the wishes of the owner of the property.

- J. "TNVR" signifying trap, neuter, vaccinate and return means to humanely trap a community or feral cat and to sterilize, vaccinate against rabies, ear tip, and return the cat to the location where it was trapped.
- K. "TNVR program" means a program in which community or feral cats are humanely trapped, sterilized, vaccinated against rabies, ear tipped, and returned to the location where the cats were trapped.

7.15.020 Community cat colonies.

Except as provided in Section 7.15.060.B, community cat colonies may be permitted, and community cat colony caregivers may maintain and care for community cats and perform the duties as described in Section 7.15.030. Individuals, community cat caregivers, rescue organizations, and animal protection services shall be permitted to carry out TNVR and TNVR programs. A cat released in accordance with Chapter 7.15 shall not be considered to be abandoned. Community cat colonies shall be prohibited within one-half mile of or in any conservation area, state or national forest, wetlands, bird viewing preserve or any other lands managed for wildlife.

7.15.030 Community cat colony caregiver duties.

- A. Community cat colony caregivers shall take all appropriate steps to trap each community cat in the colony in order to have the cat sterilized, vaccinated for rabies, and ear tipped. Caregivers shall seek medical attention for any sick or injured cat in the colony.
- B. Community cat colony caregivers shall care for their cat colony by providing food, water, shelter, medical care and other forms of sustenance to all cats in the colony.

7.15.040 Disposition of community cats.

- A. If a cat with a tipped ear is brought into the animal protection facility, animal protection staff shall:
 - 1. Check the cat for a microchip and/or identification tag. If the cat is owned, then the owner will be contacted and the cat released pursuant to Chapter 7.30. If an owner does not reclaim the cat after three days, the cat shall be transferred to a registered TNVR program or made available for public adoption if healthy.

2. If the cat does not have a microchip or any other identification, then staff shall refuse the intake of the cat. Animal Protection Service staff shall provide the resident information to contact a registered TNVR organization to return the community cat to the colony if the cat is otherwise healthy.
 - a. In instances where the resident refuses to contact a TNVR organization, Animal Protection Service shall accept the cat for transfer back to a TNVR organization.
 - b. A TNVR organization shall have three calendar days to transport a community cat back to a cat colony.
 - c. Should the community cat not be transported back to a colony by a TNVR organization, then it will be offered to be transferred to an animal rescue organization or assessed for public adoption. If the community cat is not transferred to an animal rescue organization and is not fit for public adoption within three days, then the community cat shall be humanely euthanized after seven calendar days by animal protection services. Nothing in this section shall prohibit the humane euthanasia of a cat as directed by a licensed veterinarian due to illness, injury, or contagious disease.
- B. If a feral cat with a tipped ear and no other identification or microchip is trapped it shall be released back into the community. Feral ear tipped cats shall not be intentionally brought to the animal protection facility.
- C. A community cat that is trapped due to an enforcement action described in 7.15.050 may be released to a registered TNVR organization for relocation to a different colony, transferred to an animal rescue organization, assessed for public adoption or, if unable to be relocated or transferred, humanely euthanized after seven calendar days by animal protection services. Nothing in this section shall prohibit the humane euthanasia of a cat as directed by a licensed veterinarian due to illness, injury, or contagious disease.
- D. A community or feral cat release in accordance with this chapter shall not be considered to be abandoned.

- E. If a feral cat is trapped by a citizen and does not have a tipped ear, then the citizen will be referred to a registered TNVR organization. The registered TNVR organization shall sterilize the cat and coordinate its return to the found location. If the TNVR organization does not accept the cat, then it will be held for a three day period and offered to other animal rescue organizations. If unable to be transferred, then it shall be humanely euthanized.

7.15.050 - TNVR organization registration required.

Individuals and organizations acting as a community cat colony caregiver as described in 7.15.030 or individuals and organizations performing TNVR duties shall register with animal protection services. TNVR organizations are required to obtain an animal handler permit. All animal handler permit fees required under HMC 7.04.020 shall be waived for registered non-profit organizations. All inspection requirements of HMC 7.60.020 shall be waived for registered TNVR organizations.

Individuals who are members of a registered TNVR organization are not required to individually register with animal protection services so long as their contact information is maintained by their affiliated TNVR organization. TNVR organizations are required to maintain a list of all members of their organization.

7.15.060 - Enforcement of provisions by animal protection services.

- A. Animal protection services offices shall have the right to trap in a humane manner any cat that is deemed to be a threat to public health or safety. If a cat has bitten a human being, the cat shall be confined pursuant to Chapter 7.50, as appropriate. If a licensed veterinarian decides that the cat is too ill or injured or that it has an illness that presents a danger to the public health or safety or to itself, the cat may be humanely euthanized. After the mandatory quarantine, if the cat is found to be healthy and no other issues of public health or safety exist, animal protection staff or volunteers may return the cat to the location where it was trapped after it has been sterilized and vaccinated, if necessary. A feral or community cat released in accordance with this chapter shall not be considered to be abandoned.
- B. The director or designee shall have the right to declare that a colony or individual cat(s) is in a location that is hazardous to the health and safety of the public or the colony or that the colony is a nuisance if:

1. The cat(s) is posing a public safety or health issue with numerous verified bites, reports of aggression, substantiated property damage or sanitation including, but not limited to, offensive odors, animal wastes, rodents, flies, or any other offensive or unwholesome conditions;
 2. The resident(s) has contacted a community cat organization for and has utilized humane deterrents and trap-neuter-vaccinate-return ("TNVR") in their area;
 3. The resident(s) can provide proof that the deterrents and TNVR have not been effective at their location by filling out witness statement(s) and providing photographs; or
 4. The resident(s) can provide documentation of any damages including, but not limited to, invoices for repairs, photographs, or veterinarian bills
- .
- C. Once a colony is declared a hazard or nuisance any cat impounded shall not be released to the location where it was trapped unless the hazard or nuisance is remedied and the cats have been approved for return by the director or designee. Cats impounded pursuant to this subsection are subject to the disposition regulations listed in this section.

Chapter 7.20 - DANGEROUS ANIMALS

7.20.010 - Purpose and findings.

The Henderson city council finds that the presence of dangerous animals within its city, as defined within this chapter, creates an increased danger to the public health and safety and to the welfare of other animals and people. The purpose of this chapter is to set forth procedures by which a dog may be determined to be dangerous, thereby becoming subject to appropriate restrictions and other actions.

7.20.020 – Dangerous dog declaration.

- A. As used in this chapter, a dog may be declared "dangerous" if:
1. Without provocation, on two separate occasions within 18 months, it behaves menacingly, to a degree that would lead a reasonable person to defend himself or herself against substantial bodily harm.
 2. The dog constitutes a physical threat to human beings or to other animals and, without regard to any previous behavior:
 - a. It is used in the commission of a crime by its owner;

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in *blue italics and underlined*.

- b. It causes serious injury to another animal that is not at large;
 - c. It is determined by the animal control officer or law enforcement officer, through their personal observation of the condition or behavior of the dog, that probable cause exists that the dog in question poses an immediate threat to public safety;
 - d. It has bitten a person without causing substantial bodily harm; or
 - e. It causes substantial bodily harm or death to another animal which is within a designated dog park.
- B. A dog may not be declared dangerous pursuant to this chapter for constituting a physical threat:
 - 1. To another animal or person who provoked the animal as a result of and to the extent of the provocation;
 - 2. To another animal or person who was unlawfully upon the premises owned or occupied by the owner of the animal constituting the threat;
 - 3. To another animal that was running at large;
 - 4. If the dog was used by a law enforcement agency in connection with the officer's duties; or
 - 5. Based solely upon breed.

7.20.030 – Notice of dangerous dog declaration; standing; impoundment.

- A. The owner of a dog declared dangerous by an animal protection services officer shall be notified via personal service, or by first class United States mail, sent to the last known address of the owner. A certificate of mailing or a signed receipt of declaration by the owner shall be deemed sufficient proof of service of the dangerous declaration.
- B. The determination that a dog is dangerous as defined herein shall be deemed to have been made upon service of the notice to the owner as provided in this chapter. After expiration of the appeal period as set forth in section 7.20.040, the determination by the animal protection services officer shall be final and binding upon the city and upon the owner, unless the owner files a timely appeal of the declaration with the Henderson Municipal Court.
- C. Only an owner of the dog at the time of the dangerous declaration by animal protection services has standing to file an appeal.

- D. Upon declaring a dog dangerous, the animal protection services officer may seize and impound the dog if there is an immediate danger to the public. If the dog is seized and impounded, the owner may not regain possession of the dog until the owner complies with the conditions set forth in section 7.20.060. If the dog is seized and impounded and the owner does not file a timely appeal pursuant to section 7.20.040 or fails to comply with the conditions set forth in section 7.20.060, the owner shall be deemed to have abandoned the dog pursuant to section 7.06.040, and the dog shall immediately become the property of the City of Henderson.

7.20.040 - Appeal of dangerous declaration.

- A. Within seven judicial days of service of the notice of the dangerous declaration, the owner may file an appeal with the Henderson Municipal Court to appeal the dangerous declaration of the animal control officer.
- B. The hearing date for the appeal shall be set by the court within ten judicial days from the date the owner files an appeal with the Henderson Municipal Court, unless otherwise continued at the discretion of the court.
- C. The municipal court shall determine whether the dangerous declaration is to be upheld. The municipal court may make any orders authorized by this chapter, based upon the evidence presented. No costs or attorney's fees shall be assessed against either party. The hearing for the appeal shall be conducted in the following manner:
 - 1. The appeal shall be de novo, and the city has the burden to prove by a preponderance of the evidence that the dog is dangerous and the declaration was proper.
 - 2. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses.
- D. The decision by the municipal court shall be a final judgment.

7.20.045 - Discovery.

- A. The owner or the city may not serve any interrogatories or take any depositions relating to the dangerous declaration.
- B. At the request of the owner, the city shall permit the owner to obtain a copy of the documents intended to be used during the appeal to include, but not limited to:

1. Written or recorded statements or confessions made by the owner, or any written or recorded statements made by a witness, or copies thereof, within the possession, custody or control, the existence of which is known, or by the exercise of due diligence may become known, that the city plans to use at the appeal;
 2. Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control, the existence of which is known, or by the exercise of due diligence may become known, that the city plans to use at the appeal; and
 3. Books, papers, documents, expert reports, tangible objects, or copies thereof, which the city plans to use at the appeal.
- C. The owner is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
1. An internal report, document or memorandum that is prepared by or on behalf of the city attorney in connection with the investigation or prosecution of the case.
 2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution or laws of the United States.
- D. At the request of the city, the owner shall permit the city to obtain a copy of the documents intended to be used during the appeal to include, but not limited to:
1. Written or recorded statements made by a witness the owner intends to call at the appeal, or copies thereof, within the possession, custody or control of the owner, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal;
 2. Results or reports of physical or mental examinations, scientific tests or scientific experiments, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal; and

3. Books, papers, documents, expert reports, or tangible objects that the owner intends to introduce in evidence owner, or copies thereof, within the possession, custody or control of the owner, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal.
- E. The city is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
1. An internal report, document or memorandum that is prepared by or on behalf of the owner or the owner's attorney in connection with the investigation or defense of the case.
 2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.

7.20.050 – Dangerous dogs—Unlawful acts.

It shall be unlawful for:

- A. Any owner to possess or transfer ownership of a dangerous dog, except as provided in this chapter; or
- B. The owner of a dangerous dog to permit the dog to be at large; or
- C. The owner to permit or direct a dog to bite or attack any person or domesticated animal; or
- D. Any owner to permit the dog to be outside the required enclosure pursuant to subsection 7.20.060 C. unless the dog is under the direct control and supervision of the owner and the dog is securely muzzled and restrained by a leash not exceeding six feet in length.

7.20.060 – Dangerous dog—Ownership permitted when.

Except as otherwise ordered by a judicial order pursuant to an appeal of a dangerous declaration, any dog which is declared to be dangerous by an animal protection services officer may be kept within the city provided that:

- A. Within 14 calendar days after the owner is notified of the declaration, the owner:

1. Submits a permit application to possess a dangerous dog within the city to the Henderson animal protection services;
 2. Pays a nonrefundable application fee as set forth in section 7.90.020;
 3. Passes an inspection by an animal protection services officer based upon such terms and conditions that adequately protect the general health, safety, and welfare of the public and the welfare of the dog;
 4. Provides photographs every six months of the dog clearly displaying the dog's right and left sides as well as a front facing photograph; and
 5. Completes the application process every six months until the animal is deceased. Current permit holders who have an existing expiration date beyond six months, at the time this law is codified, shall be allowed to maintain said expiration date. At the time of this expiration, the permit holder shall then default to a renewal every six months.
- B. The animal shall be kept, confined or housed within an enclosure:
1. That will ensure the animal's retention and comfort and is of a dimension deemed adequate by an animal protection services officer; and
 2. That is secure enough so that the animal cannot bite, harm or injure anyone.
- C. At no time shall the dog be allowed to leave the private property confines of the owner or person in charge of the dog unless it is securely muzzled, leashed (no longer than six feet in length) and under the effective control of the owner.
- D. The private property shall be adequately and properly posted with one or more conspicuous warning signs provided by an animal protection services officer. Additionally, it shall be the responsibility of the animal owner to list their name and current telephone number on or near this sign.
- E. The dog must be sterilized by a licensed veterinarian and proof provided to the animal protection services. The owner shall maintain all sterilization records, including a description of the animal sterilized, the name of the veterinarian performing the procedure, and the date the sterilization was performed.

- F. The dog shall be implanted with a registered microchip from a manufacturer approved by the Henderson animal protection services. The implantation must be performed by a person licensed to implant microchips in the State of Nevada and must conform to procedures recommended by the manufacturer. The owner shall register the microchip number in a national database in accordance with instructions from the manufacturer, and shall provide the number to the animal protection services. In the event that the dog already has a microchip implanted, the national database shall be updated by the owner and proof provided to the animal protection services.
- G. The owner shall obtain and maintain in effect, a policy of liability insurance in the amount of not less than \$100,000.00 insuring against possible injuries inflicted by the dangerous animal. The City of Henderson must be listed as a certificate holder on the policy or as an additional insured. The liability insurance shall be maintained in effect as long as the owner maintains possession of the dangerous dog. A valid certificate of insurance shall be provided to animal protection services. Any changes or cancellations to the insurance policy shall be provided to the animal protection services within ten calendar days.
- H. The owner of a dangerous dog may not sell, relocate or give away the dog without obtaining prior written approval from the animal protection services. If such a transaction is approved, the owner or transferee shall pay a nonrefundable inspection fee of \$50.00 for inspection of the new location for the dog. The owner or transferee shall also have the national microchip number updated in the national database to reflect the change in ownership, and shall provide evidence of the update to the animal protection services.

7.20.070 – Permit revocation conditions.

- A. Any permit issued under section 7.20.060 may be revoked if the dog, without provocation, bites or attempts to bite any person or other animal.
- B. Any permit issued under section 7.20.060 may be revoked if the owner violates any provision of title 7 or any similar laws in another jurisdiction, within the State of Nevada, County of Clark.

Chapter 7.25 – VICIOUS ANIMALS

7.25.010 – Purpose and findings.

The Henderson city council finds that the presence of vicious dogs within the city, as defined within this chapter, poses a threat to the health and safety of the public. The purpose of this chapter is to set forth the procedures by which a dog may be determined to be vicious, thereby becoming subject to the appropriate restrictions and other actions provided in this chapter.

7.25.020 – Vicious dog—Declaration.

- A. As used in this chapter, a dog may be declared "vicious" if:
 - 1. Without provocation, it inflicts substantial bodily harm upon a human being or causes the death of a human being;
 - 2. It causes the death of a domesticated animal; or
 - 3. The dog has been declared dangerous pursuant to section 7.20.020, with proper notice being given to the owner pursuant to section 7.20.020, the animal continues to exhibit the same or similar types of actions or behavior which resulted in the declaration, or is in violation of the provisions of section 7.20.060.
- B. An animal may not be declared vicious pursuant to this section for constituting a physical threat:
 - 1. To another domesticated animal or person who provoked the dog as a result of and to the extent of the provocation;
 - 2. To another domesticated animal or person who was unlawfully upon premises owned or occupied by the owner of the dog constituting the threat;
 - 3. To another domesticated animal that is running at large;
 - 4. To another domesticated animal that is within a designated dog park;
 - 5. If the dog was used by a law enforcement agency in connection with the agency's officer's duties; or
 - 6. Based solely upon breed.

7.25.030 – Determination of vicious dog.

If upon investigation it is determined by animal protection services or law enforcement officer that probable cause exists that the dog in question is vicious as defined in this chapter, animal protection services or law enforcement officer shall seize and impound the dog. The owner shall not maintain possession of the animal during the appeal process.

7.25.040 – Notice of vicious dog declaration; standing.

- A. The owner of a dog declared vicious by an animal control officer shall be notified by personal service or by first class United States Mail, sent to the last known address of the owner. A certificate of mailing or a signed receipt of declaration by the owner shall be deemed sufficient proof of proper service of receipt of the vicious declaration.
- B. The determination that a dog is vicious as defined herein shall be deemed to have been made upon service of the notice to the owner as provided in this chapter. After expiration of the appeal period as set forth in section 7.25.050, the determination by the animal protection services officer shall be final and binding upon the city and upon the owner, unless the owner files a timely appeal of the declaration with the Henderson Municipal Court.
- C. Only an owner of the dog at the time the animal protection services officer has developed probable cause that the dog is vicious has standing to file an appeal.

7.25.050 – Appeal of vicious declaration.

- A. Within seven judicial days of service of the notice of the vicious declaration, the owner may file an appeal with the Henderson Municipal Court to appeal the vicious declaration of the animal protection services officer.
- B. The hearing date for the appeal shall be set by the court within ten judicial days from the date the owner files an appeal with the Henderson Municipal Court, unless otherwise continued at the discretion of the court.

- C. The municipal court shall determine whether the vicious declaration is to be upheld. The municipal court may make any orders authorized by this title, based upon the evidence presented. No costs or attorney's fees shall be assessed against either party. The hearing for the appeal shall be conducted in the following manner:
 - 1. The appeal shall be de novo and the city has the burden to prove by a preponderance of the evidence that the dog is vicious and the declaration was proper.
 - 2. The court may admit all relevant evidence, including incident reports and the affidavits of witnesses.
- D. If the vicious declaration is upheld, municipal court shall order the dog to be euthanized.
- E. The decision by the municipal court shall be considered a final judgment.

7.25.055 – Discovery.

- A. The owner or the city may not serve any interrogatories or take any depositions relating to the vicious declaration.
- B. At the request of the owner, the city shall permit the owner to obtain a copy of the documents intended to be used during the appeal to include, but not limited to:
 - 1. Written or recorded statements or confessions made by the owner, or any written or recorded statements made by a witness, or copies thereof, within the possession, custody or control, the existence of which is known, or by the exercise of due diligence may become known, that the city plans to use at the appeal;
 - 2. Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control, the existence of which is known, or by the exercise of due diligence may become known, that the city plans to use at the appeal; and
 - 3. Books, papers, documents, tangible objects, or copies thereof, which the city plans to use at the appeal.
- C. The owner is not entitled, pursuant to the provisions of this section, to obtain a copy of the documents intended to be used during the appeal to include, but not limited to:

1. An internal report, document or memorandum that is prepared by or on behalf of the city attorney in connection with the investigation or prosecution of the case.
 2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.
- D. At the request of the city, the owner shall permit the city to inspect and to copy or photograph any:
1. Written or recorded statements made by a witness the owner intends to call at the appeal, or copies thereof, within the possession, custody or control of the owner, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal;
 2. Results or reports of physical or mental examinations, scientific tests or scientific experiments, or copies thereof, within the possession, custody or control of the defendant, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal; and
 3. Books, papers, documents or tangible objects that the owner intends to introduce in evidence owner, or copies thereof, within the possession, custody or control of the owner, the existence of which is known, or by the exercise of due diligence may become known, that the owner plans to use at the appeal.
- E. The city is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:
1. An internal report, document or memorandum that is prepared by or on behalf of the owner or the owner's attorney in connection with the investigation or defense of the case.
 2. A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.

Chapter 7.30 – IMPOUNDMENT

7.30.010 – Animals running at large.

- A. Any animal running at large may be impounded and returned to the verified owner at the discretion of the impounding police officer or animal protection services officer.
- B. The animal may be impounded to the animal protection facility and held for not less than three business days unless immediate action is necessary to prevent undue pain and suffering, including immediate humane euthanasia, of the animal per section 7.30.020. Within the three business days, if the ownership of the animal is proven, such owner shall be able to obtain possession of such animal upon compliance with HMC section 7.30.040 and the payment of applicable fees set forth in HMC section 7.04.020.
- C. If the ownership of the animal is unknown and not easily ascertainable, or the animal is unclaimed after 72 hours, the city may dispose of the animal by adoption, gift, sale or euthanasia.
- D. Feral cats that enter the shelter shall be returned to the area where they were impounded by the trap, neuter, vaccinate, return program in section 7.15.

7.30.020 – Impoundment of animals not running at large

- A. Cruelty pursuant to NRS 574
 - 1. Any peace officer or animal protection services officer shall, upon discovering any animal that is being treated cruelly, take possession of the animal and provide the animal with shelter and care, or destroy the animal in a humane manner if:
 - (a) The officer obtains written permission from the owner of the animal;
 - (b) The officer obtains an order from a court; or
 - (c) A veterinarian, veterinarian technician or euthanasia technician licensed pursuant to chapter 638 of NRS examines the animal and recommends that the animal be humanely destroyed.
 - 2. The officer taking possession of an animal pursuant to this section and NRS 574.055 shall give to the owner, if the owner can be found, a notice containing:
 - (a) a written statement of the reasons for the taking;
 - (b) the location where the animal will be cared for and sheltered;

- (c) the fact that there is a limited lien on the animal for the cost of shelter and care; and
- (d) if applicable, notice of the right of the owner to request a hearing pursuant to this section not later than 7 calendar days after receipt of the notice.

If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

- 3. Officers or employees of the City of Henderson and any veterinarian, veterinarian technician or euthanasia technician, who recommends to the City of Henderson the humane destruction of an animal pursuant to subsection (c) are not liable for any action arising out of the taking or humane destruction of the animal.
- 4. If an officer takes possession of an animal pursuant to this section, the City shall have a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.
- 5. If the owner of an animal has been notified in accordance with subsection 2 and the owner does not request a hearing or the owner has not been found not later than 7 calendar days after the required notice has been posted on the property where the animal was found, the animal is forfeited to the city for disposition as the city sees fit, which may include, without limitation, the humane destruction of the animal or transferring ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.
- 6. If the owner requests a hearing, it shall proceed in accordance with section 7.30.045.

B. Arrest or hospitalization of owner or possessor

- 1. If an animal protection officer determines that an animal is or will be without necessary care due to the owner's or possessor's hospitalization or lawful arrest and detention for charges other than animal cruelty, the officer may take and impound the animal.

2. If an officer impounds an animal from private property pursuant to this section, the officer shall give written notice via United States first class mail to the owner, possessor or the owner or possessor's representative that the animal has been impounded, the reason for the impoundment, the location where the animal will be held and the period of time in which the owner, possessor or representative may reclaim the animal or provide the name of an authorized person to take the animal, which shall be no less than 10 days. If neither the owner or possessor nor a representative can be found, the notice shall be affixed in a visible location on the property where the animal was removed.
3. If the owner, possessor or the owner or possessor's representative provides the name of a person who is authorized to care for the animal, the officer shall transfer the animal to such person if the officer determines that the person is able to provide adequate care and shelter to the animal.
4. If the owner, possessor or the owner or possessor's representative requests assistance in locating a person to care for the animal, animal protective services shall provide reasonable assistance in locating another person to take possession of the animal.
5. If the owner, possessor or representative of the owner or possessor does not reclaim the animal or provide the name of a person(s) who is authorized to care for the animal within the time prescribed, or if the authorized person(s) is not able to provide adequate care and shelter to the animal, the animal protection services division:
 - (a) May allow another person who is able to provide adequate care and shelter to care for the animal temporarily; or
 - (b) May take possession of the animal.
6. If the owner or possessor of the animal is convicted of the crime for which he or she was lawfully arrested, the city may by appropriate legal action recover the reasonable cost of any care and shelter it furnished to the animal, including without limitation imposing a lien on the animal for the cost of such care and shelter.

7.30.030 – Found animal reporting.

Each person who takes custody of any stray animal apparently running at large, shall report the same to Henderson animal protection services immediately after taking custody thereof, but no later than 72 hours after taking custody thereof, furnishing a sufficient and accurate description of the animal to allow for the possible return of the animal to the owner, unless said finder surrenders it to the Henderson animal protection facility or an animal protection officer.

7.30.035 – Lost animal reporting.

Each animal owner who has lost an animal that they own shall report the animal lost to animal protection services no later than twenty-four hours after discovering the animal to be missing. The owner shall furnish a sufficient and accurate description of the animal to allow for the possible return. The owner shall further be responsible for checking publicly available resources, including, but not limited to the City's website for their animal.

7.30.040 – Release of household pet or livestock — Basic conditions.

No animal impounded shall be released to any person except under the following conditions:

- A. If the animal owner resides in the City of Henderson and if applicable to the animal, the owner must present to an authorized employee of animal protection services, a current City of Henderson pet license per section 7.04.010.
- B. There has been paid to the animal protection facility all applicable fees set forth in section 7.04.020 and any medical expenses incurred while under the care of animal protection services.
- C. Presentation of proof of a current rabies vaccination, if applicable.
- D. If the pet had not been previously implanted with a microchip, the pet shall be implanted with a registered microchip by an authorized employee of animal protection services. Registration of all microchips will be updated with current owner information and the applicable fee paid as set forth in section 7.04.020.

- E. Compliance with the requirements of chapter 7.20 pertaining to dangerous animals, where applicable.
- F. Compliance with the requirements of chapter 7.10.
- G. The owner shall provide proof that the animal they are claiming is their animal by means of a veterinary record, microchip registration, and/or other substantial proof of ownership that is approved by the director or designee.
- H. No animal that was impounded for cruelty, neglect, shall be released except pursuant to 7.30.045.

7.30.045 – Hearing regarding animal impounded for cruelty.

- A. Upon an owner timely requesting a hearing pursuant to section 7.30.020 (A), the Henderson Municipal Court shall set a hearing date within 15 judicial days.
- B. For the purpose of conducting a hearing pursuant to this section, the court may consider:
 - 1. Testimony of the peace officer or animal control officer who took possession of or impounded the animal(s) or other witnesses concerning the conditions under which the animal(s) was owned or kept;
 - 2. Testimony and evidence related to veterinary care provided to the animal(s) including, without limitation, the degree or type of care provided to the animal(s);
 - 3. Expert testimony as to the community standards for the reasonable care of a similar animal;
 - 4. Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;
 - 5. Prior arrests or convictions related to animal cruelty; or
 - 6. Any other evidence which the court determines is relevant.

- C. If the court determines by clear and convincing evidence that the person who requested the hearing is the owner of the animal is able and fit to provide adequate care and shelter for the animal, the court shall order the owner or the designee of the owner, to take possession of the animal(s) not later than three business days after the issuance of the order. The order shall not allow the owner to possess animals in excess of the limits described in this title or Title 19 of the Henderson Municipal Code, and all other conditions for release of pet under section 7.30.040 apply.
- D. If the court determines that there is not clear and convincing evidence that the owner is fit and able to provide adequate care and shelter for the animal, the court shall order the owner to not own or possess the animal and the ownership of the animal to be transferred to the City of Henderson animal protection facility or to an animal rescue organization or another person who is able to provide adequate care and shelter to the animal. The court may also order the impoundment of any other animals owned or possessed by the person arrested or enjoin the person from owning or possessing any animal.
- E. If the court makes a determination pursuant to paragraph D, the city may by appropriate action recover the reasonable cost of any care and shelter furnished to the animal, and the court may order a later and separate hearing to make a determination about such costs.

7.30.050 – Release of pet—Rabies suspicion.

If any animal impounded is suspected to have rabies by animal protection services, the animal shall be held for examination by a veterinarian. In the event that a veterinarian confirms such animal is suspected to be afflicted with rabies, it shall be quarantined and/or euthanized in accordance with NAC 441A and the current published rabies compendium. In the event that a veterinarian confirms such animal is not suspected to be afflicted with rabies, it shall be released as provided herein.

7.30.060 –Reserved.

Chapter 7.40 - WILD AND EXOTIC ANIMALS; REPTILES;
NON-DOMESTICATED COMPANION ANIMALS; ANIMAL EXHIBITORS

7.40.010 - Wild animals and/or urban wildlife—Generally.

These animals are considered to be dangerous animals. Keeping of such animals shall be permitted only zoos as defined by Title 19. Such total confinement facilities are necessary to protect the public health and safety and to assure proper animal welfare.

7.40.020 - Requirements for wild and exotic animal.

No person shall possess a wild and exotic animal in the city unless:

- A. The person has received approval under Title 19 to operate a zoo; and
- B. The person has obtained an appropriate wild and exotic animal permit from the director. Any such permit shall also be reviewed by the chief of police or designee; and
- C. The person or organization has a valid business license.

7.40.030 - Wild and exotic animals—Permit.

- A. In addition to the requirements in 7.40.020, a permit is required to keep a wild and exotic animal. If the permit is denied, animal protection services will provide the applicant with a written notice of the denial and the reasons for it.
 - 1. Permit application. A person requesting a permit to keep a wild and exotic animal shall be required to submit an application not less than 30 days prior to the exhibition containing all of the following items and information:
 - a. Name, address and telephone number of the applicant;
 - b. City of Henderson business license number;
 - c. Name of business or organization;
 - d. Description of the animal or animals proposed to be kept, including species, sex, age, weight, registered microchip number (if applicable), vaccination record, record of sterilization, and any distinctive markings or identification marks;
 - e. A list of applicable federal permits required, including a USDA permit, the permit number(s), and the effective dates thereof;
 - f. Dates and times of the proposed exhibition(s);
 - g. Address of the property housing the animals;
 - h. Proof of insurance as required by subsection B.2. of this section;
 - i. Signature of the person applying for the permit and the date of the application submission;

- j. Proof of registration and insurance applicable to the vehicle(s) to be used to transport the animal(s) to and from the property;
 - k. A written description of the circumstances, if any, that exhibited animals are removed from quarters during the exhibit;
 - l. A detailed site plan for the zoo and description of the wild and exotic animal quarters;
 - m. A statement as to the applicant's past experience, education/training, he or she has with the species to be exhibited; and
 - n. A statement and any necessary supporting documentation to demonstrate full compliance with all federal and state regulations applicable to the operation of a zoo and the housing of wild and exotic animals, including all state and federal permitting requirements. If a permit is issued for wild and exotic animals in contravention of federal and state regulations, such permit is void.
2. Insurance. Each animal to be exhibited at the zoo shall be included on a liability insurance policy of at least \$1,000,000.00 to be in effect at all times that the animal to be exhibited is located within the corporate boundaries of the City of Henderson, including the time when the animal is transported to and from the place of the exhibition. The vehicle(s) used to transport the animal to be exhibited must contain cages constructed in such a manner as to ensure public safety and may be inspected by animal protection services.
3. Quarters at exhibit site. The exhibition shall contain quarters for the animal(s) which are adequate to ensure public safety, as well as the health and welfare of the animal(s). A representative from animal protection services may inspect the exhibit site at any time including prior to the initial exhibition.
4. Restrictions. As needed to protect public health and safety and the safety and welfare of the wild and exotic animals, reasonable restrictions may be placed on the permit, in coordination with any conditions on the conditional use permit and development agreement required for a zoo use under Title 19.
5. Permit fee. The wild and exotic animal permit fee shall be set by the city council as set forth in section 7.04.020. A wild animal permit shall be valid for the location specified in the applicant's application and renewable annually or upon movement of the zoo to a different location.

6. Transfer of permit. The permit is not transferrable.
7. Denial of permit. A permit may be denied if any of the information and items required in subsection B.1. of this section are not truthfully provided in the application or if any provision of subsection B. of this section is not met. The permit may be denied for any of the following additional reasons:
 - a. The granting of the permit would violate any other section of title 7 of the Henderson Municipal Code.
 - b. The proposed wild and exotic animal(s) poses an unreasonable risk of harm to the animals or public.
 - c. The applicant's past experience, education/training with respect to the species to be kept or operation of a zoo is not superior.
8. Revocation of permit. A permit may be revoked for any reason which could constitute grounds for denying the permit pursuant to subsection B.7. of this section, or for any instance in which significant personal injury or property damage is sustained as a result of the act of any wild and exotic animal kept by the permittee.
9. Wild and exotic animals not permitted for any other reason. Nothing stated in this subsection B., shall be construed as allowing any person to possess or keep any wild and exotic animal within the City of Henderson under any circumstance or any purpose other than operation of a zoo in strict conformance with subsection B. of this section and all applicable provisions of the Henderson Municipal Code.
- 10 .A permit denied or revoked under this section may be appealed pursuant to the procedure set forth in section 7.90.030.

7.40.040 - Reptiles and Amphibians.

- A. Unless otherwise permitted in subsection B., the following reptiles and amphibians are not permitted:
 1. Any venomous reptile or amphibian;
 2. Any reptile or amphibian over four feet in length, with the exception of constrictors which may not exceed six feet in length; or
 3. Any federally protected reptile or amphibian, not including desert tortoises.

B. Ownership permitted.

1. Any non-venomous reptile or amphibian, which at maturity is less than four feet in length from the nose to the cloaca, weighs less than 15 pounds and is kept in an adequate confined space;
2. Constrictors up to six feet in length; or
3. With a valid wild animal or exotic animal/reptile permit as set forth in section 7.40.020 and any and all permits required and issued by the Nevada Department of Wildlife.

7.40.050 - Restrictions on keeping roosters.

It is unlawful for any person to keep or cause to be kept, or permit to be kept on premises over which any such person may have control within the city limits any rooster.

7.40.060 - Animal exhibitor permit—Required.

Any owner, operator or promoter of any event temporarily housing, selling or exhibiting domesticated animals for entertainment or demonstration shall obtain an animal exhibitor permit through animal protection services. All regulations set forth in section 7.70.030 must be complied with. Businesses possessing a valid animal establishment permit are exempt from this provision.

7.40.070 - Feeding urban wildlife and feral animals.

It shall be unlawful for any person to feed or allow to be kept animals that are considered feral or wild that may be potential carriers of the rabies virus. The property owner, caretaker, renter, or lessee shall not place food that would allow any animal not owned by them to feed on such food. No person shall place food for the purpose of feeding wildlife or feral animals capable of transmitting rabies on the property of another or on public property. Non-profit organizations and their members registered and approved by animal protection services are exempt from this section provided that they are complying with the terms of their approval.

7.40.080 – Reserved.

Chapter 7.50 - RABIES

7.50.010 - Quarantine authority generally.

The health officer or animal protection officer may, by public notice and proclamation, quarantine any animal in any area of the city where he finds rabies or other disease to exist. During such quarantine period and until public notice of its termination has been given by the health officer or animal protection officer, each animal in that area must be securely confined by its owner. All such designated animals found at large in that area during such period may be impounded, quarantined, or humanely euthanized pursuant to the order of the health officer or otherwise provided by law.

7.50.020 - Biting animal—Report.

- A. It shall be the duty of anyone with knowledge of a human being having been bitten by any animal susceptible to rabies to promptly report the same to City of Henderson animal protection services within 48 hours of the occurrence. This shall include all hospitals, medical provider, or medical facilities that treat anyone who is the victim of an animal bite. The reporting person or agency shall obtain the victim's full name, address, phone number, and date of birth. They shall also attempt to obtain a complete description of the animal, the animal owner's name, address, and phone number.
- B. Any owner of an animal that bites a person shall immediately report the bite to animal protection services and present or provide the biting animal or its whereabouts immediately.
- C. It shall be unlawful for any person who is the victim or who has knowledge of a person who is a victim of an animal bite to refuse to disclose the animal owner, description or location.
- D. Each day an owner is in violation of this section shall be deemed a separate violation subject to the penalties set forth under section 7.90.010. This shall not exceed a period of ten days.

7.50.030 - Biting animal—Confinement.

Any animal species known to be a potential carrier of rabies virus shall be quarantined in accordance with Nevada Administrative Code Chapters 441a and 410 through 445; and the current published version of the rabies compendium.

Unless otherwise authorized pursuant to section 7.50.035, the animal shall be confined, at the owner's expense, separately, in either the animal quarters at the business premises of a veterinarian or in the animal protection facility for a period of ten days of observation. Such animal shall not be released until the vaccination requirements of this title have been satisfied and there has been paid to animal protection services all impound, board, vaccination and other charges and fees required by this title for the release of an impounded animal.

7.50.035 - Biting animal – Home confinement

Home quarantine may be authorized if the biting animal does not have prior bite history, will not potentially be deemed dangerous or vicious, the property is secured adequately to prevent escape, the owner or caretaker is willing to comply with the home quarantine requirements, and no other extenuating circumstances as determined by the animal control officer would prohibit home quarantine. If the animal protection officer determines home quarantine is authorized, it shall be the duty of any person owning, possessing or having the care, custody and control of said animal to confine such animal separately and securely for a period of ten days and to post a quarantine notice in a form and manner prescribed by the animal control officer. In the event the animal develops any illness during such period of time, the owner or person having care, custody, and control of the animal must promptly notify a veterinarian, who shall examine the animal and report to the animal protection officer in the event the animal is deemed to have rabies. In the event the animal is determined to have rabies, it shall be disposed of in accordance with the provisions of this chapter.

7.50.040 - Rabies suspect—Confinement and release.

- A. Upon the receipt by animal protection services of any animal believed to be afflicted with rabies, which has been bitten by any animal afflicted or suspected of being afflicted with rabies, or which has been exposed to the infection of rabies, animal protection services shall separately confine such animal and shall immediately notify a veterinarian and the health officer. The veterinarian or health officer shall thereupon make such examination of the animal as may be deemed necessary. If, based upon such examination, it is determined that such animal is afflicted with rabies animal protection services shall be so advised.
- B. It shall be the duty of animal protection services to keep such animal suspected of having rabies confined for such time as the veterinarian or health officer may direct, and such animal shall not be redeemed or released except upon authorization by the health officer or veterinarian. Such animal shall not be released before suitable provisions for vaccination and licensing have been made as set forth in this chapter.
- C. The cost of all examinations, boarding, care, and vaccinations shall be borne by the owner of said animal.

7.50.050 - Rabies suspect—Impoundment—Destruction.

- A. It shall be the duty of animal protection services to impound any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, whether public or private, if such animal is known to have or suspected of having rabies, or known to have been bitten by any animal having or suspected of having rabies. Any such animal shall be brought immediately to animal protection services for examination by the health officer or a veterinarian for determination of whether the animal shall be humanely euthanized or quarantined. If euthanasia of the animal is required, euthanasia shall be accomplished in such manner as to preserve the head intact. Such head shall promptly and without delay be properly removed and packaged for shipment for laboratory analysis prescribed by the health officer.
- B. The owner shall be responsible for any and all costs incurred by animal protection services pursuant to this section.

7.50.060 - Owner to report suspicion of rabies.

Whenever an owner shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, (s)he shall immediately notify the City of Henderson animal protection services to make an inspection or examination of such animal until it shall be established to the satisfaction of said veterinarian or health officer that such animal has or does not have rabies.

7.50.070 - Bitten animals.

Whenever any animal is bitten by another animal suspected of having rabies, the owner of the animal so bitten or the owner of the biting animal shall immediately notify the City of Henderson animal protection services.

7.50.080 - Animal bite record.

It shall be the duty of the City of Henderson animal protection services to keep an accurate record of all reports of animal bites, including the place of occurrence, time of report, person making the report, disposition of the case, and such other information as may be required by the animal protection officer or the health officer. Each such case shall be investigated and the animal properly dealt with in accordance with the provisions of this chapter.

Chapter 7.60 - ANIMAL HANDLER

7.60.010 - Animal handler permit.

Persons operating or owning a business providing animal training service, pet care services, pet sitting, or any animal related business or service that will not be housing or possessing animals in their care or on their property, rather providing services to clients at an owner's home or property, must, in order to operate or carry on the said business, obtain an animal handler permit and a City of Henderson business license or a combination animal handler permit/license as issued in compliance with Title 4.

7.60.020 - Fee—Inspection—Issuance of an animal handler permit.

- A. When an initial application or renewal for an animal handler permit is made, a fee, as set by the city council, shall be paid to the city for the application review.

- B. The application review shall be conducted by the director or designee to determine compliance with this chapter; and if compliance is met, the permit shall be issued and will expire one year from the date the permit application was applied for.
- C. An animal handler permit will not be valid without person obtaining and maintaining the necessary business license pursuant to title 4 of the Henderson Municipal Code.
- D. If the application review reveals that this chapter or other applicable laws, or regulations have not been complied with, the permit shall be denied, section 7.04.130 and 7.04.135 shall apply.
- E. If an animal handler business does not pass its initial or renewal inspection, a re-inspection is required. Prior to re-inspection a re-inspection fee of \$150.00 is required to be paid.

7.60.030 - Nontransferability.

An animal handler permit is not transferable.

7.60.040 - Renewal.

An animal handler permit shall expire one year after date of issue and shall be renewed annually upon payment of the applicable fee, approved renewal application, and approved inspection by the director or designee.

7.60.045 - No new permit after denial or revocation.

If a permit has been revoked or denied, applicable sections 7.04.120, 7.04.125, 7.04.130, 7.04.135, 7.04.140, 7.04.160 shall apply.

7.60.050 - Change notice to city.

An animal handler permit holder shall notify the director or designee, within 30 days, of any change in his/her operation which affects the status of the permit, including any change in name or location of his/her business. Failure to report any changes may result in denial of renewal or revocation of the permit.

7.60.060 - Compliance responsibility.

- A. A person or persons in immediate charge of any business or service enumerated in section 7.60.010 shall be responsible for complying with this chapter and other applicable ordinances.

- B. Any person owning, possessing or having the care, custody or control of an animal, who willfully refuses, fails or neglects to furnish any animal protection officer or license fee collector the required information as provided within this title, or who willfully fails, refuses or neglects to cause said animals to be registered and pay the registration fees at the time and in the manner herein provided, or who willfully fails, refuses or neglects to perform any act or pay any other fee or charge required by this chapter to be performed or paid, or any person who shall willfully resist, interfere with or prevent any animal protection officer in the exercise of his/her duties, or who violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as the law allows.

7.60.070 - Violation—Generally.

Each day a person is in violation of any section in this chapter shall be considered a separate violation and subject to the penalties as set forth under section 7.90.010.

7.60.080 Revocation of Animal Handler Permit .

Where any of the following has occurred, animal protection services shall initiate the process to revoke the animal handler permit under 7.90.010:

1. The permit holder has been the subject of two or more distinct violations of HMC 7.06 or 7.08 in any consecutive 12-month period, or three or more distinct violations of any other provisions of Title 7.
2. The permit holder has been convicted of one or more animal cruelty related violations as described in HMC 7 or NRS 574.
3. The permit holder willfully withheld or falsified any information required for a permit.
4. If the permit holder has been convicted of assault, battery, domestic violence, or any similar physical violence related offenses against a person in this state or any other state.
5. The permit holder failed to timely renew their permit.

6. The permit holder sold, transferred, or otherwise changed the ownership of the permitted business as recorded in the records of the Secretary of State of Nevada.

Chapter 7.65 - MOBILE ANIMAL BUSINESS

7.65.010 - Mobile animal business permit.

Person(s) operating or owning a mobile animal trailer or other motor vehicle unit used for the grooming of animals, transport of animals, mobile exercise service, or any other animal related business that would include the operation of a motor vehicle or trailer and have temporary care/custody of an animal in the trailer or motor vehicle, must, in order to operate said business, obtain a mobile animal business permit and a City of Henderson business license or a combination animal handler permit/license as issued in compliance with Title 4.

7.65.020 - Fee—Inspection—Issuance of mobile animal business permit.

- A. When an initial application or renewal for a mobile animal business permit is made, a fee, as set by the city council, shall be paid to the city for the application review.
- B. The application review shall be conducted by the director or designee to determine compliance with this chapter; and if compliance is met, the permit shall be issued after inspection of all mobile units and will expire one year from the date the permit application was applied for.
- C. If the application review reveals that this chapter or other applicable laws, or regulations have not been complied with, the permit shall be denied, section 7.04.130 and 7.04.135 shall apply.
- D. Inspection of all mobile units are required prior to approval of the permit by the director or designee shall include the following:
 1. Compliance with Henderson Municipal Code title 5 for waste management and disposal.
 2. Compliance with Henderson Municipal Code title 19 for accessory uses.

3. Compliance with all applicable chapters of this title to include but not limited to air conditioning/heating inside units, hot and cold running water (if required for service), proper drainage and waste storage, sanitation and cleanliness to prevent spread of disease, safety and security of housing household pets.
- E. A mobile animal business permit will not be valid without person obtaining and maintaining the necessary business license pursuant to title 4 of the Henderson Municipal Code.
 - F. If a mobile animal business does not pass its initial or renewal inspection, a re-inspection is required. Prior to re-inspection, a re-inspection fee of \$150.00 is required to be paid.

7.65.030 - Nontransferability.

A mobile animal business permit is not transferable. Any person employed by a mobile animal business, who will care for and/or transport animal(s) without the permit holder present, must obtain an animal handler permit.

7.65.040 - Renewal.

An approved mobile animal business permit shall expire one year after the date the permit fees were paid and application was submitted and shall be renewed annually upon payment of the applicable fee, approved renewal application, and approved inspection by the director or designee.

7.65.045 - No new permit after revocation or denial.

If a permit has been revoked or denied, applicable sections 7.04.120, 7.04.125, 7.04.130, 7.04.135, 7.04.160 shall apply.

7.65.050 - Change notice to city.

A mobile animal business permit holder shall notify the director, or designee, within 30 days, of any change in their operation which affects the status of the permit, including any change in name or location of their business. Failure to report any changes may result in denial of renewal or revocation of the permit. A change in ownership requires a new permit, including fee, and completion of all requirements found in this chapter.

7.65.060 - Compliance responsibility.

- A. A person or persons in immediate charge of any business or service enumerated in chapter 7.65 shall be responsible for complying with this chapter and other applicable ordinances.
- B. Any person owning, possessing or having the care, custody or control of an animal, who willfully refuses, fails or neglects to furnish any animal protection officer or license fee collector the required information as provided within this title, or who willfully fails, refuses or neglects to cause said animals to be registered and pay the registration fees at the time and in the manner herein provided, or who willfully fails, refuses or neglects to perform any act or pay any other fee or charge required by this chapter to be performed or paid, or any person who shall willfully resist, interfere with or prevent any animal protection officer in the exercise of his/her duties, or who violates any of the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be punished as the law allows.

7.65.065 – Mobile Animal Exhibitor Requirements

- A. Pursuant to NRS 574.053 all mobile animal exhibitor or any mobile animal business is required to post, at the location in which the mobile petting zoo is selling access to live animal(s), a sign that is at least 8 ½ by 11 inches in size and which contains the following notice in bold type:

IF YOU KNOW OR HAVE REASON TO BELIEVE THAT AN ANIMAL IS IN DANGER OR HAS BEEN SUBJECTED TO AN ACT OF CRUELTY IN VIOLATION OF NRS 574.100, YOU MAY CONTACT [telephone number for the Henderson Animal Protection Facility]

7.65.070 - Violation—Generally.

Each day a person is in violation of any section in this chapter shall be considered a separate violation and subject to the penalties as set forth under section 7.90.010.

7.65.080 Revocation of Mobile Animal Business Permit.

Where any of the following has occurred, animal protection services shall initiate the process to revoke the animal handler permit under 7.90.010.B.4:

1. The permit holder has been the subject of two or more distinct violations of HMC 7.06 or 7.08 in any consecutive 12-month period, or three or more distinct violations of any other provisions of Title 7.
2. The permit holder has been convicted of one or more animal cruelty related violations as described in HMC 7 or NRS 574.
3. The permit holder willfully withheld or falsified any information required for a permit.
4. If the permit holder has been convicted of assault, battery, domestic violence, or any similar physical violence related offenses against a person in this state or any other state.
5. The permit holder failed to timely renew their permit.
6. The permit holder sold, transferred, or otherwise changed the ownership of the permitted business as recorded in the records of the Secretary of State of Nevada.

Chapter 7.70 - ANIMAL ESTABLISHMENT

7.70.010 - Permit required.

- A. No person shall conduct, operate or keep any animal establishment without first obtaining an appropriate animal establishment permit from the director or designee and a City of Henderson business license or a combination animal establishment permit/license as issued in compliance with Title 4.. The semi-annual permit fee for the above animal facilities shall be as established in the fee schedule by the city council.
- B. The city protection facility and licensed veterinary clinics shall be exempt from this section.
- C. No permit shall be issued unless all zoning, planning and building ordinances and regulations are complied with or until conditions imposed by the council pursuant to title 19 are met.

7.70.020 - Fee—Inspection—Issuance of.

- A. An application for a permit to operate and keep any animal establishment shall be in writing on a form approved by the director or designee and submitted every six months. The fee shall be paid to the City of Henderson for the application review. The applicant shall furnish a list of the types of animals to be maintained or used for any purpose together with the approximate number of animals of each type.
- B. The City of Henderson through its city council may establish standards relating to:
 - 1. The maximum number and species of animals to be kept or maintained on the premises;
 - 2. The construction, sanitation and maintenance of facilities; and
 - 3. Any other regulations and standards in conformity with and for the purpose of carrying out the intent of this chapter.
- C. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any permit provided pursuant to this chapter.
- D. Permittee shall maintain a record of the names, addresses, contact telephone numbers, and breeder's permit number of persons from whom animals are received and the names, addresses, to whom animals are sold, traded or given. This shall be available to the Henderson animal protection services upon request.
- E. The application review shall be conducted by the director or designee to determine compliance with this chapter; and if compliance is met, the permit shall be issued after inspection of all mobile units and will expire one year from the date the permit application was applied for.
- F. If an animal establishment business does not pass its initial or renewal inspection, re-inspection is required. Prior to re-inspection a re-inspection fee of \$150.00 is required to be paid.

7.70.030 - Conditions relating to animal facilities.

Every person who owns, conducts, manages or operates any animal establishment shall comply with each of the following conditions:

A. *Housing.*

1. Housing facilities for animals shall be structurally sound and shall be maintained in good repair to protect animals from injury and restrict entrance of other animals or the escape of animals so contained therein.
2. Every building or enclosure wherein animals are maintained shall be properly ventilated to prevent drafts and to remove odors; heating and cooling shall be provided as required, according to the physical needs of the animals, with sufficient light to allow observation of the animals.
3. All animal rooms, cages, kennels, runs, stalls, and corrals shall be of sufficient size to provide adequate and proper accommodation and protection from the weather for the animals kept therein.
4. All animal facilities shall be constructed and operated in a manner that reasonably protects public health and safety and the safety of the animals.

B. *Sanitation.* All animal facilities shall be maintained and operated at all times in a clean and sanitary condition and in a manner that avoids causing odors or attraction of insects and vermin and excessive noise.

C. *Care of animals.*

1. All animals shall be supplied with a quantity of wholesome food suitable for the species and age of the respective animals, as often as the feeding habits of such animals require, sufficient to maintain a reasonable level of nutrition. All animals shall have available to them sufficient potable water. Food and water shall be served in separate, clean receptacles.
2. No animal, except those animal(s) in a pasture provided with adequate feed and water, shall be without attention for more than 24 consecutive hours. The name, address and telephone number of a person responsible for the animal shall be posted in a conspicuous place, visible from outside the facility or at the main gate of a pasture where animals are kept, unless the owner or attendant of the animal(s) is immediately available on the premises.

3. All sick, diseased or injured animals shall be isolated from healthy animals at all times and shall be given proper medical treatment. Any enforcement officer of the city of Henderson may order the operator of the facility to immediately seek licensed veterinarian treatment for any animal.
4. All animals shall be treated in a humane manner.
5. All animal establishments shall have a licensed animal handler (pursuant to HMC chapter 7.60) onsite at the animal establishment, during regular business hours, to ensure the proper care of the animals at the animal establishment. The owner of an animal establishment, who was screened at the time of the issuance of an animal establishment permit application, shall count towards this requirement.

D. *Compliance.*

1. Any licensing department inspector, animal protection officer, or other authorized representative of the city shall have the authority to enter the animal facility, except by means of force and with the consent of the owner or occupant of the premises, and at a reasonable time, to determine compliance with this title, provided advance notice is given to the permittee by the city at least one day prior to the inspection, when he has reason to believe that the provisions of the permit or applicable state law or the rules and regulations of the city are being violated. The failure of the operator to consent to the entry shall be deemed just cause for the revocation of the permit.
2. Failure of an applicant or a permit holder to comply with any of the provisions of the permit, this chapter, applicable state law or the appurtenant rules and regulations shall be deemed just cause for the denial of any new permit application or renewal application, or for revocation of a permit.

7.70.040 - Reserved.

7.70.050 - No new permit after denial or revocation.

If a permit has been denied or revoked, the director or designee shall not accept a new permit application from the same person for the same activity at the same location less than 12 months after such denial or revocation, unless the applicant shows, and animal protection services finds, by inspection and/or investigation, that the grounds upon which the first application was denied or the permit revoked no longer exist.

7.70.060 - Non-transferability—Posting.

Animal establishment permits are not transferable. A current permit shall be posted in a conspicuous place in every animal establishment.

7.70.070 - Standards for animal facilities—Generally.

- A. *Housing*. Facilities shall be constructed of nontoxic materials and of a structurally sound design and maintained in good repair to prevent injury to animals, to contain the animals and to restrict the entrance of other animals. Interior floors shall be constructed to allow easy cleaning and be impervious to animal wastes. The housing facility shall be kept in good order and repair and be kept clean and sanitary at all times.
- B. *Water and electrical power*. Reliable and adequate electric power and potable hot and cold running water shall be available.
- C. *Isolation*. Facilities for isolating animals under quarantine or treatment for disease shall be in a room that is separated from healthy animals.
- D. *Storage*. Facilities shall be provided for the storage of food and bedding in covered containers and protected against infestation or contamination by vermin or any mammalian or avian species. Refrigeration shall be provided for perishable items normally requiring refrigeration.
- E. *Waste disposal*. Provisions shall be made for the proper removal and disposal of food waste, excreta, bedding, dead animals and debris. Disposal facilities shall be so constructed and operated as to eliminate vermin infestation, offensive odors and disease hazards.
- F. *Washrooms and sinks*. Facilities such as washrooms, basins, sinks, showers, shall be provided to maintain cleanliness of personnel and for cleaning and sanitizing equipment and premises.

- G. *Heating*. Facilities shall be adequately heated when necessary to protect the animals from cold and to provide for their health and comfort. The ambient temperature shall not be allowed to fall below 50 degrees Fahrenheit for animals not acclimated to lower temperatures.
- H. *Ventilation*. Facilities shall be adequately ventilated to provide for the health and comfort of the animals at all times. All rooms shall be provided with fresh air either by means of windows, doors, vents, coolers or air conditioning. Auxiliary ventilation, such as exhaust fans, vents, coolers, or air conditioning shall be provided when the ambient temperature is 85 degrees Fahrenheit or higher. They shall be ventilated so as to minimize drafts, offensive odors and moisture condensation.
- I. *Interior surfaces*. The interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized.
- J. *Drainage*. A suitable method shall be provided to rapidly eliminate water from the area of the building within which the animal is kept. If drains are used, they shall be properly constructed and kept in good repair to avoid clogging and foul odors there from. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.
- K. *Lighting*. The area of the building within which the animal is kept shall have ample light by natural or artificial means or both. Such lighting shall provide uniformly distributed illumination of sufficient light intensity to permit routine inspection of animals and facilities and the cleaning of the same.

These standards are not meant to supersede or in any way interfere with other city or county ordinances dealing with building standards, zoning or animal control. Information on regulations of the building codes, zoning ordinances and animal control regulations should be consulted and complied with, before applying for permits.

7.70.080 - Animal housing enclosures—Cage construction and size.

- A. Enclosures shall be constructed so as to enable the animals to remain dry and clean. Containers for food and water shall be cleaned and sanitized daily.

- B. Provisions shall be made for convenient access to clean food and water.
- C. Floors and enclosures shall be constructed to prevent injuries to the animals. Wire or mesh floors which permit the feet of the animals to pass through shall not be used.
- D. An animal shall not be housed in a cage unless the interior height of such cage is six inches or more in excess of the height of the animal as measured from the floor to the apex of its shoulders while in a standing position, and the width and depth are six inches or more in excess of the length of the animal as measured from the end of its nose to the base of its tail.
- E. The height, length, or width of all cages shall, notwithstanding the minimum specifications set out in this chapter, be large enough so that the animal may sit, stand, lie down, or turn in a normal, comfortable manner or position. Animals shall not be placed in cages over other animals unless each cage is fitted with a floor of material which prevents animal excretion from entering the lower cages.
- F. Cages shall be constructed of fiberglass, metal, wood or wire or any combination thereof which is impervious to animal waste and can be kept sanitary.
- G. Size of cages, floor space, shall be no less than as follows: an operator shall ensure that a primary enclosure in which each mammal that is at least six weeks old is kept has a minimum amount of floor space which is calculated by finding the mathematical square of the sum of six inches plus the length of the animal 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 of square footage required for the floor space per animal.

7.70.090 - Veterinary care.

- A. Written programs of disease control and prevention, euthanasia, deceased animal disposal and adequate veterinary care shall be established and maintained under the supervision and assistance of a doctor of veterinary medicine.

- B. Each animal kept or temporarily located at an animal establishment facility shall be observed daily by the animal caretaker in charge. Sick or diseased, injured, lame or otherwise disabled animals shall be provided with proper veterinary care immediately.

7.70.100 - Sanitation procedures.

A. *Cage construction.*

1. Easily washed down and sanitized.
2. Constructed of impervious material.
3. Prevents litter from spilling outside of cage.
4. Prevents contact with humans to minimize injuries and passage of disease.

B. *Cleaning schedules.*

1. Excreta shall be removed from animal enclosures at least once daily.
2. Prior to introduction of animals into empty enclosures previously occupied, the rooms, pens, and cages shall be properly sanitized by using first soap or detergent then following with a safe and effective disinfectant.
3. Premises shall be kept clean and in good repair.
4. An effective program for control of insects, ectoparasites and avian and mammalian pests, shall be established and maintained.

7.70.110 - Minimum requirements for dogs, runs, run-out pens for greyhounds.

- A. If dogs are housed in rooms, pens or runs, a minimum of eight square feet of floor space shall be provided for each dog measuring two feet or less in length; a minimum of 12 square feet of floor space for each dog measuring more than two feet in length.
- B. In addition, kennels wherein greyhounds are kept must have a run-out pen that provides at least 30 square feet of area for each greyhound.

Such run-out pens and any open exercise areas must be enclosed with fences at least six feet high. Every gate to these pens and areas must be equipped with a lock.

C. Runs shall be of construction hardened cement with one-fourth inch per foot drop to gutter outside wire. Solid partitions at least three feet high shall be provided between runs, chain-link construction shall be provided for all areas above the solid partitions with tops covering runs. A flushing system shall be available to all runs.

D. Size of runs shall be as follows, or its equivalent in square feet:

Dog Size	Width (feet)	Height (feet)	Length (feet)
Small dog	2	6	4
Medium or large dog	3	6	6
Extra large dog	3	6	8

7.70.120 - Minimum requirements for cats.

A. Housing areas for cats shall:

1. Have sufficient clean litter to contain excreta.
2. Have enclosures constructed and maintained so as to provide sufficient space for the animal to make normal postural adjustments with adequate freedom of movements. Interior height of cages shall be at least two feet and a minimum of three square feet of floor space shall be provided for each adult cat. No more than two adult cats shall be housed in any cage. If cats are housed in pens or runs, a minimum of three square feet shall be provided for each cat. The maximum cats housed in a pen shall not exceed 12.

B. All commercial catteries shall be maintained within a completely enclosed building.

7.70.130 - Minimum requirements for small rodents.

Housing areas for small rodents shall be in compliance with the following minimum requirements:

A. The interior height of any rodent enclosure shall be at least ten inches.

B. Each nursing animal shall be kept separate in an enclosure of at least 225 square inches.

- C. No more than 12 animals shall be kept in any one cage or enclosure and at least 20 square inches shall be provided for each animal.

7.70.140 - Minimum requirements for rabbits and rodents of similar size.

- A. The floor space of an enclosure used to house a nursing female together with her litter shall be at least six square feet exclusive of space taken up by feed and water receptacles.
- B. At least one square foot of floor space shall be provided for each animal and not more than five animals shall be kept in one enclosure.

7.70.150 - Classification, separation and identification.

- A. Animals housed together shall be in species compatible groups. Unaltered dogs and cats over the age of four months shall be segregated by sex.
- B. Any animal exhibiting vicious or aggressive disposition shall be caged individually. Quarantined animal shall be caged separately and securely.
- C. Each animal facility operator, or someone in attendance at the facility, shall be able to identify each animal, except that it shall be sufficient for infant animals to be identified as to litter.
- D. The name, address and telephone number of a responsible person shall be posted in a conspicuous place, visible from outside the facility.
- E. A "small dog" is 12 inches or less at the withers and not exceeding 20 pounds.
- F. A "medium dog" is over 12 inches and up to 20 inches at the withers and not exceeding 50 pounds.
- G. A "large dog" is over 20 inches and up to 26 inches at the withers and not exceeding 75 pounds.
- H. An "extra-large dog" is over 26 inches at the withers and over 75 pounds.

7.70.160 - Capacity of cage or run.

Animals maintained in cages or runs for period exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. The minimum cage and run requirements for specific animals shall be as follows:

A. *Cages.*

1. One adult animal per cage, or
2. No more than two animals per cage providing the minimum amount of space is provided as outlined in section 7.70.140.

B. *Runs.*

1. No more than two dogs of the appropriate size per run, or
2. If the run is larger than the minimum run size designated in section.

7.70.140 - the following restrictions shall apply:

- a. Small dog run, four square feet per dog.
- b. Medium or large dog run, nine square feet per dog.
- c. Extra-large dog run, 12 square feet per dog.

7.70.170 - Outdoor shelter—Sun and elements.

- A. Sufficient shelter shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
- B. Animals kept outdoors shall be provided with adequate shelter from wind, rain, hail or snow.

7.70.180 - Sales of dogs and cats.

No dogs or cats under eight weeks of age shall be sold or given away.

7.70.190 - Immunization and medical history.

- A. All dogs and cats over eight weeks of age shall be immunized against common disease.
- B. Medical and health condition of the animals and a medical treatment and immunization history shall be provided to the purchaser.

7.70.200 - Penalty for violation.

In addition to possible administrative enforcement or revocation of permit or license, any person, whether acting as principal, agent, employee or otherwise, convicted of violating any section in this chapter, is guilty of a misdemeanor for each day of the violation; and upon conviction thereof, shall be subject to a fine not to exceed the sum of \$1,000.00 or imprisonment in the city jail for a period not to exceed six months, or both such fine and imprisonment for each such violation. Other than permit revocation, no person may be assessed both administrative penalties and criminal penalties for the same violation.

7.70.210 Revocation of Animal Establishment Permit .

Where any of the following has occurred, animal protection services shall initiate the process to revoke the animal establishment permit under 7.90.010.B.4:

1. The permit holder has been the subject of two or more distinct violations of HMC 7.06 or 7.08 in any consecutive 12-month period, or three or more distinct violations of any other provisions of Title 7.
2. The permit holder has been convicted of one or more animal cruelty related violations as described in HMC 7 or NRS 574.
3. The permit holder willfully withheld or falsified any information required for a permit.
4. The permit holder has been convicted of assault, battery, domestic violence, or any similar physical violence related offenses against a person in this state or any other state.
5. The permit holder failed to timely renew their permit.

6. The permit holder sold, transferred, or otherwise changed the ownership of the permitted business as recorded in the records of the Secretary of State of Nevada.

Chapter 7.75 - COMMERCIAL ANIMAL ESTABLISHMENT

7.75.010 - Commercial animal establishment—generally.

- A. A commercial animal establishment means any for-profit business enterprise, including, but is not limited to all dealers, retailers, pet stores, sole proprietorships, and entities in any form that for the purposes of resale or retail, display, sell, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of dogs, cats and/or rabbits in the city.
- B. This section shall not apply to a breeder who holds a permit pursuant to HMC 7.04.090 and is in full compliance with all applicable permit requirements.

7.75.020 - No new commercial animal establishment permits to be issued after effective date.

- A. A commercial animal establishment permit will not be issued to an animal establishment that does not have an existing animal establishment permit before the effective date of this ordinance for the purposes of resale or retail, display, sell, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of dogs, cats, and/or rabbits in the city, pursuant to section 7.75.030.
- B. Any commercial animal establishment permit that abandons, sells its business, transfers ownership, changes the primary ownership of the business, or has its commercial animal establishment permit and/or business license revoked shall not be eligible to renew or reactivate its commercial animal establishment permit.
- C. Any existing commercial animal establishment permit holder may move its location provided that notice is given to animal protection services at least 30 days prior to the move and the new location meets all zoning, planning and building ordinance and regulations, or until any condition imposed by the council pursuant to title 19 are met.
 1. The commercial animal establishment cannot operate more than one location at any given time.

2. A commercial animal establishment may not move to a location with more square footage than the existing location.

7.75.030 - Permit required, Fee—Inspection—Issuance of.

- A. A commercial animal establishment that, for the purposes of resale or retail, displayed, sold, delivered, offered for sale, bartered, auctioned, or otherwise transferred or disposed of dogs, cats, and/or rabbits in the city as of the effective date of the ordinance codified in this section, and whose operations complied with all applicable provisions of the Henderson Municipal Code, may continue to display, sell, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of dogs, cats and/or rabbits as long as it remains in compliance with all such provisions and timely applies for renewals of all applicable permits, licenses, and other requirements of the Henderson Municipal Code.
- B. An application for a permit to operate and keep any commercial animal establishment shall be in writing on a form approved by the director and submitted every six months. The fee shall be paid to the city for the application review. The applicant shall furnish a list of the types of animals to be maintained or used for any purpose together with the approximate number of animals of each type. The application review shall be conducted by the director or designee to determine compliance with this chapter; and if compliance is met, the permit shall be issued after inspection.
- C. The city animal shelter and licensed veterinary clinics shall be exempt from this section.
- D. No permit shall be issued unless all zoning, planning and building ordinances and regulations are complied with or until conditions imposed by the council pursuant to title 19 are met.
- E. The city through its city council may establish standards relating to:
 1. The maximum number and species of animals to be kept or maintained on the premises;
 2. The construction, sanitation and maintenance of facilities; and
 3. Any other regulations and standards in conformity with and for the purpose of carrying out the intent of this chapter.

- F. Compliance with such rules and regulations shall be prerequisite to the issuance and continued validity of any permit provided pursuant to this chapter.
- G. The permit holder shall, at all times, maintain a City of Henderson business license in compliance with Title 4.
- H. If a commercial animal establishment business does not pass its initial or renewal inspection, re-inspection is required. Prior to re-inspection a re-inspection fee of \$150.00 is required to be paid.

7.75.040 - Conditions relating to commercial animal establishment facilities.

- A. Every person who owns, conducts, manages or operates any commercial animal establishment shall comply with all of sections of chapter 7.70, animal establishment, and chapter 7.80, retailers and dealers in addition to other applicable title 7 sections of Henderson Municipal Code and Nevada Revised Statutes.
- B. A commercial animal establishment may provide space to a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization to offer the public dogs, cats and/or rabbits for adoption; provided that the commercial establishment shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.
- C. Nothing in this section shall prohibit a commercial animal establishment or its owner, operator or employees from providing appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization at the commercial animal establishment for the purpose of adopting those animals to the public.
- D. Disease control program.

A commercial animal establishment shall, with the approval of a veterinarian, establish and maintain a program to control disease and care for the health of animals. In the case of a retail pet store, the program must be in writing. As part of any such program, an operator shall ensure that:

 - (A) Each animal is observed daily by the person directly responsible for its care, or by someone else under that person's direct supervision.

- (B) Blind, lame, injured, ill or diseased animals are provided with the appropriate veterinary care that is consistent with the purposes for which an animal is being kept or humanely euthanized.
- (C) Any animals under quarantine or being treated for a communicable disease are kept separate from other animals. Additionally, retailers must ensure that animals under quarantine or being treated for a communicable disease are kept in a fully-enclosed room dedicated solely for that purpose. The room must:
 - 1. Have its own entry/exit door;
 - 2. Have its own ventilation system separate from that of the remaining operation; and
 - 3. Be equipped with a sink and all necessary supplies to treat recovering animals, so as to reduce cross-contamination.

7.75.050 - Fair consumer information.

- A. Commercial animal establishment shall post in a prominent location, in at least 12-point font, on the enclosure of each dog, cat and rabbit offered for sale the following information about the dog, cat and rabbit:
 - 1. The dog, cat, or rabbit breeder's full name, kennel name (if applicable), city and state, and any applicable United States Department of Agriculture and state license numbers. If the breeder is not United States Department of Agriculture licensed, the posting shall state the local or applicable breeder permit number; and
 - 2. The price of the dog, cat, or rabbit including any fees and sales tax.

7.75.060 - No new permit after denial or revocation.

If a permit has been denied or revoked, the director or designee shall not accept a new permit application from the same permit applicant or any person listed as a co-owner of the existing permit, for the same activity at the same location after such denial or revocation.

7.75.070 - Non-transferability—Posting.

Commercial animal establishment permits are not transferable. A current permit shall be posted in a conspicuous place in every commercial animal establishment.

7.75.080 - Penalty for violation.

In addition to possible administrative enforcement or revocation of permit or license, any person, whether acting as principal, agent, employee or otherwise, convicted of violating any section in this chapter, is guilty of a misdemeanor for each day of the violation; and upon conviction thereof, shall be subject to a fine not to exceed the sum of \$1,000.00 or imprisonment in the city jail for a period not to exceed six months, or both such fine and imprisonment for each such violation. Other than permit revocation, no person may be assessed both administrative and criminal penalties for the same violation.

7.75.085 Revocation of Commercial Animal Establishment Permit.

Where any of the following has occurred, animal protection services shall initiate the process to revoke the commercial animal establishment permit under 7.90.010.B.4:

1. The permit holder has been the subject of two or more distinct violations of HMC 7.06 or 7.08 in any consecutive 12-month period, or three or more distinct violations of any other provisions of Title 7.
2. The permit holder has been convicted of one or more animal cruelty related violations as described in HMC 7 or NRS 574.
3. The permit holder willfully withheld or falsified any information required for a permit.
4. The permit holder has been convicted of assault, battery, domestic violence, or any similar physical violence related offenses against a person in this state or any other state.
5. The permit holder failed to timely renew their permit.
6. The permit holder sold, transferred, or otherwise changed the ownership of the permitted business as recorded in the records of the Secretary of State of Nevada.

Chapter 7.80 - RETAILERS AND DEALERS

7.80.010 - Notice of availability of information concerning an animal.

A retailer or dealer shall conspicuously post within close proximity to the primary enclosure of an animal offered for sale the following notice printed in at least 48-point type upon paper that is at least 11 inches wide and 17 inches long:

NEVADA LAW REQUIRES THAT INFORMATION CONCERNING THE DATE OF BIRTH, SOURCE, LINEAGE AND MEDICAL HISTORY OF THESE DOGS (OR CATS) BE PROVIDED TO THE PURCHASER BEFORE THE COMPLETION OF ANY SALE

7.80.020 - Provision of written statement for a dog or cat; content.

Every pet dealer shall deliver to the purchaser of each dog and cat at the time of sale a written statement in a standardized form prescribed by the department of consumer affairs containing the following information and every pet shop shall keep such information on file for each animal at the store and keep on file for a period of not less than six months the following information:

A. For cats:

1. The breeders and/or broker's name and address and phone number, if known, or if not known, the source of the cat. If the person from whom the cat was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, phone number and federal dealer identification number and/or any local valley, city or county wide fancier permit number.
2. The date of the cat's birth, unless unknown because of the source of the cat and the date the dealer received the cat.
3. A record of the immunizations and worming treatments administered, if any, to the cat as of the time of sale, including the dates of administration and the type of vaccine or worming treatment.
4. A record of any known disease or sickness that the cat is afflicted with at the time of sale. In addition, this information shall also be orally disclosed to the purchaser.

B. For dogs:

1. The breeder's name and address and phone number, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, phone number, and federal dealer identification number, and/or any local valley, city or county wide breeder permit number.
2. The date of the dog's birth and the date the dealer received the dog. If the dog is not advertised or sold as purebred, registered, or registerable, the date of birth may be approximated if not known by the seller.
3. The breed, sex, color, and identifying marks at the time of sale, if any. If the dog is from a United States Department of Agriculture licensed source, the individual identifying tag, tattoo, or collar number for that animal. If the breed is unknown or mixed, the record shall so indicate.
4. If the dog is being sold as being capable of registration, the names and registration numbers of the sire and dam, and the litter number, if known.
5. A record of inoculations and worming treatments administered, if any, to the dog as of the time of sale, including dates of administration and the type of vaccine or worming treatment.
6. A record of any veterinarian treatment or medication received by the dog while in the possession of the pet dealer and either of the following:
 - a. A statement, signed by the pet dealer at the time of sale, containing all of the following:
 - (i) The dog has no known disease or illness.
 - (ii) The dog has no known congenital or hereditary condition that adversely affects the health of the dog at the time of the sale or that is likely to adversely affect the health of the dog in the future.

- b. A record of any known disease, illness, and any congenital or hereditary condition that adversely affects the health of the dog at the time of sale, or is likely to adversely affect the health of the dog in the future, along with a statement signed by a veterinarian licensed in the State of Nevada that authorizes the sale of the dog, recommends necessary treatment, if any, and verifies that the disease, illness, or condition does not require hospitalization or non-elective surgical procedures, nor is it likely to require hospitalization or non-elective surgical procedures in the future. A veterinarian statement is not required for intestinal or external parasites unless their presence makes the dog clinically ill or is likely to make the dog clinically ill. The statement shall be valid for seven days following examination of the dog by the veterinarian.
- C. For the purpose of this article, "non-elective surgical procedure" means a surgical procedure that is necessary to preserve or restore the health of the dog, to prevent the dog from experiencing pain or discomfort, or to correct a condition that would interfere with the dog's ability to walk, run, jump, or otherwise function in a normal manner.
- D. For the purposes of this article, "clinically ill" means an illness that is apparent to a veterinarian based on observation, examination, or testing of the dog, or upon a review of the medical records relating to the dog.
- E. A disclosure made pursuant to subsection B.6.b. shall be signed by both the pet dealer certifying the accuracy of the statement, and the purchaser of the dog acknowledging receipt of the statement. In addition, all medical information required to be disclosed pursuant to subsection B.6.b. shall be made orally to the purchaser.
- F. For purposes of this article, a disease, illness, or congenital or hereditary condition that adversely affects the health of a dog at the time of sale or is likely to adversely affect the health of the dog in the future shall be one that is apparent at the time of sale or that should have been known by the pet dealer from the history of veterinary treatment disclosed pursuant to this section.

7.80.030 - Sale of dogs and cats—Microchipping.

All dogs and cats sold must be microchipped and registered to the new owner.

7.80.040 Refund and Warranty

In addition to and independent of the requirements of NRS 574.490, a pet store must provide, in connection with the sale of each dog under the age of twelve months, the following:

- A. A warranty that, at a minimum:
 - 1. Covers any such dog for bacterial or viral infections for the period of fourteen days following purchase;
 - 2. Covers any such dog for one year regarding congenital defects; and
 - 3. Sets forth the available remedies, prerequisites and procedures pertaining to the warranty in each particular case.
- B. An offer to the purchaser to provide at least thirty days of free pet health insurance regarding the dog.
- C. No pet shop shall sell a dog or cat unless the dog or cat has been declared healthy by a veterinarian within ten days prior to its sale and the pet shop provides to the purchaser of the dog or cat proof of the declaration of the animal's health, signed by a veterinarian.

Chapter 7.90 ENFORCEMENT PROVISIONS

7.90.010 - General provisions.

- A. General provisions.
 - 1. Authority of the director and his or her designees. The director is authorized and directed to administer and enforce this Code. The director and his or her designee(s), referred to herein as "animal protection official(s)" or "animal protection officers(s)", have the authority to determine whether a violation of this Code exists and to take appropriate action to gain compliance with this Code. This authority includes the power to issue notices, orders, administrative and misdemeanor citations and fines, the power to inspect public and private property and to abate violations, and the power to use any other remedies available under this Code, other provisions of the Henderson Municipal Code, and Nevada law.
- B. Administrative enforcement procedures and remedies.

1. Notice of violation and order to correct. Except as otherwise provided herein, when the animal protection official has determined that a violation of this Code exists, the animal protection official may issue a notice of violation and order to correct to the property owner, the animal's owner if different from the property owner, and any other responsible party, in the following manner:
 - a. Form of notice and order. The notice and order shall be in writing and shall include:
 - (1) A description of the real property where the violation occurred sufficient for identification;
 - (2) A statement of the violation(s) and why the notice is being issued;
 - (3) A list of the corrections necessary to achieve compliance with this Code, if applicable;
 - (4) A correction order with a reasonable deadline achieve compliance, if applicable; and
 - (5) A statement advising that administrative fees and fines may be assessed in the event the owner or other responsible party fails to correct the stated violations of this Code by the stated deadline.
 - b. Method of service. A notice and order shall be deemed properly served if a copy is:
 - (1) Personally served to the property owner, animal owner, and/or other responsible party, with a signed certificate of service prepared by the animal protection official effectuating service. If personal service is effectuated upon a responsible party other than the property owner, a copy of the notice shall be sent by first-class mail to the property owner as shown in the records of the Clark County Assessor;
 - (2) Sent by certified mail, return receipt requested, to the owner of the property as shown in the records of the Clark County Assessor:

- (a) If the notice is returned by the U.S. Postal Service showing that it was not delivered, a copy thereof shall be posted in a conspicuous place in or about the building, structure, lot, or premise of the subject property. It shall be unlawful for any person to remove, alter, deface, tamper with, or alter the visibility of any notice and order posted at the premises pursuant to this Code. Service of the notice and order shall be complete upon certified mailing or, if the notice and order is returned, posting on the premises. The failure of the owner to receive a certified mailing of the notice and order does not affect the validity of any enforcement proceeding taken under this Code;
 - (b) A certification of notice and order posting shall be completed by the animal protection official stating the name of the animal protection official posting the notice, the date and time of the posting, the address of the property where the notice and order was posted, and a brief description of the location on the property where the notice and order was posted;
 - (3) Posted in a conspicuous place in or about the building, structure, lot, or premise and sent by first-class mail to the owner of the property as shown in the records of the Clark County Assessor; or
 - (4) Sent by electronic mail ("email") to the owner and any other responsible party if the recipient(s) has provided written, signed consent to receive service of notices under this section 7.90.10 by email and has provided their email address. If a notice and order served via email returns undeliverable, one of the other methods of service in this section shall also be employed.
2. Administrative fees. Expenses incurred by the city in investigating, inspecting and re-inspecting property that is the subject of a violation, as well as any other processing costs related to enforcement of this Code may be recovered through the issuance of administrative fees pursuant to the administrative fee schedule established by the city council and set forth in section 07.90.040. Administrative fees may be imposed in conjunction with abatement expenses or the issuance of administrative citations. In addition to any other lawful means of collection, administrative fees may be collected in the same manner and at the same time as administrative fines and any costs incurred by the city in performing abatements.

3. Administrative citations and fines. Administrative citations and fines may be imposed for violations of any of the provisions of this Code and may be issued following a failure to comply with a notice of violation and order to correct by the stated deadline.
 - a. Procedure for issuance of citation and fine.
 - (1) Administrative fines shall be assessed by means of an administrative citation issued by the animal protection official and shall be payable directly to the city.
 - (2) An administrative citation shall contain:
 - (a) The name and address of the property owner, animal owner if different from the property owner, business owner, if applicable, and any other responsible party and the address or legal description of the property where the violation is occurring;
 - (b) A statement of the provisions of this Code that have been violated and the date of the violation(s);
 - (c) The action required to correct the violation(s) and a deadline for compliance after which the city may proceed to take the stated correction action to abate the violation, if applicable;
 - (d) The amount of administrative fines and fees imposed for the violation(s);
 - (e) A statement that each day the owner or other responsible party does not correct or abate the violation after the date of the administrative citation may constitute a separate violation subjecting the owner to additional fines;
 - (f) A statement that the owner or responsible party may appeal the fine and request a hearing within ten calendar days of the date the administrative citation is served; and
 - (g) An address and telephone number of an animal protection official with whom contact regarding the violation can be made.

- (3) An administrative citation shall be served on the property owner, responsible party, or animal owner via personal service or via certified mail, return receipt requested. A certificate of service shall be completed by the animal protection official who effectuated service of the citation. Service shall be complete upon mailing or personal service of the citation. The failure of the owner to receive the citation shall have no effect on the validity of any fines issued.
- b. Accumulation of fines. If the owner or other responsible party fails to correct the violation, subsequent administrative citations may be issued for the same violations. Each day that a violation continues shall constitute a separate violation. The amount of fines assessed for each administrative citation issued for the same violations shall be specified in the fee resolution adopted by the city council as set forth in section 07.90.040 Payment of the fine shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the city.
- c. Appeal of an administrative citation, fines, and permit revocation. Appeal of an administrative citation, fines, and fees shall be made in accordance with the procedures of section 7.90.020.
- d. Failure to pay administrative fines and fees.
 - (1) If not appealed, administrative fines and fees are immediately due and payable. Failure to issue payment shall constitute a violation of this Code. The city may take any lawful collection action deemed necessary and appropriate to recover the administrative fine amounts owed, including but not limited to the city attorney filing a petition in a court of competent jurisdiction for the entry of a civil judgment against the property owner in an amount equal to the unpaid fine and/or fee amounts owed, or referral of the unpaid amounts to a collection agency for recovery.

- (2) In addition to the fines assessed pursuant to this chapter, the person responsible for any violation shall be liable for an additional collection fee where the collection of the fines provided for herein is referred for collection. The amount of such fee shall be 25 percent of the outstanding indebtedness or \$250.00, whichever is less. The amount of any such collection fee shall accrue and become due and payable at the time the indebtedness is referred for collection to the collection agency, and that amount may be added by the collection agency to the amount sought to be collected. Any judgment or amended judgment entered under this chapter may include the amount of the collection fee authorized herein.
4. Revocation of animal related permit. Animal protection services may initiate revocation of any animal related permit issued in accordance with HMC 7.04, 7.60, 7.65, 7.70, 7.75, or 7.80.

Administrative fines may be imposed, in addition to revocation, for violations of any of the provisions of this Code, including failure to comply with any final order issued through the appeal process.

a. Procedure for revocation of animal related permit.

- (1) A letter of revocation and order to discontinue the permitted operation shall be sent to the permit holder by the animal protection administrator.
- (2) A letter of revocation shall contain:
 - (a) The name and address of the property owner, business owner, permit holder, and any other responsible party and the address or legal description of the property where the violation is occurring. If the permit is for a mobile vendor, then the permit holder's address shall be used;
 - (b) A statement of the provisions of this Code that have been violated and the date of the violation(s);
 - (c) The action that caused the revocation of the permit;
 - (d) The amount of administrative fines and fees imposed for the violation(s);
 - (e) A statement that each day the owner or other responsible party does not correct or abate the violation after the date of the administrative citation may constitute a separate violation subjecting the owner to additional fines;

- (f) A statement describing the permit holder's rights of appeal as outlined in HMC 7.90.020; and
 - (f) An address and telephone number of the animal protection administrator with whom contact regarding the violation can be made.
- (3) A letter of revocation shall be served on the property owner, permit holder, or animal owner via personal service or via certified mail, return receipt requested. A certificate of service shall be completed by the animal protection officer who effectuated service of the citation. Service shall be complete upon mailing or personal service of the letter. The failure of the permit holder/owner to receive the letter of revocation shall have no effect on the validity of any fines issued.

7.90.020 - Appeal of Administrative Enforcement Actions.

Appeal procedures. This section establishes the procedures for appealing administrative enforcement actions under this Code, including procedures for conducting administrative appeal hearings.

A. Procedures for requesting and setting an appeal hearing.

- (1) An owner, permit holder, or other responsible party (referred to herein as the "appellant") may request an appeal hearing by submitting a written request to the director that:
 - (a) Identifies the enforcement action that the person is contesting;
 - (b) Sets forth the facts supporting the appeal;
 - (c) Identifies the requested relief; and
 - (d) Is delivered to and received by the director personally or by mail (as postmarked) no later than the tenth day following the date of the notice, order or citation being appealed.
- (2) A timely request for hearing shall stay the enforcement of the appealed action and toll the deadline for compliance, accrual of fines and fees, and payment of fines and fees. An untimely request for appeal shall not be considered and instead shall be dismissed.

- (3) The director or designee shall set a hearing and shall issue notice of the hearing date no later than ten days prior to the date set for the hearing, unless a shorter time period is agreed to in writing by the appellant. The notice shall state the date, time, and location of the hearing, and shall include a short explanation of the hearing process.

B. Hearing procedures.

- (1) The director or designee shall conduct and preside over the hearing. At the hearing, that person, referred to herein as the "presiding officer", shall direct the order of the proceedings and shall hear all evidence presented relevant to the subject violation(s), fines and/or fees.
- (2) The hearing shall be informal in nature. The presiding officer is not bound by evidentiary or procedural rules applicable to public hearings or judicial proceedings. The presiding officer shall have discretion to record the hearing.
- (3) The city will have an opportunity to present facts, statements, witness testimony, and other evidence to support its position. Affidavits or declarations of witnesses made under penalty of perjury may be presented by the city at the hearing if provided to the appellant no later than five days prior to the hearing.
- (4) The appellant will have an opportunity to present facts, statements, witness testimony, and other evidence to support his or her position. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if provided to the city no later than five days prior to the hearing.
- (5) During the appeal hearing, the presiding officer may gather any relevant information regarding the subject enforcement action to assist in making a final decision. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, and to limit the presentation of immaterial or unduly repetitious evidence.

- (6) After the conclusion of the hearing, the presiding officer shall consider all evidence presented relevant to the subject enforcement action and shall issue a decision regarding the disputed enforcement action. In his or her decision, the presiding officer is not authorized to grant exceptions or make modifications to the requirements of this Code. The decision shall be in writing and shall be issued no later than 30 days following the conclusion of the hearing and served on the appellant. The decision shall clearly state one of the following:
- (a) That the notice, order, citation, fine and/or fee is upheld, including a short statement of findings explaining the basis for the decision, and providing a deadline for curing the subject violation and payment of any fines and fees, with a notification that fines will resume accruing daily thereafter until the subject violation is corrected, if applicable;
 - (b) That the notice, order, citation, fine and/or fee is reversed, including a short statement of findings explaining the basis for the decision; or
 - (c) That the notice, order, citation, fine and/or fee is modified, including a short statement of findings explaining the basis for the decision, and providing a deadline for any modified compliance obligations and payment of fines and/or fees, with a notification that fines will resume accruing daily until the subject violation(s) is corrected, if applicable.
- (7) Any appellant who fails to appear at the hearing on the designated date and time is deemed to have waived the right to a hearing and to object to any of the proceedings at the hearing, provided that the hearing was properly noticed and no continuances were granted.

C. Post-hearing procedures.

- (1) The decision of the presiding officer is the final administrative action on the appeal.
- (2) In the event the decision or appeal requires abatement of a nuisance or correction of any violation under this Code, the owner or other responsible party must abate the nuisance or correct the violation within ten days after the date of the decision or within such other period as the decision may direct.

- (3) The provisions of section 7.90.010.B.4.d shall apply to the city's collection of unpaid administrative fines, fees and abatement costs upheld on appeal.

7.90.030 - Appeal of Revocation of Breeder, Animal Handler, Animal Establishment, Commercial Animal Establishment, Pet Fancier, and Mobile Animal Business Permit Procedure

Appeal procedures. This section establishes the procedures for appealing revocations of all animal-related permits issued under this Code, including procedures for administrative revocation appeal hearings. All appeals are limited by the provisions of this section 7.90.030.

- A. The director or his or her designee shall conduct and preside over the hearing. The director may designate appeals under this chapter to an appeals board established by the city council.
- B. At the hearing, the director or his or her designee, referred to herein as the "presiding officer", shall direct the order of the proceedings and shall hear all evidence presented relevant to the basis for the termination of registration. This may include the presentation of written evidence as well as testimony by City employees, the permit holder and any witnesses called by the City or the permit holder. Affidavits or declarations of witnesses made under penalty of perjury may be presented at the hearing if they are provided to the other party no later than five days prior to the hearing date.
- C. The hearing shall be conducted informally, shall not be constrained by evidentiary or procedural rules applicable to public hearings or judicial proceedings and shall provide a fair opportunity for the City and the permit holder to present evidence regarding the basis for revoking the permit. The presiding officer shall have the discretion to question witnesses, to allow rebuttal testimony, to limit the time of the hearing to a reasonable length, to limit the presentation of immaterial or unduly repetitious evidence, and to record the hearing.

- D. After the conclusion of the hearing, the presiding officer shall consider all evidence presented and shall issue a decision to 1) uphold the revocation of the permit, 2) reinstate the permit, or 3) allow the permit to be reinstated upon the completion of certain conditions. The decision shall be made in writing, shall clearly state the basis for the decision and any applicable deadlines for compliance with the decision, and shall be served no later than 30 days following the conclusion of the hearing. If the decision results in the permit revocation, it shall provide an effective date of revocation and include an order to cease operation of permit activities as of the effective date.
- E. The decision of the presiding officer may be is final. If the presiding officer upholds the revocation of a permit, the permit activities shall cease during the period pending appeal hearing. Activities covered by the permit during this period shall be subject to administrative fines for operation without a registration.

7.90.040 - Criminal Proceedings and Contents of Criminal Citation.

Criminal proceedings. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be guilty of a misdemeanor punishable by imprisonment in the Henderson Detention Center for not more than six months, and/or by a fine of not more than \$1,000.00. Each day such a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

- 1. Contents of criminal citation. An issued criminal citation shall be prepared electronically or manually in the form of a complaint and follow NRS 171.1773. At a minimum it shall contain:
 - a. The name and address of the owner or other responsible party in violation, as well as the address of the property where the violation has occurred or is occurring;
 - b. A statement of the provisions of this Code that have been violated including a brief description of the offense;
 - c. The standard bail amount and administrative assessments set by the Henderson Municipal Court for the violation;
 - d. The date, time and place of appearance for the owner, responsible person, firm, or corporation to appear in the Henderson Municipal Court; and
 - e. The signature of the officer preparing the citation.

2. Penalty. Any person, firm, or corporation that is convicted of any of the provisions of this Code is guilty of a misdemeanor punishable by a fine not exceeding \$1,000.00 imprisonment not exceeding six months, or by both such fine and imprisonment. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution or civil proceedings. In addition to this fine, administrative fees and court administrative assessments as set by NRS will be assessed.
3. Subsequent violations. Any person who is convicted of a violation of this Code for a third time for the same violation within a two-year period shall be guilty of a misdemeanor punishable by a minimum fine of not less than \$500.00 or by imprisonment not to exceed six months in the city jail or by both such fine and imprisonment. Each day that a violation of this chapter continues, whether pursued criminally or civilly, constitutes a separate violation for purposes of criminal prosecution.

7.90.050 - Animal Protection Services Revolving Account.

The animal protection services revolving fund is hereby established to fund the nuisance abatement of violations of this Code. All penalties and administrative fines collected in conjunction with the enforcement of this Code shall be deposited in this fund to be used by animal protection services to assist in the abatement of violations of this Code and/or the direct or indirect costs for the care and protection of animals.

07.90.030 Purpose of Administrative Fines.

The purpose of this administrative fine schedule is to establish monetary enforcement alternatives for the administrative citation and cost recovery components of the code.

07.90.040 – Administrative Fine.

Fee, Fine or Service Name/Description	Fee
Re-inspection fee (each)	\$150.00
Administrative citations and fines for residential properties/non-commercial:	
1st citation	\$100.00
2nd citation	\$300.00
3rd and/or subsequent citation(s)	\$500.00
Administrative citations and fines for commercial properties/commercial businesses:	
1st citation	\$250.00
2nd citation	\$500.00
3rd and/or subsequent citation(s)	\$1,000.00
Other Fees:	
Administrative violation processing fee ⁽¹⁾	\$150.00
Abatement ⁽²⁾	Actual Costs

⁽¹⁾ To recover any staff time and expense incurred in processing enforcement actions under this Code not included in the other fees set forth herein. May be issued on a one-time basis per violation if abatement action or administrative citation is required.

⁽²⁾ Actual labor and materials associated with abatement which includes, but is not limited to the removal of all animals, the boarding & associated care of animals, all reasonable medical expenses, whether expended by city staff or contractors hired for such purpose.

SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in *blue italics and underlined*.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses, or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on October 24, 2025, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 21st DAY OF OCTOBER, 2025.

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on October 7, 2025, which was a Regular Meeting, and referred to a Regular Meeting.

Thereafter, at the Regular Meeting of the Henderson City Council held October 21, 2025, the Ordinance was adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor
Councilmembers:
Carrie Cox
Monica Larson
Jim Seebock
Dan H. Stewart

Those voting nay: None
Those abstaining: None
Those absent: None

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in *blue italics and underlined*.