

1 FIRST AMENDMENT

2 BILL NO. 2021-14

3 ORDINANCE NO. 6777

4 AN ORDINANCE TO AMEND VARIOUS SECTIONS OF LVMC TITLE 7 TO UPDATE PROVISIONS
5 REGARDING ANIMAL CRUELTY AND RELATED PENALTIES, AND PROVIDE FOR OTHER
RELATED MATTERS.

6 Sponsored by: Councilman Stavros S. Anthony

Summary: Amends various sections of LVMC
7 Title 7 to update provisions regarding animal
cruelty and related penalties.

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

10 SECTION 1: Title 7, Chapter 32, Section 130, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **7.32.130:** It shall be unlawful to:

13 (A) Deprive any animal of necessary sustenance, food, drink or shelter;

14 (B) Expose any animal to the elements of the weather and to the extremes of heat or
15 cold[;]. Without limiting the general applicability of the preceding language of this Subsection (B), when the
16 temperature is expected to rise above one hundred five degrees Fahrenheit, additional mechanisms
17 appropriate for the animal species, including without limitation misters, swamp coolers or air conditioning,
18 must be provided to allow for the cooling of body temperature and the prevention of overheating;

19 (C) Fail or refuse to obtain for an animal veterinary care for illness, injury, disease or
20 infirmity; or

21 (D) Wilfully instigate, engage in, or in any way further an act of cruelty to any animal,
22 or any act to produce such cruelty.

23 SECTION 2: Title 7, Chapter 32, Section 160, of the Municipal Code of the City of Las
24 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

25 **7.32.160:** It [shall be a misdemeanor to confine an animal in any cage, coop, or fence barrier of a
26 size deemed insufficient by the Animal Control Officer, or to restrict any animal by leash, cord, or chain

1 of a length deemed insufficient for that type of animal by the Animal Control Officer.] is unlawful to:

2 (A) Restrain a dog in violation of NRS 574.100;

3 (B) Confine an animal in any cage, coop, or fence barrier of a size deemed insufficient
4 by the Animal Control Officer, or to restrict any animal by leash, cord, or chain of a length deemed
5 insufficient for that type of animal by the Animal Control Officer; or

6 (C) Tether, tie, chain or use other restraint on a dog for longer than ten hours during a
7 twenty-four hour period or at any time when the National Weather Service issues a heat advisory. This
8 Subsection (C) does not prohibit conduct permitted by NRS 574.100(4) and shall not be deemed to limit the
9 general applicability of Subsection (B).

10 SECTION 3: Title 7, Chapter 36, Section 50, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **7.36.050:** Subject to the provisions of LVMC 7.32.160 and applicable State law, [Every] every owner
13 or any person having possession, custody or control of any animal, and [keeps] keeping the same upon
14 premises under [his] the person's control, shall keep the animal restrained by a fence, cage, coop, chain, leash
15 or other adequate means so that [said animal shall] the animal does not leave or escape from the premises
16 upon which it [shall be] is kept; provided, however, that no person shall keep any such animal unless its
17 living area is kept clean and free from offensive odors, animal wastes, rodents, flies, or any other offensive
18 or unwholesome condition.

19 SECTION 4: Title 7, Chapter 44, Section 40, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **7.44.040:** (A) Any person owning, possessing or having the care, custody and control of any
22 animal, who:

23 (1) Wilfully refuses, fails or neglects to furnish to the Animal Regulation
24 Officer or an Animal Control Officer the information required under this Title;

25 (2) Wilfully refuses, fails or neglects to cause said animals to be registered and
26 pay said registration fee at the time and in the manner herein provided;

1 (3) Wilfully refuses, fails or neglects to perform any act or pay any other fee or
2 charge required by this Title to be performed or paid;

3 (4) Resists, interferes with or prevents the Animal Regulation Officer or an
4 Animal Control Officer in the exercise of their duties; or

5 (5) Violates any of the provisions of Chapters 7.04 to 7.44, is guilty of a
6 misdemeanor.

7 (B) Any person who violates any provision of Section 7.32.010, Section 7.32.030,
8 Section 7.32.120, [or] Section 7.32.130, Section 7.32.160, or any provision of Subsections (1), (2), (3) or (5)
9 of NRS 574.100 is guilty of a misdemeanor and:

10 (1) For the first offense within the immediately preceding seven years, shall be
11 sentenced to imprisonment for a term of not less than two days nor more than six months; the performance
12 of community service of not less than forty-eight hours nor more than one hundred twenty hours, and a fine
13 of not less than two hundred dollars nor more than one thousand dollars. A term of imprisonment imposed
14 pursuant to this paragraph may be served intermittently at the discretion of the judge, except that each period
15 of confinement must be not less than four consecutive hours and must occur at a time when the person is not
16 required to be at his place of employment or on a weekend;

17 (2) For the second offense or subsequent offense within the immediately
18 preceding seven years, shall be sentenced to imprisonment for a term of not less than ten days nor more than
19 six months; the performance of community service of not less than one hundred hours nor more than two
20 hundred hours, and a fine of not less than five hundred dollars nor more than one thousand dollars.

21 (C) In addition to any other fine or penalty provided in Subsection (B), a person who
22 violates any provision [of Section 7.32.010 or Section 7.32.130] described in Subsection (B) shall be ordered
23 to pay restitution for all costs associated with the care and impoundment of any mistreated animal, including
24 without limitation money expended for veterinary treatment, feed and housing.

25 (D) In connection with the imposition of any sentence pursuant to this Section, the court:
26 [may order the defendant to surrender ownership or possession of the mistreated animal.]

1 (1) May order the defendant to surrender ownership or possession of the
2 mistreated animal;

3 (2) Except as otherwise provided in Paragraph (3) below, may enter an order
4 prohibiting the defendant from harboring, owning, possessing, keeping or exercising control over any animal;
5 from residing in any household where an animal is present; and from working at or volunteering for a
6 business, animal shelter or other place where the person may access an animal, for a period not to exceed
7 four years; and

8 (3) In a case where the mistreated animal died as a result of the mistreatment,
9 must enter an order prohibiting the defendant from harboring, owning, possessing, keeping or exercising
10 control over any animal; from residing in any household where an animal is present; and from working at or
11 volunteering for a business, animal shelter or other place where the person may access an animal, for a period
12 of at least two years and not to exceed five years, beginning either on the date of conviction or, in the case of
13 a suspended sentence, at such other time as is determined by the court.

14 (E) If a person who owns, possesses or has custody, care and control of an animal resists,
15 interferes with or prevents the Animal Regulation Officer or an Animal Control Officer in the exercise of
16 their duties, or violates any of the provisions of Chapters 7.04 to 7.44, inclusive, the animal may be
17 impounded in accordance with the provisions of this Title.

18 (F) The City is authorized to treat a violation of the following provisions of this Title as
19 a civil infraction, which shall then subject the violator to a civil penalty in accordance with the provisions of
20 Sections 7.44.060 to 7.44.120, inclusive:

- 21 (1) Section 7.08.010 (relating to animal licensing);
- 22 (2) Section 7.08.090 (relating to license tags);
- 23 (3) Section 7.08.140 (relating to dog limitations);
- 24 (4) Section 7.08.160 (relating to cat limitations);
- 25 (5) Section 7.12.010 (relating to rabies vaccinations);
- 26 (6) Section 7.14.010 (relating to unspayed/unneutered animals);

- 1 (7) Section 7.20.020 (relating to unspayed female animals during copulating
- 2 season);
- 3 (8) Section 7.36.010 (relating to noise annoyance);
- 4 (9) Section 7.36.020 (relating to animal interference, damage, etc.);
- 5 (10) Section 7.36.030 (relating to animals at large), if the violation is witnessed
- 6 by the Animal Regulation Officer or an Animal Control Officer;
- 7 (11) Section 7.36.040 (relating to animal waste);
- 8 (12) Section 7.36.050 (relating to animal restraint and sanitation);
- 9 (13) Section 7.38.040 (relating to hogs and pigs);
- 10 (14) Section 7.38.041 (relating to potbellied pigs);
- 11 (15) Section 7.38.042 (relating to potbellied pigs);
- 12 (16) Section 7.38.043 (relating to potbellied pigs);
- 13 (17) Section 7.38.050 (relating to poultry and birds);
- 14 (18) Section 7.38.060 (relating to rabbits);
- 15 (19) Section 7.38.070 (relating to owner responsibilities); and
- 16 (20) Section 7.38.100 (relating to wild animal permits).

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

24 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to
25 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
26 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

1 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
2 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
3 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
4 of this ordinance shall constitute a separate offense.

5 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
7 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this 5th day of May, 2021.


9 APPROVED:

10 By 
11 CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13  5/6/21
14 LUANN D. HOLMES, MMC
City Clerk

15 APPROVED AS TO FORM:

16  5-5-21
17 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the 17th day of March, 2021, and referred to a committee for recommendation;
3 thereafter the said committee reported favorably on said ordinance on the 5th day of May,
4 2021, which was a regular meeting of said Council; that at said regular meeting, the
5 proposed ordinance was read by title to the City Council as amended and adopted by the
6 following vote:

7 VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Fiore,
8 Crear, Knudsen, Seaman and Diaz
9 VOTING "NAY": None
10 EXCUSED: None
11 ABSTAINED: None
12 THOSE NOT VOTING: None

13 APPROVED:

14 
15 _____
16 CAROLYN G. GOODMAN, Mayor

17 ATTEST:

18 
19 _____
20 LUANN D. HOLMES, MMC City Clerk

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001143488

APR 13 P 12:27

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/08/2021 to 04/08/2021, on the following days:

04 / 08 / 21

BILL NO. 2021-14

AN ORDINANCE TO AMEND LVMC 7.32.160 AND 7.44.040 TO UPDATE PROVISIONS REGARDING ANIMAL CRUELTY AND RELATED PENALTIES, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by:
Councilman Stavros S. Anthony

Summary: Amends LVMC 7.32.160 and 7.44.040 to update provisions regarding animal cruelty and related penalties.

At the City Council meeting of
March 17, 2021

BILL NO. 2021-14 WAS READ BY TITLE AND REFERRED TO A RECOMMENDING COMMITTEE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

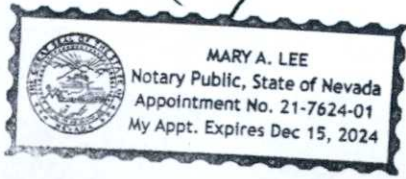
PUB: April 8, 2021
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 9th day of April, 2021

Notary *Mary Lee*



AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2021 MAY 13 A 11: 54

LV CITY CLERK
495 S MAIN ST
LAS VEGAS NV 89101

Account # 22515
Ad Number 0001147109

Eileen Gallagher, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for, was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/08/2021 to 05/08/2021, on the following days:

05 / 08 / 21

First Amendment

BILL NO. 2021-14
ORDINANCE NO. 6777

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Sponsored by: Councilman Stavros S. Anthony

Summary: Amends various sections of LVMC Title 7 to update provisions regarding animal cruelty and related penalties.

The above and foregoing ordinance was first proposed and read by title to the City Council on the 17th day of March, 2021, and referred to a committee for recommendation; thereafter the committee reported favorably on said ordinance on the 5th day of May, 2021, which was a regular meeting of said City Council; and that at said regular meeting the proposed ordinance was read by title to the City Council as amended and adopted by the following vote:

VOTING "AYE": Mayor Goodman and Councilmembers Anthony, Fiore, Crear, Knudsen, Seaman, and Diaz

VOTING "NAY": NONE

EXCUSED: NONE

COPIES OF THE COMPLETE ORDINANCE ARE AVAILABLE FOR PUBLIC INFORMATION IN THE OFFICE OF THE CITY CLERK, 2ND FLOOR, 495 SOUTH MAIN STREET, LAS VEGAS, NEVADA

PUB: May 8, 2021
LV Review-Journal

Eileen Gallagher

LEGAL ADVERTISEMENT REPRESENTATIVE

Subscribed and sworn to before me on this 10th day of May, 2021

Notary *Mary Lee*

