



WASHOE COUNTY

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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
775-353-8911, 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 separating exotic animals into a three-tiered classification system; by exempting tier 1 exotic animals from the exotic animal permit process; by requiring persons wishing to possess tier 2 or tier 3 exotic animals to obtain an exotic animal permit; by amending provisions related to the application for an exotic animal permit, the processing of an exotic animal permit, the requirements of and conditions imposed upon an exotic animal permit, the approval or denial of an exotic animal permit, the revocation of an exotic animal permit, and the appeal process; by modifying minimal structural enclosure requirements for primates, felines, canines, reptiles, bears, hoofed animals, marsupials; by amending provisions related to the impoundment of exotic animals; and by adding and revising various definitions, and all other matters properly relating thereto. (Bill No. 1794) (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 Washoe County Commission will hold the second reading of two ordinances amending Washoe County Code (WCC) Chapter 55 (Animals and Fowl).

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

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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 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 public health, the invasiveness of the species, and concerns for animal welfare. Current WCC requires all owners of any exotic animal to obtain an exotic animal permit. This ordinance exempts tier 1 exotic animals 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 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 relating thereto 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 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 the 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 June 28, 2016, the Board heard a presentation from WCRAS on private exotic animal ownership, and discussed proposed modifications to WCC Chapter 55 governing the private ownership of exotic animals. At that time, WCRAS presented an initial proposal for a three-tiered system to classify exotic animals. WCRAS also received input from the Board on whether an exotic animal permit should cover size requirements for constrictors, spay/neuter requirements, differentiation in permitting between the

congested and non-congested areas of the county, hybrids and liability insurance, among other topics.

Action Taken: During this meeting, the Board gave staff direction on the following five topics:

- Staff was given policy direction to implement restrictor snake size to 10 feet or 30 pounds before a permit would be required.
- Staff was given policy direction to implement spay/neuter of tier 2 and tier 3 animals, with an exception for exotic animals participating in an accredited breeding program, and an exception for those animals that are not customarily spayed/neutered (reptiles).
- Staff was given direction to produce a list of exotic species which would be potentially prohibited in the congested areas but that could be applied for through a Special Use Permit in conjunction with the animal services permit.
- Staff was given direction that wild hybrids bred to domestic hybrids should not require a permit.
- Staff was given direction to come back with a more in-depth analysis of the insurance recommendations based on the categorized list of animals.

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 exotic animal permit process, staff presented information and solicited feedback from the Board on the future of the Animal Control Board and the exotic animal permit process and permit requirements.

Action Taken: During this meeting, the Board authorized staff to proceed with code amendments vacating the Animal Control Board and amending the exotic animal permit process and permitting requirements. Staff was further authorized to proceed with code amendments separating the species of exotic animals into tier 1, tier 2 and tier 3.

On July 18, 2017, the Board heard a first reading on an ordinance to amend provisions in WCC Chapter 55 related to the exotic animal permit process and permit requirements. Staff presented proposed amendments to the current exotic animal permit, which is a permit for individuals wishing to possess exotic animals within Washoe County. The proposal included:

- Categorization of exotic animals into the previously approved tier system:
 - Tier 1 animals are typically found in pet stores and would not require permits

- Tier 2 animals are those that pose a moderate health, safety or environmental risk, such as constrictor snakes greater than 10 feet and 30 pounds
- Tier 3 animals are those that pose a significant health, safety or environmental risk, such as primates
- 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 may continue to provide notifications of the application to neighbors residing within 200 feet, or adjacent to, the subject property.
- Standard permit conditions would include:
 - Spay/Neuter of all tier 2 and 3 exotic animals (applying standard exceptions for reptiles that are not commonly spayed/neutered, for animals in which it would be detrimental to animal health, and for animals if applicant was enrolled in a nationally or internationally recognized breeding program for endangered species)
 - Insurance requirements in the amount of \$25,000 for each tier 2 animal and \$250,000 for each tier 3 animal with Washoe County listed as an additional interest
 - Certification that exotic animal enclosure meets local zoning restrictions
 - If imported into Washoe County, per NRS 503.597, written approval from the Nevada Department of Wildlife
 - All exotic animals must be permanently identified with a microchip, tattoo or other permanent form of identification
 - The applicant must maintain an annual veterinary inspection for each tier 3 animal
 - Animal control officers have authority to inspect premises at reasonable times for permit issuance, upon receipt of complaints, and for annual renewal
 - Emergency preparedness plan for evacuation
- Director of WCRAS would review animal control officer's report and recommendation, 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 exotic permit ordinance. Concerns were also raised regarding the proposal to require permanent identification (micro-chips and tattoos) for all permitted animals in tiers 2 and 3. There were multiple questions and concerns about the impact that the amendments may have on Animal Ark and Sierra Safari Zoo. Another concern raised by the Board was the unintended consequence of restricting animal ownership to the point that people felt compelled to own animals illegally (without obtaining a permit). The reading was not recorded and staff was given direction to continue to refine the proposed amendments.

On January 9, 2018, the Board heard a first reading of Bill No 1794 to amend WCC Chapter 55 related to the exotic animal permit process and set a second reading on January 23, 2018.

In accordance with the Board's prior direction and public input, staff have made the following changes to the proposed exotic animal permit ordinance since the previous first reading on July 18, 2017: (1) removed spay/neuter requirement for all tier 2 animals; (2) retained spay/neuter requirement for tier 3 animals only (with listed exceptions); (3) increased the adult size of constrictor snakes from 10 feet to 12 feet before a tier 2 permit would be required; (4) increased the adult size of Varanidae from 15 pounds to 20 pounds before a tier 2 permit would be required; (5) modified the classification of all Felidae (except the domestic cat) based on size (tier 3 are cats 65 pounds or greater); (6) clarified grounds for revocation of a permit; (7) retained the mandatory neighbor notification requirement specified in current code; (8) omitted mandatory permanent identification and replaced with a requirement to submit a color photograph of each animal for which the permit is issued.

Accordingly, the current proposal includes the following amendments to the exotic animal permitting process and permitting requirements:

- **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 neighbor notifications of the application to neighbors residing within 200 feet, and adjacent property.**
- **Standard permit conditions would include:**
 - **A completed application to include:**
 - **Permittee must submit and maintain behavioral enrichment plan appropriate for each species**
 - **If applicable, submit certification that the proposed enclosure comports with zoning requirements**
 - **Permittee must submit and maintain an emergency preparedness plan for evacuation/animal escape, and a contingency animal care plan in the event that the applicant is unable to provide care**
 - **If applicable, pursuant to NRS 503.597, provide written approval from the department of wildlife prior to importation of exotic animals into the County. Permittee must submit and maintain an annual veterinary inspection for each tier 3 exotic animal**
 - **Permittee must allow an inspection of the premises where the exotic animal is located upon reasonable notice and at a reasonable time**
 - **Permittee must submit a color photograph of each tier 2 or tier 3 animal**
 - **Insurance requirements in the amount of \$25,000 for each tier 2 animal and \$250,000 for each tier 3 animal with Washoe County listed as an additional interest**
 - **Requirements pertaining to at what times and under what conditions the exotic animal may be removed from its enclosure in accordance with current code**
- **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:**
 - **Animal related complaints pertaining to the residence**
 - **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, to move raptors to a tier 1 classification, to remove the mandatory spay / neuter requirement from tier 3 animals and to 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) included raptors in the definition of a tier 1 exotic animal, (2) removed the spay/neuter requirement in section 55.660(3), (3) changed the appeal deadline from 14 days to 30 days to appeal a permit denial in section 55.660(6) and (4) changed the appeal deadline from 14 days to 30 days to appeal a permit revocation in section 55.670.

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 separating exotic animals into a three-tiered classification system; by exempting tier 1 exotic animals from the exotic animal permit process; by requiring persons wishing to possess tier 2 or tier 3 exotic animals to obtain an exotic animal permit; by amending provisions related to the application for an exotic animal permit, the processing of an exotic animal permit, the requirements of and conditions imposed upon an exotic animal permit, the approval or denial of an exotic animal permit, the revocation of an exotic animal permit, and the appeal process; by modifying minimal structural enclosure requirements for primates, felines, canines, reptiles, bears, hoofed animals, and marsupials; by amending provisions related to the impoundment of exotic animals; and by adding and revising various definitions, 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 separating exotic animals into a three-tiered classification system; by exempting tier 1 exotic animals from the exotic animal permit process; by requiring persons wishing to possess

tier 2 or tier 3 exotic animals to obtain an exotic animal permit; by amending provisions related to the application for an exotic animal permit, the processing of an exotic animal permit, the requirements of and conditions imposed upon an exotic animal permit, the approval or denial of an exotic animal permit, the revocation of an exotic animal permit, and the appeal process; by modifying minimal structural enclosure requirements for primates, felines, canines, reptiles, bears, hoofed animals, and marsupials; by amending provisions related to the impoundment of exotic animals; and by adding and revising various definitions, and all other matters properly relating thereto.