

1 **BILL NO. 2024-33**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND LVMC 7.44.040 AND 7.44.060 TO INCREASE THE PENALTY FOR
4 ANIMAL ABANDONMENT TO ONE THOUSAND DOLLARS, AND PROVIDING FOR OTHER
RELATED MATTERS

5 Sponsored by: Councilwoman Victoria Seaman

6 Summary: Amends LVMC 7.44.040 to increase
7 the penalty for animal abandonment to one
thousand dollars.

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

10 SECTION 1: Title 7, Chapter 44, Section 040, of the Municipal Code of the City of Las
11 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **7.44.040:** (A) Any person owning, possessing or having the care, custody and control of any
13 animal, who:

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

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

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

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

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

24 (B) Any person who violates any provision of [Section 7.32.010,] Section 7.32.030,
25 Section 7.32.120, Section 7.32.130, Section 7.32.160, or any provision of Subsections (1), (2), (3) or (5) of
26 NRS 574.100 is guilty of a misdemeanor and:

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

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

12 (C) Any person who violates any provision of Section 7.32.010 is guilty of a
13 misdemeanor and:

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

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

25 [(C)] (D) In addition to any other fine or penalty provided in Subsection (B) or (C), a
26 person who violates any provision described in Subsection (B) or (C) shall be ordered to pay restitution for

1 all costs associated with the care and impoundment of any mistreated animal, including without limitation
2 money expended for veterinary treatment, feed and housing.

3 [(D)] (E) In connection with the imposition of any sentence pursuant to this Section,
4 the court:

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

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

12 (3) In a case where the mistreated animal died as a result of the mistreatment,
13 must enter an order prohibiting the defendant from harboring, owning, possessing, keeping or exercising
14 control over any animal; from residing in any household where an animal is present; and from working at or
15 volunteering for a business, animal shelter or other place where the person may access an animal, for a period
16 of at least two years and not to exceed five years, beginning either on the date of conviction or, in the case of
17 a suspended sentence, at such other time as is determined by the court.

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

22 [(F)] (G) The City is authorized to treat a violation of the following provisions of this
23 Title as a civil infraction, which shall then subject the violator to a civil penalty in accordance with the
24 provisions of Sections 7.44.060 to 7.44.120, inclusive:

25 (1) Section 7.08.010 (relating to animal licensing);

26 (2) Section 7.08.090 (relating to license tags);

- 1 (3) Section 7.08.140 (relating to dog limitations);
- 2 (4) Section 7.08.160 (relating to cat limitations);
- 3 (5) Section 7.12.010 (relating to rabies vaccinations);
- 4 (6) Section 7.14.010 (relating to unspayed/unneutered animals);
- 5 (7) Section 7.20.020 (relating to unspayed female animals during copulating
- 6 season);
- 7 (8) Section 7.36.010 (relating to noise annoyance);
- 8 (9) Section 7.36.020 (relating to animal interference, damage, etc.);
- 9 (10) Section 7.36.030 (relating to animals at large), if the violation is witnessed
- 10 by the Animal Regulation Officer or an Animal Protection Services Officer;
- 11 (11) Section 7.36.040 (relating to animal waste);
- 12 (12) Section 7.36.050 (relating to animal restraint and sanitation);
- 13 (13) Section 7.38.040 (relating to hogs and pigs);
- 14 (14) Section 7.38.041 (relating to potbellied pigs);
- 15 (15) Section 7.38.042 (relating to potbellied pigs);
- 16 (16) Section 7.38.043 (relating to potbellied pigs);
- 17 (17) Section 7.38.050 (relating to poultry and birds);
- 18 (18) Section 7.38.060 (relating to rabbits);
- 19 (19) Section 7.38.070 (relating to owner responsibilities); and
- 20 (20) Section 7.38.100 (relating to wild animal permits).

21 SECTION 2: Title 7, Chapter 44, Section 060, of the Municipal Code of the City of Las
22 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

23 **7.44.060:** (A) Whenever a violation of any of the provisions described in [Section 7.44.040(F)]
24 Section 7.44.040(G) occurs, a Notice of Infraction may be issued in accordance with this Chapter. Such a
25 Notice of Infraction may be issued by any officer authorized to enforce of this Title and must contain the
26 following information:

- 1 (1) The name and address of the person responsible for the violation;
- 2 (2) A brief description of the violation and a reference to the applicable
3 ordinance citation(s);
- 4 (3) The location, date and time of the violation;
- 5 (4) The name of the person issuing the Notice of Infraction;
- 6 (5) The amount of the civil penalty applicable to the violation;
- 7 (6) Information advising of the manner and time for responding to the Notice
8 of Infraction; and
- 9 (7) Such other pertinent information as may be necessary or appropriate.

10 (B) No error or omission concerning any of the information described in Subsection (A)
11 is grounds for the dismissal of an action relating to a Notice of Infraction unless the person requesting such
12 a disposition demonstrates substantial prejudice therefrom by a preponderance of the evidence.

13 (C) Where data concerning a Notice of Infraction is entered into and stored in a computer
14 or similar device, the following shall be deemed to be an “original” of such Notice of Infraction for purposes
15 of this Chapter:

- 16 (1) Any printout or other output readable by sight which accurately reflects such
17 data; and
- 18 (2) Any such entry which has been moved or copied into another computer or
19 similar device and is intended to have the same effect by the issuing officer.

20 (D) Any Notice of Infraction issued pursuant to this Chapter shall constitute a
21 declaration which is subject to the penalty of perjury.

22 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
23 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
24 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
25 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
26 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 4: 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 5: 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.

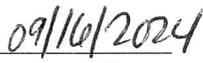
14 APPROVED:

15
16 By _____
CAROLYN G. GOODMAN, Mayor

17 ATTEST:

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

20 APPROVED AS TO FORM:

21  _____ 
22 Tamara Cannella, 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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