

WASHOE COUNTY

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STAFF REPORT

BOARD MEETING DATE: August 23, 2022

DATE: July 28, 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: Introduction and first reading of an ordinance amending Washoe County Code Chapter 55 (Animals and Fowl) by repealing a section duplicative of state law related to harboring a vicious dog; by adding 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; by adding a section governing euthanasia of vicious dogs; by amending provisions related to: the definitions of “dangerous” dog, “vicious” dog, “animal”, “substantial bodily harm” and “provocation”; 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 by updating a section governing the criminal and civil penalties for a violation of chapter 55; and all other matters properly relating thereto; and if supported, set a public hearing for the second reading and possible adoption of the ordinance on September 13, 2022 (All Commission Districts.)

SUMMARY

The Washoe County Commission will introduce and hold the first reading of an ordinance amending Washoe County Code (“WCC”) Chapter 55. The amendments are primarily to update provisions related to dangerous and vicious dogs. The amendments aim to update processes that best conform to enforceable practices and to clarify provisions within WCC Chapter 55 relating to dangerous and vicious dogs.

PREVIOUS ACTION

June 28, 2022-the Board of County Commissioners authorized the initiation of amendments to Washoe County Code Chapter 55 (Animals and Fowl), primarily to update provisions related to dangerous and vicious dogs, and directed the County Clerk to submit the request

AGENDA ITEM # _____

to the District Attorney's Office for preparation of a proposed ordinance in accordance with WCC 2.040.

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

The Department involved multiple staff in reviewing and recommending changes to Washoe County Code Chapter 55 from 2018 through 2022. Public input was received from the Animal 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, update requirements in the event an outdoor enclosure is needed, 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 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 (dog must kill or inflict substantial bodily harm upon a human being to warrant this request).
- 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 an animal that has bitten or animal suspected of rabies which the Rabies Control Authority has ordered to be quarantined.

FISCAL IMPACT

There is no fiscal impact in introducing this ordinance to repeal, amend, or enact provisions in Washoe County Code.

RECOMMENDATION

It is recommended that The Board of County Commissioners introduce and conduct a first reading of an ordinance amending Washoe County Code Chapter 55 (Animals and Fowl) by repealing a section duplicative of state law related to harboring a vicious dog; by adding 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; by adding a section governing euthanasia of vicious dogs; by amending provisions related to: the definitions of “dangerous” dog, “vicious” dog, “animal”, “substantial bodily harm” and “provocation”; 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 by updating a section governing the criminal and civil penalties for a violation of chapter 55; and all other matters properly relating thereto; and if supported, set a public hearing for the second reading and possible adoption of the ordinance on September 13, 2022.

POSSIBLE MOTION

Should the Board approve, a possible motion would be: “Move to introduce on behalf of the Board of County Commissioners and conduct a first reading of an ordinance amending Washoe County Code Chapter 55 (Animals and Fowl) by repealing a section duplicative of state law related to harboring a vicious dog; by adding 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; by adding a section governing euthanasia of vicious dogs; by amending provisions related to: the definitions of “dangerous” dog, “vicious” dog, “animal”, “substantial bodily harm” and “provocation”; 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 by updating a section governing the criminal and civil penalties for a violation of chapter 55; and all other matters properly relating thereto; and to set a public hearing for the second reading and possible adoption of the ordinance on September 13, 2022.