

Chapter 55.795 Commercial Breeding Permit

Background

In the 2009 legislative session, SB 299 made amendments to NRS 574 Cruelty to Animals, which requires ACO's to inspect and permit commercial breeding operations. This is a new proposed ordinance to Chapter 55 as legislatively required in current NRS 574. Currently in WCC 25 a commercial breeder is someone who engages in breeding five or more litters of dogs or cats in a calendar year, to sell, trade or give away to others. We are proposing to lower the number of litters to 3 in a calendar year.

Summary of proposed ordinance

- **Required by legislation NRS 574.**
- *Decrease from five to three litters per year.*
- Requires ACO to inspect and permit commercial breeding operations for welfare and report to Business Licensing.
 - Each permit number must be displayed in all advertising in which the breeder offers a dog or cat for sale and on all receipts.
 - Animal Control Officer may enter and inspect premises (NRS 574.360,574.440)
- Suspension or revocation of welfare permit
 - Due process applies
 - Permittee can file for an appeal within 14 days to the Washoe County Administrative Hearing Office.
 - Permittee may appeal the Hearing Officer's decision by filing a petition of judicial review within 30 days.
 - The welfare permit remains in place until decision is rendered.
 - Notification to Business Licensing
- Regulation on breeding sales criteria
 - Microchipping required
 - Vaccination required
 - Sales contract
 - Breeding limitation on age of breeding animal and on number of litters/yr.

Community Concerns

Confusion between Commercial Breeding Permit and Commercial Animal Permit. Commercial Breeding Permits established through NRS 574. Commercial Animal Permit refers to commercial establishments, retail, circuses, animal exhibits, performing sideshows, etc.

Concerns about over managing the sales of puppies and kittens in Washoe County.

SUMMARY: An ordinance amending Washoe County Code Chapters 55 and 25 by creating provisions regulating commercial breeders (through a commercial breeding permit) and adding and revising definitions.

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING WASHOE COUNTY CODE CHAPTER 55 BY CREATING PROVISIONS REGULATING COMMERCIAL BREEDERS (THROUGH A COMMERCIAL BREEDING PERMIT) AND ADDING RELATED DEFINITIONS; AND ALSO AMENDING WASHOE COUNTY CODE CHAPTER 25 BY ADDING THE DEFINITIONS OF "BREEDER" AND "COMMERCIAL BREEDER", MAKING CHANGES TO THE DEFINITIONS OF "BREEDING" AND "LITTER", AND SPECIFYING THAT COMMERCIAL BREEDERS MUST FIRST OBTAIN A COMMERCIAL BREEDING PERMIT FROM REGIONAL ANIMAL SERVICES BEFORE RECEIVING THE REQUIRED BUSINESS LICENSE.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF WASHOE DO ORDAIN:

SECTION 1. Chapter 55 of the Washoe County Code is hereby amended by adding thereto the following new section which shall read as follows:

55.795 Commercial Breeding Permit.

1. Every commercial breeder in Washoe County must apply for and obtain a commercial breeding permit from regional animal services.
2. Regional animal services shall issue a permit to each commercial breeder who:
 - (a) Pays the applicable fee; and
 - (b) Complies with all other permit requirements prescribed by regional animal services.
3. Each permit shall specify the address of the premises at which the person may act as a commercial breeder.
4. The commercial breeder must display the assigned permit number in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale.
5. A commercial breeder shall not:
 - (a) Sell a dog or cat:
 - (1) Unless the dog or cat has had a registered microchip subcutaneously inserted into the animal;
 - (2) Unless the dog or cat has had all required, age-appropriate rabies vaccinations; and
 - (3) Without providing a written sales contract to the purchaser.
 - (b) Breed a female dog:
 - (1) Before she is 18 months old; or

(2) More than once a year.

6. Any commercial breeder residing within the boundaries of the City of Reno shall maintain a City of Reno business license. Any commercial breeder residing within the boundaries of the City of Sparks shall maintain a City of Sparks business license. Any commercial breeder residing within the boundaries of the unincorporated areas of Washoe County shall maintain a Washoe County business license.

(a) Regional animal services shall notify the appropriate jurisdiction(s) of the City of Reno, the City of Sparks and/or Washoe County of the commercial breeding permit status.

(b) If, at any time, the City of Reno, the City of Sparks and/or Washoe County suspends or revokes the business license, the applicable jurisdiction shall notify regional animal services and the commercial breeding permit shall be suspended or revoked.

7. For the purpose of enforcing NRS 574.360 to 574.440, inclusive, as those provisions apply to commercial breeders, any animal control officer may enter and inspect the premises specified on the permit at any reasonable hour. During inspections, the animal control officer must verify that the commercial breeder holds a valid business license. A certificate of occupancy for the appropriate jurisdiction or an approved business license may be accepted as evidence that the commercial breeder is in compliance with the local jurisdiction.

8. An animal control officer or peace officer may suspend, revoke or deny a commercial breeding permit for a violation of NRS 574.360 to 574.440, inclusive, or for a violation of any other law of the State of Nevada or ordinance of Washoe County pertaining to animal welfare.

(a) If the permittee fails to comply with any conditions imposed on the commercial breeding permit, regional animal services may suspend or revoke the permit. In such case, the permittee shall be advised in writing of the reason(s) therefor and may appeal that decision to the administrative hearing office no later than 14 days after receiving the written notice. A failure to appeal the suspension or revocation within 14 days precludes further administrative or judicial review.

(b) Upon the filing of an appeal, the administrative hearing office shall hold a hearing on the appeal as soon as practicable.

(c) The administrative hearing officer may hear any testimony and admit any evidence he or she deems necessary. All proceedings shall be conducted in accordance with WCC 55.800(6) through 55.800(17), inclusive.

(d) The hearing officer's decision sustaining, reversing, or sustaining with conditions the suspension or revocation shall

include findings of fact and be transmitted in writing to the appellant within 14 working days.

(e) Any permittee aggrieved by the hearing officer's decision may appeal that decision by filing a petition for judicial review in the district court within 30 days of the hearing officer's decision. The commercial breeding permit shall remain in place until a decision is rendered by the district court.

SECTION 2. Section 55.010 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Breeding" means producing the offspring of dogs or cats, called a litter.

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of three or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

"Microchip" means a radio frequency identification device that is implanted into an animal.

"Shelter" means a structure which promotes the retention of body heat during cold weather, which promotes cooling and provides sun protection in hot weather, which allows an animal to remain dry during wet weather, and which is appropriate to the season and the species.

SECTION 3. Section 25.013 of the Washoe County Code is hereby amended by adding thereto the following new definitions:

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment engaged in the business of breeding.

"Commercial breeder" means a dealer, operator or other person who is responsible for the operation of a commercial animal establishment which engages in the breeding of three or more litters of cats or dogs in a calendar year to sell, trade or give away to others.

SECTION 4. Section 25.013 of the Washoe County Code is hereby amended by changing the definitions of "Breeding" and "Litter" as follows:

"Breeding" means producing the offspring of dogs or cats, called a litter.

"Litter" means live offspring from one birth of a cat or dog.

SECTION 5. Section 25.015 of the Washoe County Code is hereby amended as follows:

25.015 License required for engaging in business; exceptions.

1. Except as provided in this section, it is unlawful for any person to engage in any business, trade, calling, industry, occupation or profession in the county, outside of the limits of incorporated cities and towns in the county, without first procuring a license therefor from the county. A person is subject to this requirement if by himself or through an agent, employee or partner he:

- (a) Holds himself forth as being engaged in the business, trade, calling, industry, occupation or profession;
- (b) Solicits patronage therefor, actively or passively; or
- (c) Performs or attempts to perform any part of such business, trade, calling, industry, occupation or profession.
- (d) Rents, leases, or sub-leases
 - (1) any commercial or industrial property, or
 - (2) three or more residential dwelling units on one parcel of land.
- (e) Conducts a garage and/or yard sale that exceeds 72 hours in duration or occurs on the same property more than twice in any six-month period.
- (f) Engages in breeding activity as a commercial breeder. Commercial breeders must first obtain a commercial breeding permit from regional animal services pursuant to Chapter 55 of this Code.

2. The following activities do not constitute engaging in a business, trade, calling, industry, occupation or profession and no business license is required:

- (a) Providing of child care in private homes to six or fewer children.
- (b) Garage and/or yard sales that do not exceed 72 hours in duration or do not occur on the same property more than twice in any six-month period.
- (c) Telecommuting from home by employees of businesses located elsewhere.
- (d) Informal, casual, or seasonal work performed by minors acting as individuals, including, without limitation, babysitting and lawn mowing.
- (e) Parades and processions.

[Business Impact Note: The Board of County Commissioners hereby finds that this ordinance does not impose a direct and

significant economic burden upon a business, nor does it directly restrict the formation, operation or expansion of a business.]

Proposed on the ____ day of _____, 2014.

Proposed by Commissioner _____.

Passed on the ____ day of _____, 2014.

Vote:

Ayes:

Nays:

Absent:

Chairman
Washoe County Commission

ATTEST:

County Clerk

This ordinance shall be in force and effect from and after the ____ day of _____, 2015.

"Breeder" means a dealer, operator or other person who is responsible for the operation of a commercial establishment engaged in the business of breeding. The term does not include a hobby breeder.

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Comment [a1]: New reference 55.795

"Breeding" means producing the offspring of cats or dogs, called a litter.

Comment [a2]: New reference 55.795

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"Commercial Breeder" means a dealer, operator or other person who is responsible for the establishment which engages in the breeding of five or more litters of cats or dogs in a calendar year, to sell, trade or give away to others. In accordance with WCC 25.015(1)(f)(1)

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Comment [a3]: New reference 55.795

Comment [a4]: Proposed change from 5 litters to 3 litters.

"Microchip" means a radio frequency identification device that is implanted into an animal.

"Shelter" means a structure that promotes the retention of body heat during cold weather, which promotes cooling and provides protection from the rays of the sun during hot weather and which allows an animal to remain dry during times of wet weather which is appropriate to the season and the species.

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Comment [a5]: For Discussion

Concern presented by Beverlee McGrath
Legislative Liaison for NV Animal Groups.

'Commercial Breeder', MAY have inspection. Should have mandatory inspections annually. There should be a limit on the number of intact (breeding) dogs or cats, where are all the required standards? Are they required to get a business license?

Comment [a6]: New section to comply with SB299

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Comment [a7]: Are there kennel inspections of property? What is criteria for permit approval?

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55.795 Commercial Breeding Permit

1. In the unincorporated and incorporated areas of Washoe County, a commercial breeder must apply for and obtain an annual permit to act as a breeder issued by Washoe County Regional Animal Services.

2. Upon approval of an application Washoe County Regional Animal Services shall issue a permit and assign a permit number to each commercial breeder who:

(a) Pays the applicable fee, if any, as prescribed by ordinance; and

(b) Complies with any other requirements prescribed by the issuing body Regional Animal Services.

3. Each permit issued must specify the address of the premises at which the person may act as a commercial breeder.

4. The permit number assigned to a commercial breeder must be displayed in all advertising in which the breeder offers a dog or cat for sale and on any receipt of sale of a dog or cat sold by the breeder.

5. For the purpose of enforcing the provisions of NRS 574.360 to 574.440, inclusive, as those provisions apply to

commercial breeders, any animal control agent/officer of Washoe County may enter and inspect the premises specified on the permit at any reasonable hour.

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6. An animal control officer or peace officer may, suspend, revoke or deny a permit for a violation of the provisions of NRS 574.360 to 574.440, inclusive.

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Comment [a8]: Language added in response to public input.

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(a) If a permittee fails to comply with any conditions imposed on the permit, the animal control officer may suspend or revoke the commercial breeding permit. If the animal control officer suspends or revokes a permit, the permittee shall be advised in writing of the reason or reasons therefor and may file an appeal of that decision with the Administrative Hearing Office not later than fourteen (14) days after receiving the written notice. A failure to appeal the decision of the animal control officer within fourteen (14) days constitutes an admission that the decision is well founded and precludes further administrative or judicial review.

(b) The Administrative Hearing Office shall, as soon as is practical, hold a hearing on the appeal.

(c) The Administrative Hearing Office may take hear any testimony and admit any evidence it deems necessary. All proceedings shall be conducted in accordance with the provisions of WCC 55.800(6) thru 55.800(17), inclusive.

(d) The Hearing Officers decision sustaining, reversing, or sustaining with conditions the action of the animal control officer shall include findings of fact and be transmitted in writing to the applicant within fourteen (14) working days.

(e) If a permittee is aggrieved by the Hearing Officers decision the permittee may appeal that decision by filing a petition of judicial review within 30 days of the Hearing Officer's decision. The commercial breeding permit shall remain in place until a decision is rendered.

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7. A commercial breeder shall not:

1. Sell a dog or cat:

(a) Unless the dog or cat has had:

(1) A registered microchip subcutaneously inserted into the dog or cat; and

(2) All the required vaccinations for rabies which are appropriate based upon the age of the dog or cat; or

(b) Without providing a written sales contract to the purchaser; or

2. Breed a female dog:

(a) Before she is 18 months old; or

(b) More than once a year.

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