

PROPOSED FIRST AMENDMENT

BILL NO. 2023-6

ORDINANCE NO. _____

AN ORDINANCE TO AMEND LVMC CHAPTER 7.40, REGARDING PROFESSIONAL ANIMAL HANDLER AND BREEDER PERMITS, TO ESTABLISH ADDITIONAL OPERATIONAL REQUIREMENTS FOR THE HOLDERS OF SUCH PERMITS, PROVIDE MINIMUM PENALTIES FOR CERTAIN VIOLATIONS, AND PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Victoria Seaman

Summary: Amends LVMC Chapter 7.40, regarding professional animal handler and breeder permits, to establish additional operational requirements for the holders of such permits, and provide minimum penalties for certain violations.

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

SECTION 1: Title 7, Chapter 40, Section 110, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

7.40.110: Any person who, for pay or other compensation, causes the breeding of a male or female dog or cat or makes a dog or cat available for breeding purposes, or any person who sells or offers for sale any dog or cat shall obtain a permit to do so and shall pay an annual permit/inspection fee of fifty dollars for the privilege of engaging in such activity. However, any person who possesses a valid City permit to operate a dog kennel, cat kennel or pet shop and has paid the annual permit fee therefor shall receive a credit in the amount of the fee paid but in no event shall the amount of credit exceed the amount of tax hereunder. A person who, for pay or other compensation, causes the breeding of a dog or cat, or makes a dog or cat available for breeding purposes without having obtained a permit under this Section or another City permit that pertains to the activity is guilty of a misdemeanor. The penalty for a first offense shall be a minimum fine of five hundred dollars, and imprisonment for not less than two days. The imprisonment portion of the penalty shall be waived if the defendant comes into compliance within thirty days, either by 1) obtaining a permit or 2) ceasing to engage in the activities for which a permit is required by this Section and submitting an affidavit acknowledging that engaging in breeding or sale activities without a permit is a violation of this Section. The

Submitted after final agenda (Cty Council)
Date: 3/13/23 Item: 43
By staff

Submitted At
Recommending Meeting
Date: 3/13/23 Item 4
By staff

1 penalty for a second offense shall be a fine of one thousand dollars, and imprisonment for a period of not less
2 than two days. The penalty for a third or subsequent offense, or for violating this Section after having
3 submitted an affidavit referred to in this Section, shall be a fine of one thousand dollars, and imprisonment
4 for a period of not less than ten days.

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

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

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

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

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

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

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

26 (7) Be subject to and comply with the requirements of Subsections (B) and (C) of

1 LVMC 7.40.175.

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

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

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

9 (E) The payment of this permit fee shall not exempt the permit holder from compliance with any
10 other applicable provision of the Municipal Code.

11 SECTION 2: Title 7, Chapter 40, of the Municipal Code of the City of Las Vegas, Nevada,
12 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 175, reading as
13 follows:

14 **7.40.175:** Each holder of a professional animal handler permit issued under this Chapter shall be
15 responsible for:

16 (A) Posting one or more signs no lower than three feet and no higher than seven
17 feet at each entrance and exit of the establishment indicating that concerns about the welfare of animals
18 within the establishment can be reported to the City's Animal Protection Services Division at the Division's
19 telephone number as listed on the sign. Each such sign shall contain the text and be in the size and format
20 approved by the Department of Community Development or the Animal Protection Services Division. The
21 Department or Division will endeavor to make such signs available to each permit holder affected by
22 Subsection (A), but the posting of compliant signs is required whether or not actual signs have been obtained
23 from the Department or Division.

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

1 (C) Turning over to the Animal Protection Services Division, upon request, any
2 animal whose death or injury was reported or required to be reported under Subsection (B). It is a
3 misdemeanor to fail or refuse to comply with this Subsection (C).

4 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or phrase
5 in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by
6 any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the
7 remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby
8 declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase
9 thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs,
10 sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

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

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

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

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

5 APPROVED:

6 By _____
7 CAROLYN G. GOODMAN, Mayor

8 ATTEST:

9 _____
10 LUANN D. HOLMES, MMC
11 City Clerk

12 APPROVED AS TO FORM:

13 _____ Date
14 Val Steed,
15 Deputy City Attorney
16
17
18
19
20
21
22
23
24
25
26

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the ____ day
2 of _____, 2023, 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

17

18

19

20

21

22

23

24

25

26