

BILL NO. 2009-44

ORDINANCE NO. _____

AN ORDINANCE TO REQUIRE THAT DOGS AND CATS OVER THE AGE OF FOUR MONTHS BE SPAYED OR NEUTERED, EXCEPT UNDER SPECIFIED CIRCUMSTANCES; TO REQUIRE THE MICROCHIPPING OF ANIMALS BEFORE THEY CAN BE RECOVERED FROM IMPOUND OR ADOPTED; AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Requires that dogs and cats over the age of four months be spayed or neutered, except under specified circumstances, and requires the microchipping of animals before they can be recovered from impound or adopted.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 7 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 14, consisting of Sections 10 to 70, inclusive, reading as follows:

7.14.010: Except as otherwise provided in Section 7.14.020, it is unlawful for any person to harbor within the City any dog or cat over the age of four months that has not been spayed or neutered. For purposes of this Section, the term "harbor" means to have legal ownership of, or to provide, on a regular basis, care, shelter, protection, refuge, nourishment, or medical treatment.

7.14.020: Section 7.14.010 does not apply to the harboring of a dog or cat:

(A) That is incapable of breeding, as determined in accordance with Section 7.14.030;

(B) That is medically unsuited to undergo a spay or neuter procedure, as determined in accordance with Section 7.14.030;

(C) That has received appropriate training and is being used:

(1) By a law enforcement agency for law enforcement activities;

(2) By a search and rescue agency for search and rescue activities;

(3) As a service animal, such as a guide animal, hearing animal, assistance animal, seizure alert animal, or social/therapy animal;

(D) By a pound, shelter, humane society or similar organization, whether public or

1 private, the principal purpose of which is securing the adoption of dogs or cats, provided that such
2 organization has a policy and rules requiring the spaying or neutering of all dogs and cats placed for
3 adoption by such organization; or

4 (E) By a person holding a valid dog fancier's permit, cat fancier's permit, breeder's
5 permit, or professional animal handler's permit issued pursuant to this Title.

6 **7.14.030:** For purposes of the exemptions set forth in Section 7.14.020, a dog or cat qualifies as:

7 (A) Incapable of breeding if a licensed veterinarian has so certified, in writing and
8 under oath;

9 (B) Medically unsuited to undergo a spay or neuter procedure if a licensed
10 veterinarian has certified, in writing and under oath, that a spay or neuter procedure would likely cause
11 the animal's death or substantially aggravate a physical condition of the animal. The certification shall
12 indicate the medical basis therefor and whether the unsuitability is permanent or temporary. If
13 temporary, the certificate shall indicate the period of time anticipated that the unsuitability will last.
14 For an exemption to apply beyond that period, a new certificate must be obtained.

15 **7.14.040:** Puppies and kittens born to dogs and cats that have not been spayed or neutered as
16 required by this Chapter shall be forfeited and may be given to the care of a local shelter for adoption.

17 **7.14.050:** (A) In order to assist the City in enforcing this Chapter, each pet shop within the
18 City shall provide to the Department of Detention and Enforcement, on a quarterly basis, a list of dogs
19 and cats sold by the pet shop during that quarter. The list shall include the following information for
20 each dog or cat:

21 (1) The name and residence address of the buyer.

22 (2) The address of the location where the dog or cat will reside, if not the
23 same as the buyer's residence.

24 (3) The breed and approximate age.

25 (4) A description, including principal colors.

26 (B) Failure to comply with Subsection (A) of this Section shall be grounds for non-
27 renewal of, or disciplinary action against, a business license.

28 **7.14.060:** Persons who, on December 1, 2009, are harboring a dog or cat subject to the

requirements of Section 7.14.010 shall have until April 1, 2010, to comply with those requirements.

7.14.070: (A) Any person who violates Section 7.14.010 is guilty of a misdemeanor and shall be punished as follows:

- (1) For the first offense, by a fine of two hundred twenty-five dollars.
- (2) For a second offense, by a fine of five hundred dollars.
- (3) For a third and subsequent offense, by a fine of one thousand dollars.

(B) The penalty set forth in Subsection (A) shall be reduced by eighty percent if proof of sterilization of the dog or cat is produced within thirty days after issuance of the citation.

SECTION 2: Title 7, Chapter 20, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.20.010: (A) Unless otherwise directed by the Animal Regulation Officer, and subject to the provisions of Subsection (B), any dog or cat running at large wearing a current City license tag as required by this Title may be returned to its owner by the Animal Control Officer if the dog or cat:

- (1) Is captured within a one mile radius of the owner's residence;
- (2) Has not previously been returned to its owner pursuant to this Subsection within the past six months; [and]
- (3) [The] Can be secured at the residence of the owner, and the owner is home and willing to take possession of the dog or cat; and [, and the dog or cat can be secured at the residence of the owner.]
- (4) Has been spayed or neutered in accordance with Chapter 7.14, if so required by that Chapter.

(B) Any dog or cat running at large may be impounded by the Animal Control Officer at the Animal Control Center if the dog or cat:

- (1) Does not qualify to be returned to its owner pursuant to Subsection (A);
- (2) Is afflicted or suspected of being afflicted with rabies;
- (3) Has a history of biting;
- (4) Is a vicious animal; [or]
- (5) Is sick or injured and the owner cannot be personally contacted or is

1 unable to take immediate possession of the dog or cat[.]; or

2 (6) Has not been spayed or neutered in accordance with Chapter 7.14 and
3 is required by that Chapter to be spayed or neutered, all as determined by the Animal Control Officer.

4 (C) Upon proof of ownership, the owner shall be able to remove the dog or cat from
5 impoundment, subject to the provisions of this Section and LVMC 7.20.080, upon payment of an
6 impound fee of twenty-five dollars plus payment of boarding fees of [five] ten dollars per day or part
7 thereof; provided, however, these impound and boarding fees may be waived or partially waived if
8 the owner is indigent and qualifies, pursuant to regulations adopted by the Animal Regulation Officer,
9 for such waivers. Fees paid pursuant to this Subsection shall go to the credit of the City.

10 (D) If any such animal is licensed and the license tag has been lost, the same shall,
11 before the release of the animal from the Animal Control Center, be replaced at the expense of the
12 owner at a cost of five dollars, payable to the Animal Regulation Officer.

13 (E) If such dog or cat is unlicensed, its release shall be conditioned upon the
14 delivery of a certificate of vaccination to the Animal Regulation Officer, and the payment to said
15 Animal Regulation Officer of the license fee in accordance with the provisions of this Title,
16 whereupon such owner so reclaiming such dog or cat shall be entitled to a license and numbered
17 license tag.

18 (F) If the dog or cat is unvaccinated, the owner shall also be required to have the
19 dog or cat vaccinated prior to release.

20 (G) If the dog or cat has not been spayed or neutered in accordance with Chapter
21 7.14 and is required by that Chapter to be spayed or neutered, the owner shall also be required to have
22 the dog or cat spayed or neutered prior to release.

23 SECTION 3: Title 7, Chapter 20, Section 20, of the Municipal Code of the City of
24 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **7.20.020:** It is unlawful for the owner of any unspayed female dog or cat to suffer, permit, or
26 allow their dog or cat to run at large while the dog or cat is in its copulating season, and the owner of
27 such female dog or cat shall keep the same secured upon his premises in an adequately enclosed area
28 or in a boarding kennel so that other dogs or cats shall not have access thereto. Every female dog or

1 cat which is not kept in conformance with this Section shall be immediately seized and impounded
2 in the Animal Control Center and held subject to the provisions of this Chapter.

3 SECTION 4: Title 7, Chapter 20, Section 30, of the Municipal Code of the City of
4 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **7.20.030:** (A) The fee for impounding such dog or cat as provided in Section 7.20.020 shall
6 be fifty dollars, plus [five] ten dollars per day or any part thereof, twenty-five dollars of which can,
7 at the option of the owner, be applied toward the spaying of the dog or cat at a veterinarian of the
8 owner's choice if the spaying is performed within ninety days. The Animal Regulation Officer shall
9 forward the [thirty-five] twenty-five dollars to the veterinarian upon the latter's proof of the spaying
10 of the dog or cat. [Should the owner opt not to have the spaying performed, the entire fifty dollars shall
11 be retained by the City.]

12 (B) If a dog or cat running at large in copulating season is captured by the Animal
13 Regulation Officer for the second time within a five-year period of the first capture in copulating
14 season, then a fine of one hundred dollars plus [five] ten dollars per day for any time over twenty-four
15 hours shall be levied by the City. [with the same option of spay to the owner of the dog or cat as on
16 the first capture.]

17 (C) All subsequent captures in copulating season within a five-year period of the
18 first capture shall cause a fine of one hundred fifty dollars plus [five] ten dollars per day for any time
19 over twenty-four hours to be levied by the City. [with the same option to the owner of the dog or cat
20 as on the first capture.]

21 SECTION 5: Title 7, Chapter 20, Section 80, of the Municipal Code of the City of
22 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **7.20.080:** (A) Any animal impounded in the Animal Control Center as provided in this Title
24 shall be kept for a minimum of seventy-two hours; provided, however, that any such animal may, after
25 the first seventy-two hours, be released to any person who shall pay all reasonable veterinary medical
26 costs incurred by the City and any other [appropriate fees as provided] fees and charges as required
27 in this Title; provided, however, that if ownership is proven, the owner may pick up the animal at any
28 time contingent on compliance with all provisions of this Title.

1 (B) If the ownership of an animal is not proven or if such animal is not released
2 pursuant to Subsection (A) of this Section within seventy-two hours, or within the ten-day period of
3 observation for rabies as provided in Chapter 7.24, the animal may be destroyed in a humane manner
4 in compliance with and pursuant to the provisions of Sections 7.32.260 through 7.32.290, under the
5 direction of the Animal Regulation Officer.

6 (C) If the animal is on a court or Animal Regulation Officer's hold to determine if
7 the animal is vicious, the owner must pay the impound fee of twenty-five dollars plus payment of
8 boarding fees of ten dollars per day or any part thereof until the animal has been released. Payment
9 shall go to the credit of the City.

10 (D) Any sick or injured animal may be euthanized at any time after impoundment
11 if inhumane suffering may be prevented in the professional judgment and certification of the shelter
12 services or contracted veterinarian.

13 (E) Any feral cat impounded in the Animal Control Center may be euthanized after
14 forty-eight hours if the cat has been deemed feral by both the shelter services veterinarian and an
15 Animal Control Officer.

16 SECTION 6: Title 7, Chapter 20, Section 90, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **7.20.090:** No dog or cat [so] impounded under the provisions of this Chapter shall be released
19 to any person except upon performance of the following conditions:

20 (A) There has been presented to the Animal Regulation Officer a current license
21 for such dog or cat issued by the City, County or one of their political subdivisions, or a current license
22 from any other state or nation, or a political subdivision of the same, by the person owning or
23 possessing such dog or cat;

24 (B) Where the person owning, keeping, harboring, or possessing such dog or cat
25 is a resident of the City and the dog or cat is unlicensed, there has been paid to the Animal Regulation
26 Officer the license fee for a City dog or cat license as provided by law;

27 (C) There has been paid all appropriate licensing and certification fees as provided
28 by law;

1 (D) The Animal Regulation Officer has determined that such dog or cat does not
2 have or is not reasonably suspected of having rabies[.];

3 (E) The dog or cat has been spayed or neutered in accordance with Chapter 7.14,
4 if so required by that Chapter; and

5 (F) The dog or cat has been microchipped pursuant to Section 7.20.105 and the cost
6 thereof paid by the person to whom the dog or cat is released.

7 SECTION 7: Title 7, Chapter 20, Section 100, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

9 **7.20.100:** [Before the release of any animal by way of an adoption, an adoption fee, plus the cost
10 of sterilization and rabies vaccination, will be paid to the Animal Regulation Officer. All dogs and
11 cats older than four months must be sterilized prior to being released for adoption from the Animal
12 Control Center.]

13 (A) In order for a person to adopt a dog or cat older than four months from the
14 Animal Control Center, the dog or cat must first be sterilized.

15 (B) In order for a person to adopt any animal from the Animal Control Center, the
16 animal must first be microchipped pursuant to Section 7.20.105.

17 (C) The person adopting an animal pursuant to this Section must first pay an
18 adoption fee, plus the costs of sterilization, rabies vaccination and microchipping.

19 SECTION 8: Title 7, Chapter 20, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 105,
21 reading as follows:

22 **7.20.105:** For purposes of Sections 7.20.090 and 7.20.100, microchipping of an animal refers to
23 the implantation of an electronic identification microchip under the skin of the animal where the
24 manufacturer of the microchip has been approved by the Animal Regulation Officer and the
25 implantation conforms to procedures recommended by the manufacturer.

26 SECTION 9: By means of future resolution, the City Council may:

27 (A) Authorize the creation of a fund to subsidize the reasonable cost of spay and
28 neuter procedures for animals owned by persons who qualify for designated public assistance

1 programs; and

2 (B) Dedicate to such fund a specified percentage of revenue that is generated by
3 means of the enforcement of Section 1 of this Ordinance.

4 SECTION 10: If any section, subsection, subdivision, paragraph, sentence, clause or
5 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
6 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
7 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
8 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
9 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
10 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
11 invalid or ineffective.

12 SECTION 11: Whenever in this ordinance any act is prohibited or is made or declared
13 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
14 required or the failure to do any act is made or declared to be unlawful or an offense or a
15 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
16 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
17 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
18 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 12: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 10-7-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2009, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BEVERLY K. BRIDGES, CMC
City Clerk

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