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BILL NO. 2024-32

ORDINANCE NO. _____

AN ORDINANCE RELATING TO THE KEEPING AND SALE OF ANIMALS; AMENDING VARIOUS PROVISIONS OF LVMC TITLE 7 TO LIMIT TO FOUR THE NUMBER OF GUINEA PIGS THAT MAY BE KEPT AT ONE LOCATION; LIMIT THE NUMBER OF ANIMALS THAT CAN BE SOLD BY A PET SHOP OR BREEDER TO ONE PERSON OR HOUSEHOLD DURING A CALENDAR YEAR; ESTABLISH CORRESPONDING DOCUMENTATION AND COMPLIANCE REQUIREMENTS; UPDATE PENALTY PROVISIONS PERTAINING TO THE KEEPING AND SALE OF ANIMALS; AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman

Summary: Amends various provisions of LVMC Title 7 to limit to four the number of guinea pigs that may be kept at one location; limit the number of animals that can be sold by a pet shop or breeder to one person or household during a calendar year; establish corresponding documentation and compliance requirements; and establish and update penalty provisions pertaining to the keeping and sale of animals.

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

SECTION 1: Title 7, Chapter 8, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 190, reading as follows:

7.08.190: No person shall keep more than four guinea pigs over four months of age at any residence or premises within the City.

SECTION 2: Title 7, Chapter 42, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to add a new section, designated as Section 75, reading as follows:

7.42.075: (A) In any one calendar year, no pet shop or breeder may sell to the same person, or persons from the same household, more than the following number of animals in each category:

- (1) Six dogs;
- (2) Six cats;
- (3) Four ferrets;
- (4) Four rabbits; or

1 (5) Four guinea pigs.

2 (B) In order to document compliance with Subsection (A) and to assist in enforcement
3 efforts, each pet shop and each breeder shall:

4 (1) In connection with the sale of any animal listed in Subsection (A), record
5 the name and address of each purchaser of an animal listed in Subsection (A) as documented by the
6 purchaser's driver's license or state-issued identification card, as well as the number and type of each animal
7 purchased on that occasion; and

8 (2) Submit to the City, on a calendar quarter basis, a report detailing the
9 information recorded pursuant to Paragraph (1) of this Subsection (B). Each such report must be submitted
10 within thirty days following the end of each calendar quarter.

11 (C) Each pet shop shall post signage in a prominent location, or provide a handout to
12 each purchaser of an animal listed in Subsection (A), a listing of the limits established by this Title regarding
13 the number of such animals that can be kept at a residence or premises within the City, as well as the number
14 limits applicable to dog fanciers, cat fanciers and pet fanciers.

15 (D) A violation of this Section is subject to the enforcement provisions of LVMC
16 Chapter 7.44. In addition, a second violation of Subsection (A) shall be grounds for disciplinary action in
17 accordance with LVMC Chapter 6.88 regarding the business license of a pet shop or breeder responsible for
18 the violation.

19 SECTION 3: Title 7, Chapter 42, Section 80, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **7.42.080:** (A) The Animal Protection Services Officer, officers of the Las Vegas Metropolitan
22 Police Department, and officers and employees of the City within the Business Licensing Division shall
23 have the authority to issue citations or notices of violation, and to conduct inspections, investigations and
24 audits regarding the operation of each breeder and pet shop, including without limitation the transportation
25 of dogs and cats to and from a pet shop and documentation regarding the acquisition and disposition of
26 dogs and cats by a pet shop.

1 (B) The Animal Regulation Officer shall have the authority to develop and adopt
2 forms, reports and other items of documentation to be used by breeders, pet shops and distributors in
3 documenting compliance with this Chapter, and breeders, pet shops and distributors shall use such items
4 of documentation as are required by the Animal Regulation Officer.

5 (C) Following notice to a breeder, pet shop or distributor to use particular forms,
6 reports or documentation adopted pursuant to Subsection (B), each breeder, pet shop or distributor so
7 notified shall thereafter use or follow the format of the forms, reports or documentation as applicable. The
8 failure to do so authorizes the Animal Regulation Officer to issue a notice of noncompliance that requires
9 correction within the time specified by the Animal Regulation Officer. The failure to comply with the
10 notice shall constitute a violation of this Section and subject the violator to applicable criminal or civil
11 proceedings and penalties, including potential disciplinary action against a business license.

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

14 **7.44.040:** (A) Any person owning, possessing or having the care, custody and control of any
15 animal, who:

16 (1) Wilfully refuses, fails or neglects to furnish to the Animal Regulation
17 Officer or an Animal Protection Services Officer the information required under this Title;

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

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

22 (4) Resists, interferes with or prevents the Animal Regulation Officer or an
23 Animal Protection Services Officer in the exercise of their duties; or

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

26 (B) Any person who violates any provision of Section 7.32.010, Section 7.32.030,

1 Section 7.32.120, Section 7.32.130, Section 7.32.160, or any provision of Subsections (1), (2), (3) or (5) of
2 NRS 574.100 is guilty of a misdemeanor and:

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

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

14 (C) In addition to any other fine or penalty provided in Subsection (B), a person who
15 violates any provision described in Subsection (B) shall be ordered to pay restitution for all costs associated
16 with the care and impoundment of any mistreated animal, including without limitation money expended for
17 veterinary treatment, feed and housing.

18 (D) In connection with the imposition of any sentence pursuant to this Section, the court:

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

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

26 (3) In a case where the mistreated animal died as a result of the mistreatment,

1 must enter an order prohibiting the defendant from harboring, owning, possessing, keeping or exercising
2 control over any animal; from residing in any household where an animal is present; and from working at or
3 volunteering for a business, animal shelter or other place where the person may access an animal, for a period
4 of at least two years and not to exceed five years, beginning either on the date of conviction or, in the case of
5 a suspended sentence, at such other time as is determined by the court.

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

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

- 13 (1) Section 7.08.010 (relating to animal licensing);
14 (2) Section 7.08.090 (relating to license tags);
15 (3) Section 7.08.140 (relating to dog limitations);
16 (4) Section 7.08.160 (relating to cat limitations);
17 (5) Section 7.08.185 (relating to ferret limitations);
18 (6) Section 7.08.190 (relating to guinea pig limitations);
19 [(5)] (7) Section 7.12.010 (relating to rabies vaccinations);
20 [(6)] (8) Section 7.14.010 (relating to unspayed/unneutered animals);
21 [(7)] (9) Section 7.20.020 (relating to unspayed female animals during copulating
22 season);
23 [(8)] (10) Section 7.36.010 (relating to noise annoyance);
24 [(9)] (11) Section 7.36.020 (relating to animal interference, damage, etc.);
25 [(10)] (12) Section 7.36.030 (relating to animals at large), if the violation is witnessed
26 by the Animal Regulation Officer or an Animal Protection Services Officer;

- 1 [(11)] (13) Section 7.36.040 (relating to animal waste);
- 2 [(12)] (14) Section 7.36.050 (relating to animal restraint and sanitation);
- 3 [(13)] (15) Section 7.38.040 (relating to hogs and pigs);
- 4 [(14)] (16) Section 7.38.041 (relating to potbellied pigs);
- 5 [(15)] (17) Section 7.38.042 (relating to potbellied pigs);
- 6 [(16)] (18) Section 7.38.043 (relating to potbellied pigs);
- 7 [(17)] (19) Section 7.38.050 (relating to poultry and birds);
- 8 [(18)] (20) Section 7.38.060 (relating to rabbits);
- 9 [(19)] (21) Section 7.38.070 (relating to owner responsibilities); [and]
- 10 [(20)] (22) Section 7.38.100 (relating to wild animal permits)[.];
- 11 (23) Section 7.42.030 (relating to pet shop sales);
- 12 (24) Section 7.42.050 (relating to breeder, pet shop and distributor obligations);
- 13 (25) Section 7.42.060 (relating to pet shop sales);
- 14 (26) Section 7.42.070 (relating to distributor obligations);
- 15 (27) Section 7.42.075 (relating to pet shop and breeder limitations and
- 16 obligations); and
- 17 (28) Section 7.42.080 (relating to reporting and documentation).

18 SECTION 5: Title 7, Chapter 44, Section 110, of the Municipal Code of the City of Las
19 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

20 **7.44.110:** The following civil penalties are established for violations of the provisions indicated below:

- 21 ...
- 22 ...
- 23 ...
- 24 ...
- 25 ...
- 26 ...

| SECTION VIOLATED | PENALTY |
|------------------|---|
| 7.08.010 | One hundred fifty dollars |
| 7.08.090 | One hundred fifty dollars |
| 7.08.140 | One hundred fifty dollars |
| 7.08.160 | One hundred fifty dollars |
| 7.12.010 | Five hundred dollars |
| 7.14.010 | One hundred fifty dollars |
| 7.20.020 | Two hundred fifty dollars |
| 7.36.010 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.36.020 | One hundred fifty dollars |
| 7.36.030 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.36.040 | One hundred fifty dollars |
| 7.36.050 | One hundred fifty dollars |
| 7.38.040 | One hundred fifty dollars |
| 7.38.041 | One hundred fifty dollars |
| 7.38.042 | One hundred fifty dollars |
| 7.38.043 | One hundred fifty dollars |
| 7.38.050 | One hundred fifty dollars |
| 7.38.060 | One hundred fifty dollars |
| 7.38.070 | One hundred fifty dollars |
| 7.38.100 | Two hundred fifty dollars |
| 7.42.030 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.42.050 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.42.060 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.42.070 | Two hundred fifty dollars (1st offense) Five hundred dollars (2nd or subsequent offense within a twenty-four month period) |
| 7.42.075 | Five hundred dollars |
| 7.42.080 | Five hundred dollars |

SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase

1 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
2 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

3 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared to
4 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
5 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of
6 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
7 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
8 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
9 of this ordinance shall constitute a separate offense.

10 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,
11 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
12 Edition, in conflict herewith are hereby repealed.

13 PASSED, ADOPTED and APPROVED this ____ day of _____, 2024.

14 APPROVED:

15
16 By _____
CAROLYN G. GOODMAN, Mayor

17 ATTEST:

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

20 APPROVED AS TO FORM:

21 Val Steed 9-16-24
22 Val Steed, Date
Deputy City Attorney

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2024, and referred to a committee for recommendation, the committee being
3 composed of the following members _____;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2024, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as first
7 introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
CAROLYN G. GOODMAN, Mayor

14 ATTEST:

15 _____
16 DR. LUANN D. HOLMES, MMC
City Clerk

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