

FIRST AMENDMENT

BILL NO. 2022-26

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 7.40, REGARDING PROFESSIONAL ANIMAL HANDLER AND BREEDER PERMITS, TO EXPAND THE SCOPE OF THE PERMIT REQUIREMENT TO INCLUDE ANIMAL RESCUE OPERATIONS, TO REQUIRE BACKGROUND CHECKS, TO ESTABLISH ADDITIONAL OPERATIONAL REQUIREMENTS FOR THE HOLDERS OF CERTAIN PERMITS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman

Summary: Amends LVMC Chapter 7.40, regarding professional animal handler and breeder permits, to expand the scope of the permit requirement to include animal rescue operations, to require background checks, and to establish additional operational requirements for the holders of certain permits.

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

SECTION 1: Title 7, Chapter 40, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.40.020: [Any person who operates a commercial grooming school, grooming parlor, kennel, pet shop, dog training facility, commercial stables, a business subject to licensing under Chapter 6.44, or any other establishment which sells, grooms, trains, boards or breeds animals, must, in order to operate or carry on the above businesses for profit, obtain a professional animal handler permit.] Each of the following must obtain a professional animal handler permit in accordance with this Chapter:

(A) Any person who operates a commercial grooming school, grooming parlor, kennel, pet shop, dog training facility, commercial stables, a business subject to licensing under Chapter 6.44, or any other establishment which sells, grooms, trains, boards or breeds animals.

(B) A commercial animal rescue operation, as defined in LVMC 7.40.175

(C) A nonprofit animal rescue organization, as defined in LVMC 7.40.175.

SECTION 2: Title 7, Chapter 40, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1 **7.40.030:** (A) The City's Animal Protection Services Division is authorized to require the
2 applicant for a professional animal handler permit to submit to a background check by the Department of
3 Public Safety. In such case, the applicant is required to pay a background check fee in the amount of twenty-
4 five dollars, or as may be adjusted from time to time by resolution of the City Council.

5 (B) The Animal Protection Services Division may deny an application under Subsection
6 (A) if the applicant has:

7 (1) Been convicted of a crime involving animal welfare or committed acts
8 which constitute a violation of laws or ordinances regarding animal welfare; or

9 (2) Been convicted of any crime of violence as defined by NRS 200.408.

10 (C) When a professional animal handler permit is applied for, a fee of fifty dollars
11 shall be paid to the Animal Regulation Officer for an inspection of the commercial breeder's facility,
12 grooming parlor, grooming school, kennel, pet shop, or dog training facility. The inspection shall be
13 conducted by an Animal [Control] Protection Services Officer to determine compliance with this Title, [,
14 and if compliance is met] Subject to Subsection (B) and a determination of compliance following the
15 inspection, the permit shall issue. If inspection reveals that this Title or other applicable laws or regulations
16 have not been complied with, the professional animal handler permit shall be withheld and the person so
17 applying shall have ninety days within which to request a reinspection without charge. The Animal
18 [Control] Protection Services Center itself shall be exempt from the operation of this Section.

19 (D) Each employee of the holder of a professional animal handler permit who will handle
20 or care for animals must submit to a background check by the Department of Public Safety within thirty days
21 after the commencement of employment. In connection with such a background check, the Department is
22 authorized to charge the fee referred to in Subsection (A) of this Section, and permission to work for a permit
23 holder in the handling or care of animals may be denied on the grounds set forth in Subsection (B) of this
24 Section. Subject to the appeal provisions of Subsection (E):

25 (1) The Animal Protection Services Division may require the permit holder to
26 terminate the employee based on the grounds set forth in Subsection (B) of LVMC 7.40.030; and

1 (2) Failure by the permit holder to terminate the employee is grounds for
2 revocation of the professional animal handler permit.

3 (E) The denial of a permit or permission to work, or a requirement to terminate an
4 employee under this Section, may be appealed to the City Council. Such an appeal must be in writing and
5 must be filed with the Animal Protection Services Division within ten days after the denial. In the case of an
6 employee, the employee may not work on the premises pending the employee's appeal and may return to
7 work only if the appeal is successful.

8 (F) Existing permit holders and employees shall have one year from the effective date
9 of the ordinance adopting the background check requirements of this Section (Ordinance No. _____)
10 to submit to a background check pursuant to Subsection (A) of this Section in order to maintain the permit
11 or continue to work as an employee, as applicable. A permit may be revoked or permission to work denied
12 on the grounds set forth in Subsection (B) of this Section. For purposes of this Subsection (F), "existing
13 permit holders and employees" means, as applicable, holding a permit or working as an employee of a permit
14 holder as of the effective date of Ordinance No. _____.

15 (G) Notwithstanding any other provision of this Chapter, the background check
16 requirements of this Section do not apply to a nonprofit rescue organization, as defined by LVMC 7.40.175,
17 or to any person who performs services for a permit holder to the extent those services are performed on a
18 volunteer basis without compensation.

19 SECTION 3: Title 7, Chapter 40, Section 110, of the Municipal Code of the City of Las
20 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

21 **7.40.110:** Any person who, for pay or other compensation, causes the breeding of a male or female
22 dog or cat or makes a dog or cat available for breeding purposes, or any person who sells or offers for sale
23 any dog or cat shall obtain a permit to do so and shall pay an annual permit/inspection fee of fifty dollars for
24 the privilege of engaging in such activity. However, any person who possesses a valid City permit to operate
25 a dog kennel, cat kennel or pet shop and has paid the annual permit fee therefor shall receive a credit in the
26 amount of the fee paid but in no event shall the amount of credit exceed the amount of tax hereunder. A

1 person who, for pay or other compensation, causes the breeding of a dog or cat, or makes a dog or cat available
2 for breeding purposes without having obtained a permit under this Section or another City permit that pertains
3 to the activity is guilty of a misdemeanor. The penalty for a first offense shall be a minimum fine of five
4 hundred dollars, and imprisonment for not less than two days. The penalty for a second or subsequent offense
5 shall be a fine of one thousand dollars, and imprisonment for a period of not less than ten days.

6 (A) Each person subject to the provisions of this Section shall:

7 (1) Not allow the whelping of more than two litters per each female dog or cat in an
8 eighteen-month period;

9 (2) Not cause the whelping of more than two litters in the permit holder's or any other
10 person's domestic household in an eighteen-month period. Notwithstanding this provision, however, the
11 Animal [Control] Protection Services Center is hereby authorized, upon application of a permit, to allow on
12 a one-time basis the whelping of up to a total of three dog or cat litters in a domestic household in an eighteen-
13 month period where the permit holder establishes within regulations promulgated by the Animal Regulation
14 Officer that such breeding is required to protect the health of the animal. In the event a permit holder is forced
15 to destroy a litter of dogs or cats, the Animal Regulation Officer may authorize the whelping of one additional
16 litter of dogs or cats within the same year by the permit holder;

17 (3) Not have more than six adult dogs or cats over the age of one year and no more than
18 ten dogs or cats over the age of three months;

19 (4) Cause all dogs and cats prior to their sale to be immunized against common disease;
20 in the case of dogs, against distemper, DHLDD, and in the case of cats, against panleukopenia. The sale of a
21 dog or cat shall include a signed statement from the seller attesting to the seller's knowledge of the animal's
22 health. Such statement shall include the animal's immunization history;

23 (5) Not sell any dog or cat under the age of seven weeks;

24 (6) Furnish the Animal [Control] Protection Services Center with the animal breeder's
25 permit number and the name, address, and telephone number of the buyer or new owner of any dog or cat
26 sold or transferred within five days after the date of such sale or transfer[.] ; and

1 (7) Be subject to and comply with the background check-related requirements and
2 provisions of Subsections (A), (B), (D), (E) and (F) of LVMC 7.40.030, as well as the requirements of
3 Subsection (B) of LVMC 7.40.175.

4 (B) The Animal [Control] Protection Services Center shall furnish the permit holder with printed
5 information regarding the pet care, protection and control services of the City, which shall be provided by
6 the seller to the purchaser of any dog or cat.

7 (C) Persons subject to this Section shall not publish or advertise the sale of any dog or cat unless
8 said publication or advertisement is accompanied by the seller's breeder's permit number.

9 (D) Each permit issued hereunder shall expire one year from the date of issuance. However, it
10 may be renewed at any time up to and including the last day of the calendar month in which it is due to expire.

11 (E) The payment of this permit fee shall not exempt the permit holder from compliance with any
12 other applicable provision of the [City of Las Vegas Municipal Codes.] Municipal Code.

13 SECTION 4: Title 7, Chapter 40, of the Municipal Code of the City of Las Vegas, Nevada,
14 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 175, reading as
15 follows:

16 **7.40.175:** (A) Each holder of a professional animal handler permit under this Chapter who operates
17 a pet shop, commercial grooming school, grooming parlor or business, dog training facility, commercial
18 stables, animal boarding facility, or any other establishment or facility that sells, grooms, trains or boards
19 animals shall be responsible for posting one or more signs no lower than three feet and no higher than seven
20 feet at each entrance and exit of the establishment indicating that concerns about the welfare of animals
21 within the establishment can be reported to the City's Animal Protection Services Division at the Division's
22 telephone number as listed on the sign. Each such sign shall contain the text and be in the size and format
23 approved by the Department of Planning or the Animal Protection Services Division. The Department or
24 Division will endeavor to make such signs available to each permit holder affected by Subsection (A), but
25 the posting of compliant signs is required whether or not actual signs have been obtained from the Department
26 or Division.

1 (B) Each holder of a professional handler permit under this Chapter who operates a pet
2 shop, commercial grooming school, grooming parlor or business, dog training facility, commercial stables,
3 animal boarding facility, or any other establishment or facility that sells, grooms, trains or boards animals,
4 and each holder of a professional handler permit who operates a commercial animal rescue operation or is a
5 nonprofit animal rescue organization, shall be responsible for:

6 (1) Reporting to the Animal Protection Services Division, within twenty-four
7 hours, the death of any animal that occurs within the establishment or facility, as well as any injury to an
8 animal that results in the animal's evaluation or treatment by a veterinarian.

9 (2) Upon request by the Animal Protection Services Division, paying the cost
10 of the necropsy of an animal whose death occurred in the facility if the Division determines that the
11 circumstances of the animal's death warrant the necropsy.

12 (C) For purposes of this Section:

13 (1) "Commercial animal rescue operation" means a business that engages in the
14 rescue of animals in need and the placement of such animals in permanent adoptive homes.

15 (2) "Nonprofit animal rescue organization" has the meaning ascribed to it in
16 LVMC 7.42.010.

17 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
18 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
19 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
20 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
21 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
22 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
23 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

24 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared to
25 be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is required
26 or the failure to do any act is made or declared to be unlawful or an offense or a misdemeanor, the doing of

1 such prohibited act or the failure to do any such required act shall constitute a misdemeanor and upon
2 conviction thereof, shall be punished by a fine of not more than \$1,000.00 or by imprisonment for a term of
3 not more than six months, or by any combination of such fine and imprisonment. Any day of any violation
4 of this ordinance shall constitute a separate offense.

5 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
6 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983
7 Edition, in conflict herewith are hereby repealed.

8 PASSED, ADOPTED and APPROVED this ____ day of _____, 2023.

9 APPROVED:

10
11 By _____
CAROLYN G. GOODMAN, Mayor

12 ATTEST:

13 _____
14 LUANN D. HOLMES, MMC
City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 12-19-22
17 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 _____, 2022, 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 _____, 2023, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council as
7 amended 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 LUANN D. HOLMES, MMC
City Clerk