

Bill No. 25-02

ROUND MOUNTAIN TOWN

ORDINANCE NO. 25-02

Summary: An Ordinance Enacting Animal Regulations Within The Unincorporated Town of Round Mountain, County of Nye, State of Nevada, By Adding section 25-02.1 titled Title, section 25-02.2 titled Scope, section 25-02.3 titled Adoption by Reference, section 25-02.4 titled Definitions, section 25-02.5 titled Promulgation of Regulations, section 25-02.6 titled Enforcement Authority, section 25-02.7 titled False Reporting, section 25-02.8 titled Limits on Dogs and Cats, section 25-02.9 titled Animals in Public Places, section 25-02.10 titled Excessive Noise Unlawful, section 25-02.11 titled Cruelty to Animals, section 25-02.12 titled Livestock, section 25-02.13 titled Beehives, section 25-02.14 titled Notice of Violation, section 25-02.15 titled Violation Of This Ordinance; Misdemeanor, section 25-02.16 titled Fines and Fees; and providing for the Severability, Constitutionality, and Effective Date Thereof.

TITLE: AN ORDINANCE ENACTING ANIMAL REGULATIONS WITHIN THE UNINCORPORATED TOWN OF ROUND MOUNTAIN, COUNTY OF NYE, STATE OF NEVADA, BY ADDING SECTION 25-02.1 TITLED TITLE, SECTION 25-02.2 TITLED SCOPE, SECTION 25-02.3 TITLED ADOPTION BY REFERENCE, SECTION 25-02.4 TITLED DEFINITIONS, SECTION 25-02.5 TITLED PROMULGATION OF REGULATIONS, SECTION 25-02.6 TITLED ENFORCEMENT AUTHORITY, SECTION 25-02.7 TITLED FALSE REPORTING, SECTION 25-02.8 TITLED LIMITS ON DOGS AND CATS, SECTION 25-02.9 TITLED ANIMALS IN PUBLIC PLACES, SECTION 25-02.10 TITLED EXCESSIVE NOISE UNLAWFUL, SECTION 25-02.11 TITLED CRUELTY TO ANIMALS, SECTION 25-02.12 TITLED LIVESTOCK, SECTION 25-02.13 TITLED BEEHIVES, SECTION 25-02.14 TITLED NOTICE OF VIOLATION, SECTION 25-02.15 TITLED VIOLATION OF THIS ORDINANCE; MISDEMEANOR, SECTION 25-02.16 TITLED FINES AND FEES; AND PROVIDING FOR THE SEVERABILITY, CONSTITUTIONALITY, AND EFFECTIVE DATE THEREOF.

WHEREAS, the Town Board for the Unincorporated Town of Round Mountain ("Town"), pursuant to NRS 269.155 has the power and duty to pass and adopt all ordinances for the Town; and

WHEREAS, it is the consensus of the members of the Town Board that a need exists for the creation of animal regulations.

NOW, THEREFORE, the Town Board of the Unincorporated Town of Round Mountain, County of Nye, State of Nevada, does ordain:

25-02: Animal Ordinance

- 25-02.1: Title
- 25-02.2: Scope
- 25-02.3: Adoption by Reference
- 25-02.4: Definitions
- 25-02.5: Promulgation of Regulations
- 25-02.6: Enforcement Authority
- 25-02.7: False Reporting
- 25-02.8: Limits on Dogs and Cats
- 25-02.9: Animals in Public Places
- 25-02.10: Excessive Noise Unlawful
- 25-02.11: Cruelty to Animals
- 25-02.12: Livestock
- 25-02.13: Beehives
- 25-02.14: Notice of Violation
- 25-02.15: Violation Of This Ordinance; Misdemeanor
- 25-02.16: Fines and Fees

25-01.1: Title: This ordinance shall be known as the *ANIMAL ORDINANCE*.

25-01.2: Scope: This ordinance applies to all of the Town of Round Mountain.

25-01.3: Adoption by Reference: Nevada Revised Statutes, Chapter 574 Cruelty to Animals: Prevention and Penalties, inclusive, is included in this ordinance by reference.

25-01.4: Definitions:

ANIMAL: Does not include the human race but includes every other living creature.

ANIMAL CONTROL OFFICER: Any person employed by Nye County as an Animal Control Officer and responsible for the enforcement of this title, and applicable state statutes pertaining to animals.

ANIMAL SERVICES: Enforces County and State codes, rules, and regulations and to investigate animal neglect and cruelty cases for the purpose of protecting the health and safety of Nye County's human and animal residents and the education of proper and responsible pet ownership.

CAT: Any domestic cat (*Felis silvestris catus*).

DOG: Any male or female dog (*Canis familiaris*).

**LIVESTOCK:** All cattle or animals of the bovine species; all horses, mules, burros and asses or animals of the equine species; all swine or animals of the porcine species; all goats or animals of the caprine species; all sheep or animals of the ovine species; all poultry or domesticated fowl or birds; and all alternative livestock.

**OWNER:** Any person owning, keeping, harboring, or having care, custody and control over any animal, or allowing any animal to be or remain on, or be lodged or fed within such person's house, yard or premises or furnishing a medical record, bill of sale, or other indication of ownership or possession.

**RESIDENTIAL PROPERTY:** Any property that is used or designed for use as a domestic establishment in which one or more persons usually sleep and prepare and serve meals and includes any lands or buildings that are appurtenant to such establishment and all stairways, walkways, driveways, parking spaces, and fences associated with the dwelling or its yard.

**TORTURE OR CRUELTY:** Every act or omission whereby unjustifiable physical pain, suffering or death is caused or permitted to an animal.

**TOWN:** The unincorporated Town of Round Mountain, a political subdivision of the State of Nevada is formed under chapter 269 of the Nevada Revised Statutes.

**TOWN BOARD:** The Board of County Commissioners shall appoint five (5) persons who are residents and qualified electors in the town to serve as members of the town board until successors can be elected at the next general election.

**25-02.5: Promulgation Of Regulations:**

- A. The Town Board shall promulgate regulations to carry out and effect the provisions of this ordinance and, from time to time as deemed necessary or advisable, may amend those regulations.
- B. The Town Board, by resolution, shall promulgate a schedule of fees and penalties required by this ordinance, and, from time to time as deemed necessary or advisable, the Town Board by resolution may amend that schedule of fees and penalties.

**25-02.6: Enforcement Authority:**

The Town Board has the authority to enforce the provisions of this ordinance relating to the safety and health of animals and the public safety of the community in accordance with section 25-02.14.

Animal Services, an Animal Control Officer and the Nye County Sheriff's Office have authority to enforce the provisions of this ordinance relating to the safety and health of animals and the public safety of the community. Pursuant to such authority Animal Services, an Animal Control Officer and the Nye County Sheriff's Office designated having authority may:

- A. Issue citations, tickets, summons and any other legal notices;

- B. Investigate suspected or alleged violations thereof;
- C. Perform such other duties reasonably necessary to the above or as the Town or Nye County may provide.

**25-02.7: False Reporting:**

It is unlawful for any person to deliberately report a violation of this ordinance to Animal Services, an Animal Control Officer, the Nye County Sheriff's Office, or the Town Manager knowing such report to be false. The fine for this violation is in accordance with section 25-02.15 of this ordinance.

**25-02.8: Limits On Dogs And Cats:**

- A. No person shall keep more than a combined total of five (5) dogs and/or cats, over the age of three (3) months at any one location, residence, or residential property located within the Town.
- B. It is unlawful for any person to possess, own or keep more than two (2) unspayed or unneutered dogs and/or cats over the age of six (6) months at any one time at any location, residence, or residential property located within the Town.
- C. An owner shall not separate a dog or cat from its mother until it is eight (8) weeks of age or accustomed to taking food or nourishment other than by nursing, whichever is later.

**25-02.9: Animals In Public Places:**

Animals in public places shall be restricted by a leash. A person having custody of an animal in a public place shall be responsible for picking up feces deposited by his/her animal.

**25-02.10: Excessive Noise Unlawful:**

- A. It is unlawful for any person to keep, harbor or possess any animal which by loud, frequent or consistent barking, yelping, howling, or other noise causes annoyance to or disturbs the peace and quiet of the neighborhood or to any person in the vicinity.
- B. In determining whether an animal's noise violates this section, factors to be considered include, but are not limited to, the time of day the sounds occur, the intensity and duration of the noise, whether the sound is recurrent, intermittent or constant, the circumstances which might cause the animal to make noise, and the proximity of the noise to others.

**25-02.11: Cruelty To Animals:**

Nevada Revised Statutes Chapter 574, titled Cruelty to Animals, is hereby adopted by reference.

**25-02.12: Livestock**

- A. No person shall keep more than a combined total of sixteen (16) chickens and/or ducks at any one location, residence, or residential property located within the Town.
- B. Chicken and/or duck coops and/or pens shall be:
  - 1. Constructed in a manner that keeps the chickens and/or ducks inside the coop and/or pen;
  - 2. A minimum of thirty (30) feet from other residential property;
  - 3. A minimum of five (5) feet from residential property lines; and
  - 4. Restricted to the rear yard area of the residential property and meet the required setbacks set forth in this section.
- C. Roosters shall not be permitted.
- D. Free range, off property chickens and/or ducks shall not be permitted.
- E. Slaughtering chickens, roosters, and/or ducks shall not be permitted, unless used for human consumption.
- F. Persons keeping chickens and/or ducks are not exempt from nuisance ordinances.
- G. Other livestock is prohibited in the Town except as permitted in the horse corral area on the south side of the Town.

**25-02.13: Beehives:**

- A. No person shall keep more than a combined total of two (2) beehives at any one location, residence, or residential property located within the Town.
- B. Beehives must be:
  - 1. A minimum of twenty-five (25) feet from other residential property;
  - 2. A minimum of five (5) feet from residential property lines; and
  - 3. Restricted to the rear yard area of the residential property and meet the required setbacks set forth in this section.

**25-02.14: Notice Of Violation:**

- A. When it appears to the satisfaction of the Town Manager and/or the Town Board that there is a violation of this ordinance, the Town Manager shall issue a notice to the owner of the animal and the owner of the real property upon which such violation is alleged to

appear before the board at a specified time and place and show cause why there is no violation of this ordinance.

1. The Town Manager shall cause:

- a. Such notice to be mailed by certified mail, return receipt requested to any of the persons specified in this subsection at his/her last known residence mailing address.
- b. A copy of the notice to be posted upon the premises where such violation is deemed to exist.
- c. The notice shall require:
  1. Correction of the specifically identified violation within seven (7) calendar days after personal receipt or fourteen (14) calendar days after posting and mailing of the notice; or
  2. Within said seven (7) or fourteen (14) calendar days, request, in writing, that the hearing be held before the Town Board to determine if in fact a violation does exist, whether the violation should be corrected, or that there is no violation.

B. Hearing Before the Town Board:

1. Presentation Of Evidence: The Town Board may proceed to take evidence at the hearing, after notice as provided in subsection A of this section, and all persons cited to appear or having any interest in the real property involved shall be entitled to be heard and to present evidence for the consideration of the Town Board.
2. Property Owner Failure To Appear: Failure of any owner to appear before the Town Board at the time provided for the hearing gives the Town Board jurisdiction to proceed with the hearing and the power to enforce any of the provisions of this ordinance.

C. Private Actions: The provisions of this ordinance shall not in any way preclude or supersede any action for abatement of nuisances by private persons.

D. Any person who is aggrieved by a final decision of the Town Board may appeal that decision to the district court.

25-02.15: Violation Of This Ordinance; Misdemeanor:

Unless otherwise provided herein, any person who violates any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine

of not more than one thousand dollars (\$1,000.00), or imprisonment for not more than six (6) months, or both fine and imprisonment.

25-02.16: Fines and Fees: Unless otherwise provided by specific statute, all fines and fees collected for violations of this ordinance must be paid to the county treasurer and the county treasurer must distribute such fines and fees to the proper fund of the unincorporated Town of Round Mountain.

SEVERABILITY. If any provision of this ordinance or amendments thereto, or the application there to any person, thing or circumstance is held to be invalid, such invalidity shall not affect the validity or provisions or applications of the ordinance or amendments thereto which can be given effect without the invalid provisions or applications, and to this end the provisions of this ordinance and amendments thereto are declared to be severable.

CONSTITUTIONALITY. If any section, clause or phrase of this ordinance shall be declared unconstitutional by a court of competent jurisdiction, the remaining provisions of this ordinance shall continue in full force and effect.

EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after passage, approval, and publication as required by law, to wit, from and after 12<sup>th</sup> day of August, 2025.

Proposed on the 12<sup>th</sup> day of August, 2025

Proposed by: Board Member Sara Sweeney

Adopted on the 12<sup>th</sup> day of August, 2025

Vote: Ayes:

Board Members:

Nays:

Board Members:

Absent:

Board Members:

ATTEST:

\_\_\_\_\_

Town Clerk

Sara Sweeney

Chairperson of the Board