



WASHOE COUNTY

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Risk Mgt	<u>N/A</u>
HR	<u>N/A</u>
Other	<u>CH</u>

STAFF REPORT

BOARD MEETING DATE: January 23, 2018

DATE: Thursday, January 18, 2018

TO: Board of County Commissioners

FROM: Carol Smith, Administrative Assistant II
353-8911, casmith@washoecounty.us

THROUGH: Shyanne Schull, Director of Animal Services

SUBJECT: Second reading and adoption of an ordinance amending Washoe County Code Chapter 55 by vacating the Animal Control Board; by labeling the existing permit to keep more than three adult dogs and/or seven adult cats within the congested areas of the county a “variance” permit; by amending provisions related to the application for a variance permit, the processing of a variance permit, the requirements of and conditions imposed upon a variance permit, the approval or denial of a variance permit, the revocation of a variance permit, and the appeal process; and by modifying containment requirements for keeping more than three adult dogs and/or seven adult cats, and all other matters properly relating thereto. (Bill No. 1793) (All Commission Districts)

SUMMARY

The Washoe County Commission introduced and held the first reading of two ordinances amending Washoe County Code (WCC) Chapter 55 (Animals and Fowl) on January 9, 2018.

The first ordinance vacates the Animal Control Board and modifies the current kennel/cattery permit process for persons wishing to possess over the legal limit of three adult dogs or seven adult cats within the congested areas of the county. This ordinance changes the “kennel/cattery” permit to refer to this type of permit as a “variance” permit. The ordinance also amends provisions related to the application for a variance permit, the application processing, the requirements placed on a variance permit, the approval process, the revocation process and the appeal process in the event the director of regional animal services denies an application for a variance permit or revokes a permit.

The second ordinance modifies provisions related to private exotic animal ownership in the county. This ordinance separates exotic animals into a three-tiered classification system based on the animal’s characteristics, the risk of the animal to public safety and

AGENDA ITEM # _____

public health, the invasiveness of the species, and concerns for animal welfare. Current Washoe County Code requires all owners of any exotic animal to obtain an exotic animal permit. This ordinance exempts tier 1 exotic animals (those animals customarily sold in a retail pet store) from the permitting requirement. The ordinance requires tier 2 and tier 3 exotic animals to be permitted. The ordinance also amends provisions related to the application for an exotic animal permit, the application processing, the requirements and conditions placed on an exotic animal permit, the approval process, the revocation process and the appeal process in the event the director of regional animal services denies an application for an exotic animal permit or revokes an existing permit.

BACKGROUND

WCC Chapter 55 was written to create a unified animal control code, which was adopted by ordinance on June 14, 2005 in accordance with the Inter-local Agreement entered into by the Cities of Reno and Sparks and the County of Washoe to effectuate the consolidation of animal services within Washoe County. In accordance with that Inter-local Agreement and the consolidated ordinances, animal services have been provided on a regional basis now in excess of twelve years. It is based on this experience, input from the Cities of Reno and Sparks, input from the Washoe County Commission and public input during this time that these amendments to WCC Chapter 55 are being proposed.

- NRS 244.189 provides that the board of county commissioners may exercise such powers and may enact such ordinances not in conflict with Nevada statutes for, inter alia, the control and protection of animals.
- NRS 244.359 provides that the board of county commissioners may enact and enforce ordinances fixing, imposing and collecting an annual license fee on dogs and providing for the capture and disposal of all dogs on which the license fee is not paid; regulating or prohibiting the running at large and disposal of all kinds of animals; establishing a pound, appointing a pound keeper and prescribing his duties; prohibiting cruelty to animals; and designating an animal as inherently dangerous and requiring the owner of such an animal to obtain a policy of liability insurance for the animal in an amount determined by the board of county commissioners. Any such ordinances may apply throughout the entire county or govern only a limited area within the county.
- The Washoe County Board of County Commissioners and the City Councils of the City of Reno and City of Sparks consolidated animal control functions in Washoe County to be on a regional basis. The consolidation of animal control services was accomplished by the adoption of ordinances of the three jurisdictions approving an inter-local agreement among the cities of Reno and Sparks and Washoe County. This agreement regionalized all field services, including, but not limited to, licensing, enforcement, rabies control, kennel permitting and related administrative functions under the jurisdiction and control of Washoe County. The final step in the consolidation process occurred on June 14, 2005 when the Washoe County Board of County Commissioners adopted the ordinance which amended WCC Chapter 55 in compliance with the inter-local agreement for the consolidation of animal services. Since that date, animal services within Washoe

County has been operated and provided on a regional basis. We now have over twelve years of regional operational experience.

Washoe County Strategic Objective supported by this item: Safe, Secure and Healthy Communities

PUBLIC INPUT PROCESS

The County Manager's Office and Washoe County Regional Animal Services ("WCRAS") initially met with OnStrategy to plan the public input process for proposed code amendments. As a first step in the public input process, WCRAS shared proposed revisions with key stakeholder groups, including the Cities of Reno and Sparks, as well as major animal groups in our area, which included the SPCA, Nevada Humane Society (NHS) and Pet Network. Through individual meetings with staff, WCRAS received input from these groups regarding proposed code amendments.

An online comment process called "Open Washoe" was utilized from July 7, 2014 through August 18, 2014 to establish priorities for ordinance workshops, raise awareness of the code issues, and to obtain a broad range of input on topics important to the public. This community engagement tool allowed visitors to the website to read all the comments posted by their fellow citizens, as well as the ability to agree or disagree.

During the public input process, there were numerous media releases and targeted email notifications encouraging the public to provide input on code amendments. There were also several news stories, print articles and radio shows discussing proposed code changes, which encouraged the public to provide input and which resulted in additional public comments from phone calls and emails.

At key points during the public input process, new questions regarding the code revisions were posted on "Open Washoe" for citizen review. In addition, proposed code amendments were edited based upon public input. These changes were then posted on "Open Washoe". Links to "Open Washoe" were added to the Regional Animal Services web page, and an email account (animalcode@washoecounty.us) was created for the public to communicate their comments and concerns specific to proposed code changes.

Public workshops were held at the Wilbur D. May Museum in the summer of 2014 to discuss WCC Chapter 55, which gave the public an opportunity to ask questions and provide further input on proposed amendments. During these

workshops, staff had an opportunity to meet one-on-one with many citizens and address concerns as well as receive valuable input.

Prior to the public meetings in 2014, a business impact statement was prepared and sent to animal-related businesses in the community to inform them of proposed code amendments. The business impact statement invited any person in the community to attend the public meeting that was held on July 15, 2014 at 5:30 pm in the Washoe County Commission Chambers to discuss proposed amendments to WCC Chapter 55.

RELEVANT PREVIOUS ACTION

On April 22, 2014, the Board of County Commissioners (“Board”) approved the creation of a new stand-alone Regional Animal Services department.

On June 17, 2014, the Board authorized initiation of proceedings to amend WCC Chapters 5 and 55 related to the creation of the Department of Regional Animal Services.

On July 22, 2014, the Board accepted an update on the Regional Animal Services department, discussed the public input process for making global amendments to WCC Chapter 55, and discussed various proposed code changes.

On December 9, 2014, the Board confirmed the appointment of Shyanne Schull as the Director of Washoe County Regional Animal Services.

On April 12, 2016, the Board heard an update on the Animal Control Board’s role in the kennel/cattery permit process and exotic animal permit process.

Action Taken: During this meeting, the Board gave direction to staff to evaluate the continued value of the Animal Control Board and to return with a recommendation as to whether the Animal Control Board should be modified or disbanded.

On September 13, 2016, the Director of Regional Animal Services, through the County Clerk, requested (pursuant to WCC 2.030) to initiate proceedings to amend WCC Chapter 55 to modify the current kennel/cattery permit process and exotic animal permit process. With regard to the kennel/cattery permit process, staff presented information and solicited feedback from the Board on the future of the Animal Control Board, the kennel/cattery permit process and the proposed kennel/cattery permit requirements. Staff provided an overview of permitting process examples in 11 jurisdictions within Nevada, Texas, Arizona, Utah and California. Within that study, staff found that out of the 11 jurisdictions reviewed, 8 of them either processed permit applications solely through their animal control division or they worked in conjunction with their zoning division. The

other 3 jurisdictions either did not have a permit system or the process was handled by another department.

Staff also provided a review of a total of 48 permit applications that have been heard in the 3 previous years by the Animal Control Board. Additionally, staff provided an estimate of required staff time of 8 hours by multiple staff members to facilitate a hearing by the Animal Control Board versus approximately 3 hours of time to process applications through an internal permit review.

Action Taken: During this meeting, the Board authorized staff to proceed with code amendments vacating the Animal Control Board and amending the kennel/cattery permit process and permitting requirements.

On July 18, 2017, the Board heard a first reading on an ordinance to amend provisions in WCC Chapter 55 related to the kennel/cattery permit process. Staff presented proposed amendments to the current kennel/cattery permit, which is a permit for individuals wishing to possess more than 3 dogs and/or 7 cats (the current legal limit in Washoe County). The proposal included renaming the kennel/cattery permit as a “variance permit.” These code amendments also included:

- Vacating the Animal Control Board.
- Replacing the Animal Control Board’s kennel/cattery permit approval process with a “variance permit” approval process.
- Approval or denial of applications would be processed through the department rather than through the Animal Control Board.
- An animal control officer would continue to conduct site inspections to ensure that the applicant is not violating animal welfare laws, that the premises are capable of being maintained in a sanitary condition and that the animal containment complies with WCC Chapter 55 requirements.
- An animal control officer may provide notifications of the application to neighbors residing within 200 feet of the subject property.
- Standard permit conditions would include:
 - Spay/Neuter of all dogs and cats (applying standard exceptions with documentation from a veterinarian requesting an exemption due to animal health)
 - All dogs/cats to be micro-chipped
 - All dogs must be licensed
 - Animal control officers have authority to inspect premises at reasonable times for permit issuance, upon receipt of complaints, and for annual renewal
 - Addition of the use of the residence or properly contained yard for containment rather than requiring a kennel (for dogs)
 - Emergency preparedness plan for evacuation
 - Cat enclosures modified to 500 cubic feet for 8 cats (rather than Cat Fancier Association’s standards) and must provide protection from

excessive heat/cold temperatures, clean water, food, litter and resting perches.

- Director of WCRAS would review animal control officer's report and either approve or deny the permit application.
 - Animal related complaints pertaining to the residence will be considered
 - Citations for more than one violation of WCC Chapter 55 within one year immediately preceding the application will be considered
- The appeal process would be facilitated through the Administrative Hearing Office, rather than go directly to district court.
- A person aggrieved by the denial or revocation of a permit has 14 days to appeal with the Administrative Hearing Office.
- A person aggrieved by the Administrative Hearing Office may still file a petition for judicial review in the district court within 30 days.

Action Taken: The Board, as well as several members of the public, voiced concerns regarding the spay/neuter requirement as proposed in the July 18, 2017 version of the variance permit ordinance. The Board also expressed concerns about the lack of specificity of criteria utilized in a permit revocation, as outlined in the proposed draft. Thus, the first reading was not recorded. Staff was given direction to continue to work on the proposed amendments, and specifically, to remove the spay/neuter requirements.

On January 9, 2018, the Board heard a first reading of Bill No 1793 to amend WCC Chapter 55 related to the kennel/cattery permit process and set a second reading on January 23, 2018.

In accordance with the Board's previous direction and public input, staff have made the following changes since the previous first reading on July 18, 2017: (1) clarified kennel specifications for dogs; (2) retained the mandatory neighbor notifications requirement specified in current code; (3) removed the previous spay/neuter amendment; and (4) clarified the grounds for revocation of a permit.

Accordingly, the current proposal renames the kennel/cattery permit as a "variance permit", and includes the following amendments to the permitting process and permitting requirements:

- **Vacating the Animal Control Board.**
- **Replacing the Animal Control Board's kennel/cattery permit approval process with a "variance permit" approval process.**

Applications would be processed and approved or denied through the department, rather than through the Animal Control Board.

- **An animal control officer would continue to conduct site inspections to ensure that the applicant is not violating animal welfare laws, that the premises are capable of being maintained in a sanitary condition and that the animal containment comports with WCC Chapter 55 requirements.**
- **An animal control officer would continue to provide notifications of the application to neighbors residing within 200 feet of the subject property.**
- **Standard permit conditions would include:**
 - **All dogs/cats to be micro-chipped**
 - **All dogs must be licensed in accordance with WCC 55.340**
 - **Animal control officers have authority to inspect premises at reasonable times for permit issuance, upon receipt of complaints, and for annual renewal**
 - **Addition of the use of the residence or properly contained yard for containment, rather than requiring a kennel (for dogs)**
 - **Addition/clarification of kennel sizing appropriations based on adult size of dog from small breed to extra- large breeds**
 - **Emergency preparedness plan for evacuation**
 - **Cat enclosures modified to a minimum of 500 cubic feet for 8 cats (rather than Cat Fancier's Association standards) and must provide cats protection from excessive heat/cold temperatures, clean water, food, litter and resting perches**
- **Director of WCRAS will review animal control officer's report and recommendation and either approve or deny the permit application. The Director will also consider:**
 - **Any animal related complaints pertaining to the residence**
 - **Notice of Civil Penalties or citations for more than one violation of WCC Chapter 55 within one year immediately preceding the application**
 - **Neighbor responses to the notification process**
- **The appeal process would be facilitated through the Administrative Hearing Office, rather than go directly to district court**
- **A person aggrieved by the denial or revocation of a permit has 30 days to appeal with the Administrative Hearing Office.**
- **A person aggrieved by the Administrative Hearing Office decision may continue to file an appeal through district court within 30 days.**

Action Taken: During the first reading on January 9, 2018, the Board made a motion to have staff revise the appeal period for permit revocations/denials from 14 days to 30 days and set the date for a second reading on January 23, 2018.

Staff has prepared a revised code draft for possible adoption today, January 23, 2018. In accordance with Board direction, staff made the following changes to the code amendment since the first reading: (1) changed the appeal deadline from 14 days to 30 days to appeal a permit denial in section 55.420, (2) changed the appeal deadline from 14 days to 30 days to appeal a permit revocation in section 55.450.

FISCAL IMPACT

No fiscal impact

RECOMMENDATION

It is recommended that the Board of County Commissioners hold a second reading and adopt an ordinance amending Washoe County Code Chapter 55 by vacating the Animal Control Board; by labeling the existing permit to keep more than three adult dogs and/or seven adult cats within the congested areas of the county a “variance” permit; by amending provisions related to the application for a variance permit, the processing of a variance permit, the requirements of and conditions imposed upon a variance permit, the approval or denial of a variance permit, the revocation of a variance permit, and the appeal process; and by modifying containment requirements for keeping more than three adult dogs and/or seven adult cats, and all other matters properly relating thereto.

POSSIBLE MOTION

Should the Board approve, a possible motion would be:

Move to adopt an ordinance amending Washoe County Code Chapter 55 by vacating the Animal Control Board; by labeling the existing permit to keep more than three adult dogs and/or seven adult cats within the congested areas of the county a “variance” permit; by amending provisions related to the application for a variance permit, the processing of a variance permit, the requirements of and conditions imposed upon a variance permit, the approval or denial of a variance permit, the revocation of a variance permit, and the appeal process; and by modifying containment requirements for keeping more than three adult dogs and/or seven adult cats, and all other matters properly relating thereto.