

BILL NO. 84-1

ROUND MOUNTAIN TOWN ORDINANCE NO. RM-1

SUMMARY: AN ORDINANCE TO PROTECT ANIMALS AND TO LICENSE DOGS; TO REQUIRE VACCINATION WITH RABIES VACCINE; TO PROVIDE GUIDELINES FOR THE REGULATION AND CONTROL ON ANIMALS WITHIN THE UNINCORPORATED AREA OF ROUND MOUNTAIN, NYE COUNTY, NEVADA; TO PROVIDE PENALTIES FOR THE VIOLATION HEREOF; AND ALL OTHER MATTERS RELATING THERETO.

TITLE: ROUND MOUNTAIN ANIMAL CONTROL ORDINANCE

The Town Board of the unincorporated Town of Round Mountain, Nye County, Nevada, does ordain:

ROUND MOUNTAIN TOWN ORDINANCE NO. RM-1
ROUND MOUNTAIN ANIMAL CONTROL ORDINANCE

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1.000 SHORT TITLE.

This ordinance shall be known by the short title of Round Mountain Animal Control Ordinance.

1.100 DEFINITIONS.

1. Sheriff. The term "Sheriff" shall mean the Sheriff of Nye County or any person designated by him to act herein.

2. Health Officer. The term "Health Officer" shall mean the Nye County Health Officer or his representative.

3. Animal Regulation Officer. The term "Animal Regulation Officer" shall mean any person appointed by the Sheriff of Nye County to act herein.

4. Veterinarian. The term "Veterinarian" shall mean a graduate doctor of veterinary medicine licenses to practice in the State of Nevada.

5. County. The term "County" shall mean those areas of Nye County exclusive of incorporated areas.

6. Owner. The term "Owner" shall be intended to mean any person owning, keeping, or harboring a dog or other animal.

7. Animal. The term "Animal" shall mean every wild or domesticated living creature, except members of the human race.
8. At Large. The term "At Large" shall be intended to mean off the property of the owner and off the leash, cord, chain, or fence barrier.
9. Confined. The term "Confined" shall be intended to mean the animal is restricted to the property of the owner by leash, cord, chain or fence barrier.
10. Animal Pound. The term "Animal Pound" shall mean any pound currently designated by the Nye County Commissioners to receive animals.
11. Torture or Cruelty. The term "Torture or Cruelty" shall mean every act of omission or commission whereby unjustifiable physical pain, suffering or death is caused or permitted.
12. Dog. The term "Dog" shall be intended to mean both male and female.
13. Dog Kennel. The term "Dog Kennel" shall mean a pack or collection of dogs, four or more in number, over the age of six months, kept or bred for hunting or sale or boarding, but shall not mean merely the house or place where same are kept.
14. Guide Dog. The term "Guide Dog" shall apply to a dog which has been trained and is actually being used to act as a guide for the blind.
15. Board. The term "Board" shall mean the Town Board of the unincorporated Town of Round Mountain, County of Nye, State of Nevada.

1.200 LICENSING.

- 1.201 Dog License Required. Every person keeping, harboring, or having within and under County jurisdiction any dog over the age of six months, shall, within thirty days after said dog attains this age, or after first bringing said dog into Nye County, obtain and thereafter continuously maintain a current and valid dog license issued by Nye County and shall comply with the vaccination provisions herein.
- 1.202 Dog License Renewal. Each dog license issued by the County shall be annual from July first to June thirtieth of the succeeding year and shall be payable before July first of each year. No license shall be issued for a portion of a year.
- 1.203 Responsibility for Licensing. The licensing functions and duties will be the responsibility of the Nye County Sheriff as prescribed by the Town Board of the unincorporated Town of Round Mountain, County of Nye, State of Nevada.

- 1.204 License Application. The owner applying for such dog license shall make application upon a form to be provided by the Sheriff, which application shall state the owner's name and address, the name, breed, color, sex, whether such dog is neutered or spayed, the age and the date and type of vaccination.
- 1.205 License Fee. A fee of \$7.50 shall be paid for each dog unless that dog has been neutered or spayed and then the fee shall be \$3.00. There shall be a penalty of \$2.00 assessed for each license or renewal of license which is not obtained in a timely manner.
- 1.206 License Receipts and Tags. There shall be given to each owner paying the license fee and submitting an application for each dog license, a receipt stating the amount and date of payment, the date of expiration of such license and a brief description of the dog. There shall also be given to said owner a numbered tag of a durable material which tag shall be securely fastened about the dog's neck on a collar. If said tag shall be lost, it shall be the duty of the owner to procure a new tag and to pay the fee of \$2.00 for that tag.
- 1.207 License Register. The Sheriff shall keep a register of all licenses issued, showing the name of the licensee, date of issuance, date of expiration, description of the dog, the number of the tag, and the type and date of vaccination.
- 1.208 Licensing of Guide Dogs. A working guide dog shall be duly licensed but the license fee for that dog shall be waived.
- 1.209 Security Dog Fee. Security dogs trained to guard property by licensed schools shall be licensed for a fee of \$25.00.
- 1.210 Dog Kennel Permit and Fee. Every person owning, operating or maintaining a dog kennel must first apply for and obtain a permit for same. The permit shall be approved by the Board of County Commissioners and shall be subject to planning, zoning and health ordinances of the state and of the county. A quarterly fee of \$15.00 shall be paid for each kennel. All dogs maintained in the kennel except those dogs meant for resale and those dogs under the age of six months, shall be licensed. This section shall not apply to quarters maintained by veterinarians for the purpose of surveillance or treatment of dogs on a temporary basis. All persons so licensed shall permit their premises to be inspected at reasonable times by the Animal Regulation Officer or the Public Health Officer.
- 1.211 License Fees Deposited. All license fees, impounding fees and other charges specified in this chapter shall be deposited monthly by the Sheriff to the Nye County Treasurer.

- 1.212 License - Fees as Debt to County. The amount of any license, together with penalties, impounding fees and all other charges specified in this chapter shall be deemed a debt to the County and any person liable for the payment thereof shall be liable to any action in the name of the County in any court of competent jurisdiction for the amount thereof and also for the sum of court costs and attorney's fees.
- 1.213 Licensing Exceptions. Notwithstanding the foregoing, the provisions relating to licensing shall not apply to dogs under six months of age provided they are kept within enclosures and are not allowed to run at large.
- 1.300 VACCINATIONS
- 1.301 Dog Vaccination Required. Every person keeping, harboring or having within and under County jurisdiction any dog over the age of six months, shall, within thirty days after said dog attains such age or within thirty days of first bringing said dog into Nye County, cause said dog to be vaccinated with rabies vaccine.
- 1.302 Revaccination Required. All dogs which have been vaccinated with rabies vaccine will be re-vaccinated pursuant to the recommendation of the vaccine manufacturer, or as recommended by the vaccinating veterinarian.
- 1.303 Dog Vaccination Certificate. Every person practicing veterinary medicine in the County who vaccinates a dog with rabies vaccine shall issue to the person keeping, harboring or having such dog, a certificate, signed, which states the name and description of the dog, the name and address of the owner, the type and manufacturer of the vaccine used, the date of vaccination and the date for revaccination.
- 1.304 Certificate Required for Dog License. No license shall be issued for any dog unless there shall be furnished satisfactory written evidence that such dog shall have been inoculated against rabies and that such inoculation is effective during the entire period for which the license is issued.
- 1.305 Exemption From Vaccination Permit. The owner of any dog may obtain an exemption from vaccination provided that:
- (a) He keeps such dog confined at all times.
 - (b) Facilities for confinement have been inspected and approved by the County Regulation Officer.
 - (c) A fee of \$10.00 per animal per year is paid for such permit and inspection.
- 1.306 Vaccination of other animals. The same vaccination procedure shall apply to all other animals if the Health Officer shall deem this prudent to the safety of the public.

1.400 QUARANTINE

1.401 Authority to Quarantine Animals When Rabies Exist. The County

Health Officer may, by public notice and proclamation, quarantine dogs or other animals in any area of Nye County where he finds rabies to exist. During such quarantine period and until public notice of its termination has been given by the Health Officer, all dogs or other designated animals must be securely confined by their owners. Any quarantined animals found at large in such areas during such period may be destroyed.

1.500 IMPOUNDING OF ANIMALS

1.501 Impounding Dogs Violating Regulations. Every dog in violation of any

section of this title or without a numbered collar or license tag as required by this title shall be impounded by the Animal Regulation Officer for a period of seventy-two hours in the dog pound. If the dog has not been claimed within that time, then the dog may be destroyed in a humane manner or may be sold or given to any person who shall procure the necessary license and vaccination.

1.502 Release Procedure. A dog may be removed from the pound by the owner upon the payment of \$10.00 for the first offense and \$25.00 for each offense thereafter and upon proper proof of licensing, tagging and vaccination.

1.503 Impounding Female Dogs Running At Large. It shall be unlawful for the owner or any person having the control or possession of any female dog to suffer or permit said dog to run at large while said dog is in the copulating season. Every female dog so found running at large shall be impounded in the dog pound. The charge for impounding such dog shall be \$25.00 for the first offense and \$35.00 for each offense thereafter.

1.504 Impounded Dog with Suspected Rabies. If the Animal Regulation Officer suspects that any animal impounded has rabies, he shall hold such animal for inspection by a veterinarian. If the animal does have rabies, it shall be disposed of in a humane manner.

1.505 Dog Bites. Any dog biting a person shall be seized on or off the premises of the person owning, keeping, or harboring such dog by the Animal Regulation Officer and impounded for a period of 10 days if the animal has not been vaccinated. If the Health Officer determines that the animal is diseased, he shall notify the Animal Regulation Officer to destroy the dog. If it is determined that the dog has a current license and a current vaccination, the animal shall be returned to its owner.

1.600 ANIMAL PROTECTION

1.601 Cruelty to Animals. It shall be unlawful for any person to overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any animal, whether belonging to himself or to another, or deprive any animal of necessary sustenance, food, drink or shelter, or wilfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty. Nothing herein contained shall be construed to prohibit or interfere with the Animal Regulation Officer in the exercise and performance of the powers and duties set forth in this ordinance.

1.602 Animal Fighting. It is unlawful for any person to keep or use, or be in any manner connected with or interested in the management of, or receive money or other things of value for the admission of any person to a house, apartment, pit or place for the baiting and fighting of birds or animals, and it is unlawful for any owner or occupant of a house, apartment, pit or place to wilfully procure or permit the same to be used or occupied for such baiting or fighting, or to instigate, promote, arrange or carry on, or do any act as assistant, umpire, principal, spectator or otherwise, in aid or calculated to encourage or further any fight between birds or animals.

1.603 Exhibition of Wild Animals. No wild animal shall be exhibited in public or kept anywhere unless and until the owner or person having care, custody or control thereof shall obtain a permit from the Sheriff to do so. Such permit shall not be issued until an investigation has been made to ascertain the conditions under which the animal is controlled so that the public health, safety and general welfare are protected.

1.604 Abandoning Injured Animals. It shall be unlawful for any person owning, possessing or having the care, custody and control of a maimed, disabled or infirm animal, to abandon same, or leave it to die in a public street, road, alley, or another public place or upon the private property of himself or another, more than one hour after he receives notice that it is left disabled.

1.605 Poisoning Animals. It shall be unlawful for any person unjustifiably to administer any poisonous drug or substance to any animal, or unjustifiably to expose any such drug or substance with intent that the same shall be taken by any animal, whether such animal be the property of himself or another.

1.700 ANIMAL CONTROL

1.701 Number of Cats and Dogs. It shall be unlawful for any one household or business to possess, own, or keep more than 3 dogs over the age of six months and/or 3 cats over the age of six months at any one time. The ownership, maintenance or possession of more than 3 dogs and/or 3 cats by any individual is declared to be a public nuisance subject to judicial abatement in proceedings to be initiated by the Animal Regulation Officer and/or the Sheriff upon his receipt of a written complaint that

such practice is occurring. Exceptions to the above provisions is a dog kennel which has a valid permit from the County or working ranch dogs confined to that ranch.

- 1.702 Running At Large - Prohibited. It is unlawful for the owner of any dog, whether licensed or unlicensed, to suffer, permit or allow said dog to run at large on any public street, alley, park, square or place or on any vacant or unenclosed lot or land or to trespass on any private enclosure while not under the control of a person by a leash, cord, chain or otherwise and having around its neck a license tag issued by the County.
- 1.703 Unlawful for Animals to be Within Park Boundaries. No dog or cat, leashed or unleashed, or any other animal except a seeing eye dog shall be within the boundaries of any park area of the County.
- 1.704 Vicious Dogs. It shall be unlawful for any person to keep, harbor or own any vicious dog or any dog which by its constant threat of attacking and biting, or by biting, shall cause annoyance to the neighborhood or injury to any person or persons upon the sidewalks, alleys or streets or other public places in the County of Nye provided, that the person so bitten was not at the time trespassing upon the property of the owner or person having control of the dog, and provided, further, that the person so bitten was not at the time provoking or teasing the dog without cause and said vicious dog must be in an enclosure and chained, with a sign posted "Beware of Dog." Guard or security dogs, trained for such purpose, and maintained under conditions designed to guarantee the safety of the public, are expressly excepted from the operation of this section. Upon conviction under the provisions of this section, the court may, in addition to the imposition of penalty in accordance herewith, order that such dog be muzzled or that such dog be delivered to the Animal Regulation Officer and destroyed.
- 1.705 Dog Bites. It shall be the duty of anyone with knowledge thereof to report any animal bite to the Animal Regulation Officer and/or Sheriff and to provide all pertinent information requested.
- 1.706 Sanitation. It shall be unlawful for any person having custody of any dog or other animal to permit, either wilfully or through failure to exercise due care or control, any such dog or animal to defecate upon any real property under the control of or in the possession of any other person; or upon the floor of any common hall in any apartment house, hotel or other multiple dwelling; or upon any entrance way, stairway, or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building or other building used in common by the public; or upon the floor or stairway, entranceway, office, lobby, foyer or patio used in common by the public.

- 1.707 Livestock. No person shall keep any livestock within 50 feet of any residence other than his own. All livestock shall be confined within a suitable house, coop or enclosed runway. Any existing house, coop or runway shall be thoroughly cleaned daily, and the same shall be thoroughly sprayed with insecticide one time per month in the fly season. All present livestock within the unincorporated Town of Round Mountain, County of Nye, State of Nevada, may remain. The number of livestock shall not be increased above those now existing.
- 1.708 Packs of Uncontrolled Dogs. It shall be the duty of the Sheriff or Animal Regulation Officer, upon notification of a pack of uncontrolled dogs running at large, or upon notification of a wild animal threatening the safety of the public, to take any steps to ensure the control or elimination of such dogs or such wild animals.
- 1.800 ENFORCEMENT
- 1.801 Enforcement Duties. It shall be the duty of the Sheriff and the Animal Regulation Officer to enforce the provisions of this title, and it shall be the duty of every Deputy Sheriff in the County while on duty, to enforce the provisions of this title.
- 1.802 Records and Reports of Bites. It shall be the duty of the Animal Regulation Officer to keep an accurate record of all reports of dog bites. Each such case shall be investigated and the animal properly quarantined, impounded or released in accordance with the provisions of this title.
- 1.803 Records and Reports of Impoundment. The Animal Regulation Officer shall keep a permanent record in which he shall list all dogs impounded, giving such information as the County may require, which record shall include all charges and receipts of all money.
- 1.804 Impounding of Licensed Dogs. The owner of any dog licensed in the County, when such dog is seized, shall be notified as soon as possible and not later than one day after the impounding.
- 1.805 Forms and Records of Citations. The Sheriff shall provide books of citation forms for violation of the provisions of this title for notifying alleged violators to appear and answer to the violation charged in the Justice Court of the Township where the violation occurred. The books shall include serially numbered sets of citations in triplicate in the form prescribed and approved by the District Attorney. The Sheriff shall maintain a record of every book issued.
- 1.806 Notice to Appear. Whenever a person is cited for a violation of this title and such person is not immediately taken before a court as hereinbefore required, the officer shall prepare in triplicate written notice to

appear in court, containing the name and address of such person. The time specified in said notice must be at least five days after such citation is issued unless the person cited shall demand an earlier hearing. In order to secure a release after being cited for a violation of this title, said person must give his written promise to appear in Court by signing at least one copy of the written notice prepared by the officer. Thereupon, the officer shall forthwith release the person.

- 1.807 Failure to Obey Citation. It shall be unlawful for any person to violate his written promise to appear in Court. In the event a person fails to comply with the citation given to such person, the Sheriff or his Deputies shall secure and issue a warrant for his arrest.
- 1.808 Resisting Authorized Personnel Unlawful. No person shall interfere with or oppose or resist the Sheriff or any of his Deputies, Animal Regulation Officer or the Health Officer while engaged in the performance of the duties pertaining to the enforcement of this title, all of which said officer, members and employees are hereby empowered to enforce all of the provisions of this title.
- 1.900 PENALTIES; CONSTITUTIONALITY
- 1.901 Penalties for Violations. Any person owning, possessing or having the care, custody and control of an animal, who wilfully refuses, fails or neglects to furnish to the Animal Regulation Officer or License Fee Collector the required information as provided herein, or who wilfully fails, refuses, or neglects to perform any act or pay any other fee or charge required by this title to be performed or paid, any person who shall wilfully resist, interfere with or prevent the Animal Regulation Officer or any of his assistants in the exercise of their duties, or who wilfully violates any of the provisions of this title, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than five hundred dollars or less than five dollars, or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.
- 1.902 Constitutionality. If any one or more sections, clauses or parts of this ordinance shall be declared invalid or void, such judgment shall not affect, impair or invalidate the remaining provisions of this ordinance, but shall be confined in its operation to the specific sections, clauses or parts held invalid or void.

BILL NO. 84-1

ROUND MOUNTAIN TOWN ORDINANCE NO. RM-1
ROUND MOUNTAIN ANIMAL CONTROL ORDINANCE

PROPOSED on the 16th day of August, 1984,
by Round Mountain Town Board Member JULIE STEVENSON;
seconded by Round Mountain Town Board Member HUGH RILEY
_____.

ADOPTED on the 16th day of August, 1984.

VOTE: AYES: CHARLES R. BENNETT
HUGH E. RILEY
CHARLES R. STALLEO
JULIE A. STEVENSON

NAYS: _____

ABSENT: WALTER W. YOUNG

EFFECTIVE: _____, 1984.

ATTEST: _____
Clerk of the Board

TOWN OF ROUND MOUNTAIN

P.O. BOX 305
ROUND MOUNTAIN, NV 89045

TELEPHONE (702)377-2508

January 10, 1990

Mr. Frank hersman
Nye Co. Administration
P.O. Box 153
Tonopah, NV 89049

Dear Mr. Hersman:

At the Town Board meeting of 01/09/90, the Board decided to participate in the county-wide animal control program. Louis Schmerber will be the spokesman for the Town of Round Mountain. He can be reached by calling the above number between the hours of 8:30 a.m. and 3:00 p.m. Monday through Friday.

I am enclosing a copy of the Town's current Animal Control Ordinance which may be useful in incorporating Round Mountain into this program.

If you have any questions or require further information, please feel free to call me. Thank you for this opportunity to participate in this program.

Sincerely,



Sharyl Taliaferro
Deputy Town Clerk

Enc.