

1 **BILL NO. 2018-15**

2 **ORDINANCE NO. \_\_\_\_\_**

3 AN ORDINANCE PERTAINING TO THE SALE OF DOGS AND CATS BY PET SHOPS; AMENDING  
4 LVMC TITLES 6 AND 7 TO UPDATE THE LICENSING AND ANIMAL CONTROL PERMIT  
5 PROVISIONS GOVERNING PET SHOPS AND ASSOCIATED BUSINESSES BY ESTABLISHING  
6 ADDITIONAL REQUIREMENTS PERTAINING TO THE SALE OF DOGS AND CATS, INCLUDING  
7 UPDATED FEE REQUIREMENTS; AND PROVIDING FOR OTHER RELATED MATTERS.

6 Sponsored by: Councilman Steven G. Seroka

Summary: Amends LVMC Titles 6 and 7 to  
update the licensing and animal control permit  
provisions governing pet shops and associated  
businesses by establishing additional  
requirements pertaining to the sale of dogs and  
cats, including updated fee requirements.

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

12 SECTION 1: Title 6 of the Municipal Code of the City of Las Vegas, Nevada, 1983  
13 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 98 and consisting of  
14 Sections 10 to 40, inclusive, reading as follows:

15 **6.98.010:** For purposes of this Chapter:

16 "Breeder" has the meaning ascribed to it in LVMC 7.04.120.

17 "Distributor" means a person who acts as the agent or contractor of a pet shop to obtain and transport  
18 dogs, cats or a combination thereof to a pet shop for purposes of sale.

19 "Pet shop" has the meaning ascribed to it in LVMC 7.04.350.

20 **6.98.020:** It is unlawful to do any of the following within the City without first obtaining and  
21 maintaining the corresponding license in accordance with this Chapter:

22 (A) Engage in business as a breeder;

23 (B) Operate a pet shop; or

24 (C) Engage in business as a distributor.

25 **6.98.030:** (A) Each breeder, distributor and pet shop shall comply with the provisions of NRS  
26 Chapter 574 and LVMC Title 7 that pertain to such operations.

1 (B) For purposes of enforcing this Chapter, the Director, Metro and officers and  
2 employees of the City who are authorized to enforce LVMC Title 7 shall have the authority to issue citations  
3 or notices of violation, and to conduct inspections, investigations and audits regarding the operation of each  
4 breeder, distributor and pet shop, including without limitation the transportation of dogs and cats to and from  
5 a pet shop and documentation regarding the acquisition and disposition of dogs and cats by a pet shop.

6 (C) Each pet shop shall post one or more signs no lower than three feet and no higher  
7 than seven feet at each entrance and exit of the establishment indicating that concerns about the welfare of  
8 animals within the establishment can be reported to the City's Animal Control Division at the Division's  
9 telephone number as listed on the sign. Each such sign shall contain the text and be in the size and format  
10 approved by the Department. The Department will make such signs available to each pet shop, but the  
11 posting of compliant signs is required whether or not actual signs have been obtained from the Department.

12 **6.98.040:** Each breeder and pet shop shall pay a semi-annual license fee in accordance with LVMC  
13 6.04.005. Each distributor shall pay a license fee of ten dollars for each dog or cat that it transports to a pet  
14 shop for purposes of sale.

15 SECTION 2: Title 7, Chapter 4, Section 120, of the Municipal Code of the City of Las  
16 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **7.04.120:** "Breeder" means any person who, for pay or other compensation, causes the breeding of a  
18 male or female dog or cat or makes a dog or cat available for breeding purposes, [or any person who sells  
19 or offers for sale any dog or cat.] where any of the activities related to breeding, sale or offer to sell occurs  
20 within the City. The term also includes any other person who regularly sells or offers for sale any dog or  
21 cat, to the extent not otherwise covered under this Title.

22 SECTION 3: Title 7, Chapter 4, Section 350, of the Municipal Code of the City of Las  
23 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 **7.04.350:** "Pet shop" means any profit-making or commercial establishment, premises, or part  
25 thereof, that is operated or maintained for the purchase, sale, or exchange [or hire of animals of any type;  
26 except that the term shall not include livestock auctions.] of animals whose principal purpose is for

1 personal appreciation and companionship. The term does not include livestock auctions or other  
2 establishments that provide animals for use in commercial or research operations.

3 SECTION 4: Title 7 of the Municipal Code of the City of Las Vegas, Nevada, 1983  
4 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 42 and consisting of  
5 Sections 10 to 90, inclusive, reading as follows:

6 **7.42.010:** For purposes of this Chapter:

7 "Animal care facility" means the Animal Control Center or any other facility:

8 (A) That is operated by, or under contract with and on behalf of, any unit of state or local  
9 government; and

10 (B) Whose mission and practice consists, in whole or significant part, of the rescue and  
11 placement of animals in permanent homes.

12 "Animal Welfare Act and regulations" means the animal welfare provisions of 7 U.S.C. Section 2131  
13 et seq. and the corresponding federal animal welfare regulations located in 9 C.F.R. Chapter I, Subchapter  
14 A.

15 "Broker" means any person in the business of selling dogs or cats to pet shops, whether or not the  
16 broker is also the breeder of the dogs or cats sold to pet shops.

17 "Distributor" means a person who acts as the agent or contractor of a pet shop to obtain and transport  
18 dogs, cats or a combination thereof to a pet shop for purposes of sale.

19 "Microchipping" and other forms of the word shall be deemed to include both the subcutaneous  
20 insertion of a registered microchip into a dog or cat and a registration that includes the animal's date of birth,  
21 the breeder's name and address, and the breeder's USDA license number.

22 "Nonprofit animal rescue organization" means any nonprofit organization which has tax-exempt  
23 status under Section 501(c)(3) of the Internal Revenue Code and whose mission and practice consists, in  
24 whole or significant part, of the rescue and placement of animals in permanent homes.

25 "USDA" means the United States Department of Agriculture.

26 "USDA license number" means the license number issued to a breeder or broker by the USDA

1 pursuant to the Animal Welfare Act and regulations.

2 **7.42.020:** (A) No pet shop within the City shall sell any dog or cat unless it first obtains a permit  
3 to do so. The permit shall be in addition to the professional animal handler permit required of a pet shop  
4 pursuant to LVMC Chapter 7.40.

5 (B) The Animal Regulation Officer is authorized to charge an annual permit fee of five  
6 hundred dollars.

7 **7.42.030:** No pet shop shall sell or offer for sale, or purchase for resale, whether or not actually offered  
8 for sale by the pet shop, any dog or cat purchased from any breeder or broker who:

9 (A) If located in Nevada, is not in compliance with applicable Nevada law and local  
10 ordinances pertaining to the maintenance and care of animals and the sanitary operation of animal-related  
11 facilities at the time of such transaction or offer;

12 (B) If located outside of Nevada, is not in possession of all other licenses required for a  
13 breeder or broker by the state in which the breeder or broker is located or by the national and local  
14 jurisdictions having authority, if the breeder or broker is located outside the United States;

15 (C) Is not in possession of a current license issued by the USDA pursuant to the Animal  
16 Welfare and regulations;

17 (D) Within the two years immediately previous to the purchase, has been cited on a  
18 USDA inspection report for direct or critical noncompliance with the Animal Welfare Act and regulations,  
19 or for three or more other noncompliance items under the Animal Welfare Act and regulations that directly  
20 impact the health of an animal;

21 (E) On the two most recent USDA inspection reports immediately previous to the  
22 purchase, was cited for no-access violations pursuant to enforcement of the Animal Welfare Act and  
23 regulations; or

24 (F) Directly or indirectly obtained the animal from a breeder, broker, or other person,  
25 firm, corporation, or organization to whom Subsections (A), (B), (C), (D) or (E) of this Section applies.

26 **7.42.040:** Nothing in Section 7.42.030 shall be construed to:

- 1 (A) Prohibit a pet shop from:
- 2 (1) Purchasing for resale or adoption, selling, or offering for adoption, a dog or
- 3 cat purchased or otherwise obtained from an animal care facility or a nonprofit animal rescue organization.
- 4 (2) Transferring an adopted dog or cat to or from any entity enumerated in
- 5 Subsection (A) or to or from any pet shop.
- 6 (B) Mandate or encourage a pet shop to engage in the activities described in Paragraphs
- 7 (1) and (2) of Subsection (A).
- 8 (C) Endorse a pet shop's engaging in the activities described in Paragraphs (1) and (2)
- 9 of Subsection (A).
- 10 **7.42.050:** (A) Each breeder, pet shop and distributor shall comply with applicable provisions of
- 11 NRS Chapter 574 and the Animal Welfare Act and regulations.
- 12 (B) Each breeder and distributor shall ensure that all dogs and cats that are to be offered
- 13 for sale at a pet shop have been microchipped before being transported to the pet shop.
- 14 (C) No pet shop shall accept delivery of any dog or cat that it proposes to sell unless the
- 15 pet shop ensures that the animal has been microchipped.
- 16 (D) No pet shop shall sell or offer for sale any dog or cat unless it has been microchipped.
- 17 **7.42.060:** (A) Each pet shop subject to this Chapter has the burden of demonstrating compliance
- 18 with the provisions of this Chapter with respect to each dog or cat that it sells or offers for sale. In order to
- 19 facilitate the demonstration of such compliance and to facilitate the City's enforcement of this Chapter, each
- 20 such pet shop shall submit to the City on a quarterly basis a report detailing:
- 21 (1) The name, full street address, email address, if available, and USDA license
- 22 number of each breeder or broker from which the pet shop purchased a dog or cat, whether or not the pet
- 23 shop offered the animal for sale, with a detailed listing of each such purchase. The purchase information for
- 24 each dog or cat must include the identification or registration number of the microchip implanted in the
- 25 animal.
- 26 (2) To the extent not included in Paragraph (1), the name, full street address,

1 email address, if available, and USDA license number of each breeder that bred a dog or cat purchased by  
2 the pet shop from a broker, whether or not the pet shop offered the animal for sale, with a detailed listing of  
3 each such purchase.

4 (3) The state license number(s) and/or state permit number(s) of each breeder  
5 and broker referred to in Paragraphs (1) and (2) if a state license or permit is required of the breeder or broker  
6 to operate as such within the state(s) in which it operates. In the case of a breeder or broker located outside  
7 the United States, the corresponding license and permit numbers from the foreign authorities having  
8 jurisdiction shall be provided.

9 (4) The total number of dogs and cats reported as being purchased from each  
10 breeder and broker pursuant to this Section.

11 (B) The Animal Regulation Officer is authorized to require each pet shop to document  
12 to the City its compliance with the provisions of NRS 574.450 to 574.510, inclusive, either by periodic  
13 reporting, periodic announced inspections, periodic unannounced inspections, audits, or a combination  
14 thereof.

15 (C) Upon request, each pet shop shall make available to a prospective buyer of a dog or  
16 cat all information regarding that animal that is required to be documented or reported under this Chapter,  
17 NRS Chapter 574 and the Animal Welfare Act and regulations.

18 **7.42.070:** Each distributor subject to this Chapter has the burden of demonstrating compliance with the  
19 provisions of this Chapter with respect to each dog or cat that it arranges for delivery to a pet shop for  
20 purposes of sale. In order to facilitate the demonstration of such compliance and to facilitate the City's  
21 enforcement of this Chapter, each such distributor shall submit to the City on a quarterly basis a report  
22 detailing:

23 (A) The name, full street address, email address, if available, and USDA license number  
24 of each breeder or broker from which the distributor obtained a dog or cat for delivery to a pet shop, with a  
25 detailed listing of each such transaction. The transaction information for each dog or cat must include the  
26 identification or registration number of the microchip implanted in the animal.

1 (B) To the extent not included in Subsection (A), the name, full street address, email  
2 address, if available, and USDA license number of each breeder that bred a dog or cat obtained by a  
3 distributor for delivery to a pet shop, with a detailed listing of each such transaction.

4 (C) The state license number(s) and/or state permit number(s) of each breeder and broker  
5 referred to in Subsections (A) and (B) if a state license or permit is required of the breeder or broker to operate  
6 as such within the state(s) in which it operates. In the case of a breeder or broker located outside the United  
7 States, the corresponding license and permit numbers from the foreign authorities having jurisdiction shall  
8 be provided.

9 (D) The total number of dogs and cats reported as being obtained from each breeder and  
10 broker pursuant to this Section.

11 **7.42.080:** (A) The Animal Control Officer, officers of the Las Vegas Metropolitan Police  
12 Department, and officers and employees of the City within the Business Licensing Division shall have the  
13 authority to issue citations or notices of violation, and to conduct inspections, investigations and audits  
14 regarding the operation of each pet shop, including without limitation the transportation of dogs and cats to  
15 and from a pet shop and documentation regarding the acquisition and disposition of dogs and cats by a pet  
16 shop.

17 (B) The Animal Regulation Officer shall have the authority to develop and adopt forms,  
18 reports and other items of documentation to be used by pet shops and distributors in documenting compliance  
19 with this Chapter, and pet shops and distributors shall use such items of documentation as are required by the  
20 Animal Regulation Officer.

21 **7.42.090:** The requirements of this Chapter are independent of and in addition to the requirements of  
22 Chapter 7.40. Businesses subject to both chapters shall comply with the provisions of both chapters wherever  
23 possible. In the event of conflict or inconsistency, the more stringent provision shall apply unless the Animal  
24 Regulation Officer determines that enforcing or applying a less stringent provision of this Chapter is  
25 consistent with the Council's intent in adopting this Chapter.

26 SECTION 5: Title 7, Chapter 44, Section 110, of the Municipal Code of the City of Las

1 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2 **7.44.110:** The following civil penalties are established for violations of the provisions indicated below:

SECTION VIOLATED	PENALTY
7.08.010	One hundred fifty dollars
7.08.090	One hundred fifty dollars
7.08.140	One hundred fifty dollars
7.08.160	One hundred fifty dollars
7.12.010	Five hundred dollars
7.14.010	One hundred fifty dollars
7.20.020	Two hundred fifty dollars
7.36.010	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period) [One thousand dollars (3 <sup>rd</sup> offense within a twenty-four month period)]
7.36.020	One hundred fifty dollars
7.36.030	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period) [One thousand dollars (3 <sup>rd</sup> offense within a twenty-four month period)]
7.36.040	One hundred fifty dollars
7.36.050	One hundred fifty dollars
7.38.040	One hundred fifty dollars
7.38.041	One hundred fifty dollars
7.38.042	One hundred fifty dollars
7.38.043	One hundred fifty dollars
7.38.050	One hundred fifty dollars
7.38.060	One hundred fifty dollars
7.38.070	One hundred fifty dollars
7.38.100	Two hundred fifty dollars
7.42.030	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period)
7.42.050	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period)
7.42.060	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period)
7.42.070	Two hundred fifty dollars (1 <sup>st</sup> offense) Five hundred dollars (2 <sup>nd</sup> or subsequent offense within a twenty-four month period)

24 SECTION 6: Businesses that are existing on the effective date of this Ordinance shall  
25 comply with its provisions within six months.

26 SECTION 7: If any section, subsection, subdivision, paragraph, sentence, clause or phrase

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

7 SECTION 8: Whenever in this ordinance any act is prohibited or is made or declared to  
8 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required  
9 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of  
10 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon  
11 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of  
12 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation  
13 of this ordinance shall constitute a separate offense.

14 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,  
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983  
16 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2018.

18 APPROVED:

19 By \_\_\_\_\_  
20 CAROLYN G. GOODMAN, Mayor

21 ATTEST:

22 \_\_\_\_\_  
LUANN D. HOLMES, MMC  
City Clerk

23 APPROVED AS TO FORM:

24 Val Steed 5-15-18  
25 Val Steed, Date  
Deputy City Attorney

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the \_\_\_\_ day  
2 of \_\_\_\_\_, 2018, and referred to a committee for recommendation, the committee being  
3 composed of the following members \_\_\_\_\_;  
4 thereafter the said committee reported favorably on said ordinance on the \_\_\_\_ day of  
5 \_\_\_\_\_, 2018, which was a \_\_\_\_\_ meeting of said Council; that at said  
6 \_\_\_\_\_ meeting, the proposed ordinance was read by title to the City Council as first  
7 introduced and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_  
9 VOTING "NAY": \_\_\_\_\_  
10 ABSENT: \_\_\_\_\_

11 APPROVED:

12  
13 By \_\_\_\_\_  
CAROLYN G. GOODMAN, Mayor

14 ATTEST:  
15 \_\_\_\_\_  
16 LUANN D. HOLMES, MMC  
City Clerk

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