

WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: June 28, 2022

DATE: June 1, 2022

TO: Board of County Commissioners

FROM: Shyanne Schull, Director Regional Animal Services
Washoe County Regional Animal Services, 353-8900,
sschull@washoecounty.gov

THROUGH: Jan Galassini, Washoe County Clerk

SUBJECT: Request by the Director of Washoe County Regional Animal Services, through the Washoe County Clerk, and pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl), primarily to update provisions relating to dangerous and vicious dogs. The amendments are being requested to: repeal a section duplicative of state law related to harboring a vicious dog; add a section making it unlawful to fail to quarantine or surrender for quarantine biting animals or animals that have been in close contact with an animal suspected or known to have rabies; adding a section governing euthanasia of vicious dogs; add or amend definitions for “dangerous” dog, “vicious” dog, “animal”, “substantial bodily harm” and “provocation”; and amend provisions relating to: the dangerous and vicious dog determination process; exemptions under which a dog may not be found dangerous or vicious; the requirements for dangerous and vicious dog registration; the requirements for relocating or transferring ownership of a dangerous or vicious dog; unlawful acts by the owner or keeper of a dangerous or vicious dog; impoundment of a dog, both before and after a dangerous or vicious dog determination; and to update a section governing the criminal and civil penalties for a violation of chapter 55; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance in accordance with WCC 2.040. (All Commission Districts.)

SUMMARY

Regional Animal Services Department, through the County Clerk, requests (pursuant to Washoe County Code 2.030) to initiate proceedings to amend Washoe County Code Chapter 55 (Animals and Fowl) and enact an ordinance, primarily to revise provisions specific to dangerous and vicious dogs. The Director of Regional Animal Services is requesting these amendments to update processes that best conform to enforceable practices and to clarify provisions within WCC Chapter 55 relating to dangerous and vicious dogs. If the request is approved, the Board of County Commissioners is asked to direct the County Clerk to submit a request to the District Attorney to draft the proposed

AGENDA ITEM # _____

ordinance amending this code chapter. When the proposed ordinance is complete, the County Clerk will set an Introduction and First Reading.

PREVIOUS ACTION

February 11, 2022 – Animal Services Advisory Board reviewed, discussed and voted to recommend that the proposed changes to WCC Chapter 55 be submitted to the Board of County Commissioners. (Unanimous)

October 22, 2021 – Animal Services Advisory Board reviewed and discussed proposed changes to Washoe County Code Chapter 55.

January 24, 2020– Animal Services Advisory Board reviewed and discussed proposed changes to Washoe County Code Chapter 55.

June 9, 2015- The Board of County Commissioners enacted Ordinance No. 1558, which amended WCC Chapter 55 to revise provisions relating to dangerous dogs.

May 12, 2015- The Board of County Commissioners introduced and held a first reading of Ordinance No. 1558, which proposed amending Washoe County Code Chapter 55 to revise provisions relating to dangerous dogs.

BACKGROUND

WCC 2.030 provides that amendments to the Washoe County Code must be initiated by a request from the head of a Washoe County department to the County Clerk. Upon receiving the request, the County Clerk, pursuant to WCC 2.040, places the request on an agenda for consideration by the Board of County Commissioners. Upon a majority vote of the members present at the meeting, the Board may approve the request with any changes the Board desires. In considering the request, the Board may hear testimony from the proposer or any other person regarding the proposed changes. If approved, the Board would then direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance. Pursuant to WCC 2.050, when the District Attorney has completed the proposed ordinance, the County Clerk will place the proposed ordinance on the Board's agenda at a regularly scheduled meeting for an introduction and first reading in accordance with the adoption procedures set out in NRS 244.100.

As indicated in the attached letter, the Director of Washoe County Regional Animal Services has requested an amendment to Washoe County Code Chapter 55 (Animals and Fowl), primarily to update provisions relating to dangerous and vicious dogs.

The Department involved many staff in reviewing and recommending changes to Washoe County Code Chapter 55 from 2018 through 2022. Public input was received from the Animals Services Advisory Board and members of the public at three public meetings. The Advisory Board formally recommended these changes on February 11, 2022. The desired changes, additions and modifications include:

- Amend the county's current definition of a dangerous dog to include two categories: (1) Dangerous and (2) Vicious
- Define "*animal*" for the purposes of the dangerous dog code, as any dog, cat or other mammal that is kept by a person primarily for personal enjoyment, including livestock, but excluding fish, rodents or rabbits.
- Clarify that "substantial bodily harm" has the meaning as described in NRS 0.060.
- Refine the exceptions to a dangerous or vicious dog determination.

- Provide standardized, department-issued signage to be posted on properties containing dangerous or vicious dogs.
- Expand the approved housing for keeping of a dangerous or vicious dog to include the owner's dwelling, and update requirements in the event an outdoor enclosure is needed to standardize the size requirements and allow wider use of commercially available kennels.
- Differentiate the liability insurance requirements: (1) \$150,000 for dangerous dogs and (2) \$250,000 for vicious dogs. (Currently \$250,000 for all dangerous dogs).
- Strengthen requirements when the owner of a dangerous or vicious dog elects to relocate the dog within Washoe County, or move the dog outside of Washoe County.
- Strengthen requirements when the owner of a dog who has been declared potentially dangerous, dangerous or vicious in another jurisdiction elects to introduce that dog into Washoe County from another jurisdiction.
- Strengthen requirements when the owner of a dog owner who is awaiting a dangerous or vicious determination hearing elects to transfer ownership of the dog to another person.
- Specify and update requirements for keeping a dangerous or vicious dog.
- Clarify when a dog who is awaiting a dangerous or vicious dog determination hearing can be impounded.
- Clarify when a declared dangerous or vicious dog can be impounded.
- Add a new code section to grant authority to a Washoe County Administrative Hearing Officer to order a dog be euthanized if WCRAS requests that the animal be euthanized prior to the hearing (notice + opportunity for dog owner to be heard at hearing), and egregious specified criteria is proven at the hearing.
- Repeal a section in current code that criminalizes the harboring or transferring ownership of a vicious dog, as this code section is duplicative of state law.
- Update the penalties section of WCC Chapter 55 to reflect current practices.
- Clarify that it is unlawful to refuse to quarantine/surrender for impoundment for purposes of quarantine a biting animal or animal suspected of rabies which the Rabies Control Authority has ordered to be quarantined.

A more detailed chart of the requested amendments, which was presented to the Animal Services Advisory Board, is attached to this staff report as Attachment A.

FISCAL IMPACT

There is no fiscal impact to request initiation of proceedings to repeal, amend, or enact provisions in Washoe County Code.

RECOMMENDATION

It is recommended that The Board of County Commissioners approve a request by the Director of Washoe County Regional Animal Services, through the Washoe County Clerk, and pursuant to Washoe County Code ("WCC") 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl), primarily to update provisions relating to dangerous and vicious dogs. The amendments are being requested to: repeal a section duplicative of state law related to harboring a vicious dog; add a section making it unlawful to fail to quarantine or surrender for quarantine biting animals or animals that have been in close contact with an animal suspected or known to have rabies; adding a section governing euthanasia of vicious dogs; add or amend definitions for "dangerous" dog, "vicious" dog, "animal",

“substantial bodily harm” and “provocation”; and amend provisions relating to: the dangerous and vicious dog determination process; exemptions under which a dog may not be found dangerous or vicious; the requirements for dangerous and vicious dog registration; the requirements for relocating or transferring ownership of a dangerous or vicious dog; unlawful acts by the owner or keeper of a dangerous or vicious dog; impoundment of a dog, both before and after a dangerous or vicious dog determination; and to update a section governing the criminal and civil penalties for a violation of chapter 55; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance in accordance with WCC 2.040.

POSSIBLE MOTION

Should the Board agree with staff’s recommendation, a possible motion would be: “Move to approve a request by the Director of Washoe County Regional Animal Services, through the Washoe County Clerk, and pursuant to Washoe County Code (“WCC”) 2.030, to initiate amendments to WCC Chapter 55 (Animals and Fowl), primarily to update provisions relating to dangerous and vicious dogs. The amendments are being requested to: repeal a section duplicative of state law related to harboring a vicious dog; add a section making it unlawful to fail to quarantine or surrender for quarantine biting animals or animals that have been in close contact with an animal suspected or known to have rabies; adding a section governing euthanasia of vicious dogs; add or amend definitions for “dangerous” dog, “vicious” dog, “animal”, “substantial bodily harm” and “provocation”; and amend provisions relating to: the dangerous and vicious dog determination process; exemptions under which a dog may not be found dangerous or vicious; the requirements for dangerous and vicious dog registration; the requirements for relocating or transferring ownership of a dangerous or vicious dog; unlawful acts by the owner or keeper of a dangerous or vicious dog; impoundment of a dog, both before and after a dangerous or vicious dog determination; and to update a section governing the criminal and civil penalties for a violation of chapter 55; and direct the County Clerk to submit the request to the District Attorney for preparation of a proposed ordinance in accordance with WCC 2.040.”