

**MINUTES OF THE
FERNLEY CITY COUNCIL MEETING
NOVEMBER 20, 2024**

Mayor Pro Tem Albert Torres called the meeting to order at 5:12 pm and asked for a recess until the technical issues were resolved. The meeting was called to order at 5:17 pm.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Oath of Office and Swearing In of Newly Elected Official

Judge Matheus administered the oath of office to newly elected Councilman Joe Mendoza.

1.3. Roll Call

Present: Mayor Pro Tem Councilman Albert Torres, Councilman Ryan Hanan, Councilwoman Felicity Zoberiski, Councilman Stan Lau, Councilman Joe Mendoza, City Manager Ben Marchant, City Attorney Aaron Mouritsen, Municipal Court Judge Lori Matheus, City Clerk Kim Swanson, Administrative Specialist I Sandy Harris, City Treasurer Robert Carson, Building Official Charity Birkel, Planning Director Michele Rambo, Public Works Director Barry Williams, Deputy Public Works Director Olivia John, Utilities Director Seong Kim. **Absent:** Mayor Neal E. McIntyre

Mayor Pro Tem Albert Torres presented Fran McKay with a plaque from the City in appreciation of her many years of dedication to the city.

Ben Marchant, City Manager, conveyed Mayor Neal E. McIntyre's deep appreciation for the time working together and serving the city of Fernley. The Mayor regrets that he is not able to be here, even virtually, and is very grateful for her service and he would also like to welcome Councilman Joe Mendoza to the team.

1.4. Public Forum

There was none

1.5. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE THE AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Mendoza, Councilman Hanan.

2. CONSENT AGENDA

2.1. (Possible Action) Approval of Voucher Report

2.2. (Possible Approval) Approval of Business Licenses

City Clerk Kim Swanson read the new business licenses.

Motion: I MOVE TO APPROVE THE CONSENT AGENDA. **Action:** Approved. **Moved by:** Councilman Stan Lau, **Seconded by:** Councilman Ryan Hanan. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Mendoza, Councilman Hanan.

3. REPORTS - this item is for various public entity representatives to provide general information to the Council and public. No action will be taken.

Chief Deputy Mitch Brantingham, Lyon County Sheriff's Department, thanked Fran McKay for her years of dedication to the city. The department is putting together the statistics for 2024 and will be ready around February. The department has been working with Councilman Torres over the last couple of weeks, who has been working with BOR to get a MOU done with the city. That will allow city personnel and the Sheriff's department to partner to clean up the homeless camp by the Veteran's Cemetery and get those folks the appropriate resources and work with human resources through the county. The Shop With A Sheriff is December 13, 2024, at Walmart, and they are still looking for donations. Recently there were five cadets that graduated and a couple of them will be coming to Fernley. The citizens of Fernley should expect to see new faces as they keep staffing levels up and keep patrols active and response times down. He reminded people to keep their cars locked. There have been vehicles stolen from other areas recovered in our area.

3.1. Reports by City Staff, City Council, and the Mayor, including but not limited to monthly statistical reports by city departments.

Ben Marchant, City Manager, introduced Seong Kim, the new Utilities Director. He stated that he had heard from the city's lobbyist, Nick VanderPoel, that Congressman Amodei was able to pass the Fernley 2023 Lands Bill out of the Natural Resources Plan. It still must pass the House and the Senate. City Hall will be closed on November 28th and 29th for Thanksgiving. The Rotary and the Boys and Girls Club are hosting a free community Thanksgiving dinner on Thursday, November 28, from 1:00 pm - 3:00 pm at the Wigwam which is open to everyone. They are also providing meals for the home bound on Wednesday, November 27th.

Barry Williams, Public Works Director, reminded the public that the Shadow Lane Reconstruction Project had started.

Councilman Ryan Hanan welcomed Councilman Joe Mendoza.

Councilwoman Felicity Zoberski welcomed Councilman Joe Mendoza and Seong Kim. She congratulated The Fern 45 for raising over \$100,000.00 for Veterans.

Councilman Stan Lau welcomed Councilman Joe Mendoza and Seong Kim. He gave a shout-out to a North Lyon County ambulance driver who saved his neighbor.

Councilman Joe Mendoza expressed his gratitude for the support and looks forward to serving.

Councilman Albert Torres reminded the public that the deadline for the FCTA grant applications is November 29th and the grant selections will be made during the December 9th FCTA board meeting at 6:00 pm. FSCAC Angel Tree is located at City Hall by the Clerk's Office and will be accepting applications until November 22nd. They are hoping to have the MOU from the Federal Assistance by the end of the week. It is BOR property that is being overseen by BLM, and their contract and MOU have expired.

4. PROCLAMATIONS BY THE MAYOR

Mayor Pro Tem Albert Torres read the proclamation for Small Business Saturday, November 30, 2024, and presented it to Shannon Ceresola.

5. ORDINANCES

5.1. Discussion and First Reading of Bill #358, an Ordinance related to ZMA24004 to change the Zoning of +/-1.741 acres located at the southwest corner of Farm District Road and Westerlund Lane (APNS 021-111-47 and 021-111-48) from SF20 (Single Family Residential, 20,000 square feet minimum) to PF (Public Facility).

Michele Rambo, Planning Director, presented the first reading of Bill #358. The discussion and final adoption will be at the December 18th meeting.

6. STAFF REPORTS

6.1. (For Possible Action) Discussion and possible action regarding an appeal by City Councilwoman Fran McKay of the Planning Commission's approval of CUP 24004, a Conditional Use Permit request by Wood Rodgers on behalf of Douglass Development for the construction of a "mini-warehouse" (self-storage) facility on a parcel ±5.00-acres in size and generally located north of Farm District Road between Camille Drive and Jenny's Lane (APN: 020-351-08).

Michele Rambo, Planning Director, stated that at the City Council meeting on October 2, 2024, the City Council approved ZMA 24003 in anticipation of a forthcoming Conditional Use Permit. Councilwoman McKay requested that the CUP be brought forward to the Council for review after the Planning Commission made their decision. On October 9, 2024, the Planning Commission approved CUP24004 by a unanimous vote of 7-0.

Derek Kirkland, Wood Rogers, stated this project started back in August. He stated they met with the neighbors, which was a very important step in this process. The design of this project was presented to the neighborhood, and through that process got their support and listened to their input. There have been no changes to the design since that time. He stated the neighborhood wanted to see the projects come forward, but they wanted to make sure, because of the C2 zoning, that if the project were to change from a mini storage, that there was a condition that the zoning would revert to C1. We agreed to that. As part of that, Council wanted to see that CUP come back. That zoning map amendment was approved. There were no public comments on that project.

Eric Hasty, Wood Rogers, stated this is a typical storage facility. There is not going to be any access along George Lane. This is a low generation on utilities. There are 2 retention ponds, that will be located on site to help with drainage issues that are currently on site, and to also accommodate any of the additional flows that are generated from the imperious services.

Motion: I MOVE TO UPHOLD THE PLANNING COMMISSION APPROVE OF CUP24004 WITH NO CHANGES. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

7. PUBLIC HEARINGS

7.1. For Discussion and possible action, a second reading of Bill # 357, regarding proposed amendments to Title 6 – Animals of the Fernley Municipal Code regarding community guidelines, breeder prohibitions, and animal cruelty penalties.

RanDee Gahr, Animal Control Officer, gave a presentation regarding the changes to the code. These are some changes that need to be made to keep up with the current NRS. She reviewed the changes that included, adding a violation for nuisance barking, animal abandonment and breeder permits. She stated NRS 574353 requires each jurisdiction to have a breeder permit process which we currently do not. Unregulated backyard breeding is one of the largest issues which creates overcrowding and shelter overpopulation nationwide. If approved, this Ordinance will create a breeder process that outlines how and when dogs can be bred, the number of times a year, the age of the females, and to restrict the litters that are being born. It encourages people

to breed ethically and not just for profit. In joining similar municipal laws passed in the cities of Reno, Mesquite, and Las Vegas, it is in the best interest of the animals in this city to ban the commercial sale of dogs, puppies, cats and kittens, in retail stores. By banning these business practices before applications are received, we can ensure that proper breeding and disease abatement protocols are followed by ethical breeders.

Councilwoman Felicity Zoberiski asked if the breeder permit was for dogs and cats or all animals. RanDee Gahr stated that it is for dogs only. In the future, they plan to do something about cats. There wouldn't be any restrictions on livestock.

Public comments:

Charity Birkel asked what the regulations are going to be for barking dogs.

RanDee Gahr stated that the process would be the same as the current process. The only thing that would change is that they would require 2 different households to submit statements.

Motion: I MOVE TO APPROVE BILL #357, AND ORDINANCE AMENDING TITLE 6 ANIMALS OF THE FERNLEY DEVELOPMENT CODE AS PRESENTED BY STAFF. **Action:** Approved.

Moved by: Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

8. ITEMS REQUESTED BY MAYOR OR CITY COUNCIL MEMBERS

8.1. Possible Action requesting a future agenda item to look into land, and a building for a future animal shelter. (Councilman Hanan)

Councilman Ryan Hanan stated that it is imperative to move forward with this.

Motion: I REQUEST A FUTURE AGENDA ITEM TO LOOK INTO WHAT IT'S GOING TO TAKE TO LOCATE A PIECE OF PARCEL, BUILD AN ANIMAL SHELTER, AND ANY OTHER ACCOMPANIMENTS. **Action:** Approved. **Moved by:** Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Councilwoman Zoberiski, Councilman Lau, Councilman Torres, Councilman Hanan, Councilman Mendoza.

8.2. Possible Action requesting a future agenda item to look into establishing a committee for future development of the Community Response and Resource Center. (Councilwoman Zoberiski)

Councilwoman Felicity Zoberiski requested a future agenda item to look into establishing a committee for future development of the Community Response and Resource Center. This is just creating the committee. That doesn't mean making any changes to the phases that we have now but future development. She wanted to start establishing a relationship with the Community Foundation, our community and council ahead of time before the end of the session.

Councilman Stan Lau stated that he spoke with the city's lobbyist, Nick VanderPoel. He had concerns, because right now we're in the middle of negotiating with the legislature. We can get a committee to just discuss the future of everything if nothing is changed or moved. He stated he looks forward to a committee and have this committee expand on future developments for parks and recreation.

Councilman Albert Torres stated that having a committee is a good idea. He stressed this is not for Phase 2 and 3. This would be Phases 4 and beyond, for the CRRC. The session starts in February, but we cannot not even consider bringing that committee to life until after the session.

Councilman Ryan Hanan stated he was in full agreement. A proposal has been submitted to the State, asking for \$15 million for Phase 2 and 3. We get a chance every 2 years for something like this, and it's incumbent upon us to try to do the best we can and gather as much funding as we can for the city and not jeopardize any future funding.

Motion: I MOVE TO REQUEST THIS BE BROUGHT BACK FOR A FUTURE AGENDA ITEM FOR ANY PHASE BEYOND 1, 2 AND 3, SO THIS WOULD BE 4 AND BEYOND FOR THE CRRC OR ANY OTHER COMMUNITY PROJECT ON THAT PROPERTY. **Action:** Approved.

Moved by: Councilman Ryan Hanan, **Seconded by:** Councilman Stan Lau. **Vote:** Passed,

Summary: Yes 5. **Yes:** Councilwoman Zoberski, Councilman Lau, Councilman Torres, Councilman Mendoza, Councilman Hanan.

9. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

Councilman Stan Lau made a request to have a recreational committee. That would include parks and recreational facilities.

10. PUBLIC FORUM

Fran McKay stated that the Nevada State Planner of the Year was Derek Kirkland. She also reminded everyone of the Thanksgiving dinner. Wednesday night they will be delivering meals to shut-ins, and the list is at the senior center now. The annual Rotary-sponsored Thanksgiving dinner for the community will be held at the Wigwam Restaurant from 1 pm to 3 pm. Volunteers are needed.

Cody Wagner (Zoom) thanked Fran McKay for all her years of service and congratulated Derek Kirkland. He stated that he appreciated the conversation around the Community Center. It was a lot more logical than the last meeting. He completely agrees with the comments about not spending any money on this committee or anything like that. His main concern right now is that there is no operating plan in place for what's being built right now.

Councilman Albert Torres announced that there was cake in the fishbowl for anybody who would like cake for Mrs. McKay's going away.

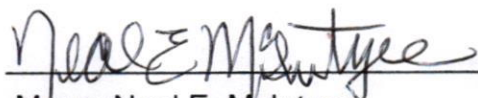
The next meeting will be December 4, 2024.

11. ADJOURNMENT

There being no further business to come before it, the Fernley City Council meeting adjourned at 6:18 pm.

Approved by the Fernley City Council on December 4, 2024, by a vote of:

AYES 5 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Mayor Neal E. McIntyre



ATTEST: City Clerk Kim Swanson

BILL NO.357

CITY OF FERNLEY

ORDINANCE # 2024-011

CITY OF FERNLEY

AN ORDINANCE AMENDING TITLE 6 OF THE FERNLEY MUNICIPAL CODE, ANIMALS AS FOLLOWS: THIS ORDINANCE SHALL GO INTO EFFECT DECEMBER 1st, 2024.

THE CITY COUNCIL OF THE CITY OF FERNLEY, hereinafter "the Council" DO ORDAIN That Section 6 of the City of Fernley Code of Ordinances is amended as follows:

Sec. 6.01 – Definitions

Animal Any living creature besides plants and other than a human being.

Animal Rescue Organization An animal rescue organization means an animal control center, animal shelter, or nonprofit organization that has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is the rescue and placement of animals in permanent homes. This term does not include an entity that breeders or brokers animals or obtains animals from breeders or brokers in exchange for payment or compensation.

At large means any place within the incorporated limits of the city, off of the premises of the owner or person having custody and control of a dog and not accompanied by and under the control of the owner or any other responsible person by physical restraint or signal command or voice command.

Big Game Animal means any species of animal classified as a "Big Game Mammal" by the Nevada Board of Wildlife Commissioner, or successor entity.

Bite means the act of an animal using its teeth and jaws to press down or cut into the flesh or clothing of a person or another animal.

City means the City of Fernley, an incorporated municipality of the State of Nevada

Custodian means the person, firm, corporation or any other entity owning or otherwise having the care, custody or control of any livestock or animal.

Leash means any long, thin piece of rope, nylon, or leather used to tether a dog.

Licensed Veterinarian means a Doctor of Veterinary Medicine currently licensed in Nevada to practice veterinary medicine pursuant to NRS 638.090 to 638.134 inclusive, as amended.

Livestock means:

- (a) all cattle or animals of the bovine species
- (b) all horses, mules, burros and asses or animals of the equine species
- (c) all swine or animals of the porcine species
- (d) all goats or animals of the caprine species
- (e) all sheep or animals of the ovine species, and
- (f) all alternative livestock such as alpacas and llamas

Owner means any person owning, keeping, harboring, or having charge of or having the care, custody, or control of a dog or cat or any other animal regulated by this title or any person permitting any dog, cat, or other animal to be, or remain on, or be lodged or fed within such a person's house, yard or premises. "Owner" does not include a veterinarian or kennel operator maintaining a dog, cat, or other animal on their premises for a period of less than thirty (30) days.

Person means and includes any form of business or social organization and any other nongovernmental legal entity including, but not limited to a corporation, partnership, association, trust, or unincorporated organization, a natural person, and the masculine gender as used includes the feminine. The term does not include a government, governmental agency, or political subdivision of a government.

Pound means any facility designated by the Board, including any facility designated by the City Council, used for receiving and holding dogs or any other animal regulated by this title. Also referred to as a Shelter.

Sec. 6.04 – Dogs

(1) Dog Licenses.

- a. **License requirements.** Except for dogs being used for the purpose of herding livestock or the protection of livestock against predators on farm or ranch property designated as greenbelt by the assessor, kennels or animal hospitals operated by a licensed veterinarian, every dog over the age of six months shall be licensed.
- b. **License fees.** The fees for dog licenses and tags, other than dogs housed in a kennel, shall be established and modified by resolution of the council.
- (c) **Running at large is prohibited.** It is unlawful for any owner or person having custody, control, or possession of any dog to permit the same to trespass on any private property owned by another or to run at large on any street, alley, court, park, school, playground, right-of-way or private street open for use to the general public. The animal control Officer or his or her duly authorized representative may tranquilize a dog at large to aid its capture. In the event of an aggressive dog at large that is a threat to public safety in which a safe capture cannot be made using tranquilization, the animal control Officer may use or authorize any reasonable means necessary, including destruction of the animal, to capture the animal.

(d) Impoundment and redemption provisions.

(2) Notice of impoundment disposition of unclaimed dogs.

- c. Any sick, injured, mutilated or damaged dog impounded pursuant to this title may be disposed of immediately.**

Sec. 6.05. – Prohibited Acts

- (a) Noisy animals.** It is unlawful for any person owning, possessing, or having charge of custody of any animal to cause, permit, suffer, or allow the dog to persistently and habitually howl, bark, bay, cry, or make any noise audible beyond the boundaries of the property on which the dog is situated for an extended period of time. No summons and complaint or citation shall be issued for a violation of this section unless there are at least two (2) or more complaining witnesses from separate households who have signed such complaint. Such extended period of time shall consist of constant barking, baying, crying, howling, or making of habitually making any noise for sixty (60) minutes continuously or more during any twenty-four (24) hour period between the hours of 10 pm and 6 am. Dogs making noise in response to a person trespassing, threatening to trespass, teasing or provoking the dog, or dogs while working as law enforcement canine or working dog pursuant to 6.04.01, shall not be deemed a violation.
- (b) Abandonment of animals.** It is unlawful for any person owning, possessing, or having charge of custody of any animal.
- (c) Leave the animal without food or water in any public or private place**
- (d) Move a residence or business without providing for the transportation of the animal**
- (e) Abandon the animal on or adjacent to any public street, road, alley, highway, or other public place or violate any provision of the NRS 574.110 or its current adopted version.**
- (f) Leave the animal in a motor vehicle where it may suffer from exposure to heat or cold.** Animal control may remove an animal from a motor vehicle suffering or distressed from exposure to extreme heat or cold. The Sheriff or his deputy may impound a vehicle in which an animal is enclosed. The animal control officer may impound the enclosed animal. The vehicle and animal may be released upon payment of the costs of impoundment and, in the discretion of the City animal control officer, the issuance of a citation. The cost of impoundment of the vehicle and animal must be paid by the person responsible for the animal.
- (g) Leave the animal in custody of the Shelter after being notified of the animal's impoundment.** Owners must contact the shelter and arrange to reclaim or surrender the pet before the end of the holding period.
- (h) Feeding and watering big game animals, estray, and wild horses.** It is unlawful for a person to feed and/or water any big game animal, estray horse or wild horse within 1,500 feet of the highway right-of-way of U.S. Highway 50A, 95A, Interstate 80, State Route 828 (Farm District Road), and State Route 427 (Main Street) and any school zone unless the area is securely fenced to prevent the animals from

wandering into the highway right-of-way or as unless the person is associated with an approved feral horse rescue group conducting a removal operation.

- (i) Deprivation of sustenance or shelter. It shall be unlawful to deprive any animal of necessary sustenance, food, drink, or shelter, or expose to the elements of the weather and the extreme heat or cold, or refuse to obtain veterinarian medical care for illness, injury, disease, or infirmity, or willfully instigate, engage in, or in any way further an act of cruelty to any animal, or any act to produce such cruelty.
- (j) No puppy, kitten, or other young mammal may be rehomed or removed from its mother or littermates until it has reached the age of 8 weeks. This does not include if the mother has died of an accident or illness or is unable to be located within a period of 24 hours. The exception to this is if the young are transferred to a recognized animal rescue organization.

Sec. 6.13 – Permit revocation conditions.

- (a) Any permit issued under this title shall be revoked if the animal, without provocation, bites or attempts to bite any person or animal lawfully upon the permit holder's property or upon any other property or violates any conditions set by the animal services department.

Sec. 6.17 – Retail sale of dogs and cats in a commercial establishment.

- (a) The retail sale (including both primary and accessory use) of dogs and cats in pet stores and/or commercial establishments shall be prohibited.
- (b) A pet store may provide space to an animal rescue organization to offer to the public dogs or cats for adoption; provided that the pet store shall not have any ownership interest in the animals offered and shall not receive any fee for providing space or for the adoption of any of the animals.

Sec. 6.18. - Taking possession of animal being treated cruelly; notice to owner; lien for cost of care; disposition of animal; liability of peace officer or animal control officer; limitations and procedure when animal is located on agricultural land.

Except as otherwise provided in NRS 574.201 to 574.204, inclusive:

- (a) Any peace officer or animal control officer shall, upon discovering any animal which is being treated cruelly, take possession of it and provide it with shelter and care or, upon obtaining written permission from the owner of the animal, may destroy it in a humane manner.
- (b) The City may contract with any person or agency, including volunteers, to care for an animal that is seized and impounded for evidentiary purposes or pursuant to other provisions of this section.
- (c) If an officer takes possession of an animal, the officer shall give to the owner, if the owner can be found, a notice containing a written statement of the reasons for the taking, the location where the animal will be cared for and sheltered, the fact that there is a limited lien on the animal for the cost of shelter and care and notice of the right of the owner to request a hearing pursuant to NRS 574.203 within 5 days

after receipt of the notice. If the owner is not present at the taking and the officer cannot find the owner after a reasonable search, the officer shall post the notice on the property from which the officer takes the animal. If the identity and address of the owner are later determined, the notice must be mailed to the owner immediately after the determination is made.

- (d) Nothing in this section shall be construed to prohibit the City, after seizure of an animal by a peace officer, animal control officer, or otherwise authorized personnel, from taking possession of and placing the animal on a protective custody hold when the City deems the animal to be of evidentiary value in any criminal prosecution relating to the condition of the animal. If the City intends to take possession of and retain an animal as evidence in any criminal prosecution, the City shall promptly provide written notice to the appropriate court of jurisdiction.
- (e) An officer who takes possession of an animal pursuant to this section has a lien on the animal for the reasonable cost of care and shelter furnished to the animal and, if applicable, for its humane destruction. The lien does not extend to the cost of care and shelter for more than 2 weeks.
- (f) Upon proof that the owner has been notified in accordance with the provisions of subsection (c) or, if the owner has not been found or identified, that the required notice has been posted on the property where the animal was found, a court of competent jurisdiction may, after providing an opportunity for a hearing, order the animal sold at auction, humanely destroyed or continued in the care of the officer for such disposition as the officer sees fit.
- (g) An officer who seizes an animal pursuant to this section is not liable for any action arising out of the taking or humane destruction of the animal.
- (h) The provisions of this section do not apply to any animal which is located on land being employed for agricultural use as defined in NRS 361A.030 unless the owner of the animal or the person charged with the care of the animal is in violation of paragraph (c) of subsection 1 of NRS 574.100 and the impoundment is accomplished with the concurrence and supervision of the sheriff or the sheriff's designee, a licensed veterinarian and the district brand inspector or the district brand inspector's designee. In such a case, the sheriff shall direct that the impoundment occur not later than 48 hours after the veterinarian determines that a violation of paragraph (c) of subsection 1 of NRS 574.100 exists.
- (i) The owner of an animal impounded in accordance with the provisions of subsection (h) must, before the animal is released to the owner's custody, pay the charges approved by the sheriff as reasonably related to the impoundment, including the charges for the animal's food and water. If the owner is unable or refuses to pay the charges, the State Department of Agriculture shall sell the animal. The Department shall pay to the owner the proceeds of the sale remaining after deducting the charges reasonably related to the impoundment.

Sec. 6.19-Right to request hearing; timing of hearing.

- (a) If an animal is seized and impounded by an animal control officer, Sheriff's Deputy, or otherwise authorized personnel, pursuant to a violation of NRS 574.070, 574.100, Fernley Municipal Code Sec. 6.05 (B) or due to three or more violations of Fernley Municipal Code Sec. 6.04 (C) in a one year period of time,

- or any other applicable violation of Fernley Municipal Code or Nevada Revised Statute resulting in the impoundment and seizure of an animal, the person must be notified in accordance with the provisions of subsection (c) of Fernley Municipal Code Sec. 6.18 and be notified of his or her right to request a hearing within 5 days after receipt of the notice to determine whether the person is the owner of the animal and whether the person is able to provide adequate care and shelter to the animal. The person must request a hearing pursuant to this subsection within 5 days after receipt of the notice pursuant to this subsection.
- (b) If a person who is charged with a violation of NRS 574.070, 574.100, Fernley Municipal Code Sec. 6.05 (B), or Sec. 6.04 (C), or any other applicable violation of Fernley Municipal Code or Nevada Revised Statute resulting in the impoundment and seizure of an animal, does not request a hearing pursuant to subsection (a), or an owner of the animal has not been identified within 5 days of the impound, the County/City/Shelter, shall transfer ownership of the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.
 - (c) If the court receives a timely request pursuant to subsection (a), the court shall hold a hearing within 15 judicial days after receipt of the request to determine whether the person is the owner of an animal and whether the person is able and fit to provide adequate care and shelter to the animal.
 - (d) If a person who is charged with a violation of NRS 574.070, 574.100, Fernley Municipal Code Sec. 6.05 (B), or Sec. 6.04 (C), or any other applicable violation of Fernley Municipal Code or Nevada Revised Statute resulting in the impoundment and seizure of an animal, submits a timely request for a hearing, the owner shall post with the Court a bond in the form of cash or a surety's undertaking to defray some of the cost of care for the animal. The bond amount shall be proportional to the type of seizure and per animal seized or impounded. The owner shall post the bond within 5 judicial days of the notice of impoundment by animal control, provided under Section 6.18 excluding weekends and City holidays. If the owner fails to post the bond within the specified time, the owner shall be deemed to have abandoned the animal. The City may dispose of the abandoned animal as authorized in this Ordinance.
 - (e) Bond Fees shall be set by the Animal Services Program Manager.
 - (f) For the purpose of conducting a hearing pursuant to this section, the court may consider:
 - (1) Testimony of the peace officer or animal control officer who took possession of or impounded the animal or other witnesses concerning the conditions under which the animal was owned or kept;
 - (2) Testimony and evidence related to veterinary care provided to the animal, including, without limitation, the degree or type of care provided to the animal;
 - (3) Expert testimony as to community standards for the reasonable care of a similar animal;
 - (4) Testimony of witnesses concerning the history of treatment of the animal or any other animal owned or possessed by the person;

- (5) Prior arrests or convictions related to subjecting an animal to an act of cruelty in violation of NRS 574.070 or 574.100; and**
- (6) Any other evidence which the court determines is relevant.**

Sec. 6.20- Determinations of court.

- (a) If the court determines by clear and convincing evidence that the person charged is the owner of the animal and the person is able and fit to provide adequate care and shelter for the animal, the court shall order the person or the designee of the person to take possession of the animal not later than 3 days after the issuance of the order. If the animal is not retrieved within 3 calendar days, the animal will become property of the shelter.**
- (b) If the court determines that there is not clear and convincing evidence that the person charged is the owner of the animal or that the person is not able and fit to provide adequate care and shelter for the animal, the court shall order:**
 - (1) The person not to own or possess the animal; and**
 - (2) The county, city or other local government to take full legal custody or transfer the animal to an animal rescue organization, animal shelter or another person who is able to provide adequate care and shelter to the animal.**
- (c) If the court makes a determination pursuant to subsection (b), the court may:**
 - (1) Order the impoundment of any other animals owned or possessed by the person charged; or**
 - (2) Enjoin the person from owning or possessing any animal.**

Sec. 6.21. - Recovery of costs for care and shelter.

- (a) If the court makes a determination pursuant to subsection (b) of Fernley Municipal Code 6.20, the county, city or other local government or animal shelter may by appropriate action recover the reasonable cost of any care and shelter furnished to the animal. The court may order a later and separate hearing to make a determination about such costs.**
- (b) Upon forfeiture of an animal, the Court shall forfeit the bond to pay the cost of care incurred for the animal. If the bond exceeds the cost of care, the Court shall exonerate the bond amount and order the security returned to the owner only to the extent the bond exceeds the cost of care incurred for the animal.**
- (c) If at the conclusion of the hearing pursuant to section 6.19, the animal is not forfeited the Court shall order the bond exonerated and the security returned to the owner minus the cost of care incurred for the animal. The animal must be retrieved from the Shelter or other approved humane rescue, volunteer, or other organization that has been caring for the pet within 3 calendar days. Should the animal not be retrieved, the pet will be considered abandoned and become the property of the Shelter, humane rescue, volunteer, or other organization in possession of the animal.**

Sec. 6.22. - License required for breeder kennels.

- (a) The owner of any dog fancier or commercial breeder kennel, in the city must obtain and keep a current license for each kennel. The license, unless surrendered or revoked, is valid for one year from the date of issue.**

- (b) An unexpired license may be renewed by submitting an application and fee thirty (30) days before the date of expiration. After approval by animal control the date of issuance of the license, which is renewed, is the date the license would have expired.
- (c) A dog fancier or commercial breeder kennel license is not transferable to a new owner or operator.
- (d) A dog fancier or commercial breeder kennel that houses more dogs than it was licensed for is considered to be unlicensed and this constitutes grounds for revoking the license to operate the facility.
- (e) The animal control officer must review the application for a dog fancier or commercial breeder kennel license or its renewal, inspect the kennel, and then either grant or deny the license. If the decision is for denial, the reasons for the denial must be stated. Denial of a license or its renewal is subject to appeal before the City Council.
- (f) All dog fancier and commercial breeder kennels must meet the following requirements to be licensed:

 - (1) Indoor or outdoor enclosures (cages, kennels, or runs) must be provided for each animal house. These enclosures must be constructed of impervious material. Floors must be made of metal, fiberglass, or concrete, completely covered with a non-permeable surface, or other approved flooring, and must be designed for rapid drainage of surface water. All enclosures must be kept clean and dry and outdoor kennels must provide animals protection from the rain, snow, wind, sun and inclement weather. Enclosures housing animals must be cleaned daily with a disinfectant, cleanser, or chlorine bleach. Enclosures cannot be stacked. Enclosures must be constructed as to prevent the animals inside from biting or otherwise harming another animal or person outside of the enclosure.
 - (2) Cleaning materials sufficient to clean the entire facility must be present at time of inspection. Cleaning supplies must be stored separately from food supplies.
 - (3) Building temperatures must be maintained at a comfortable level with adequate ventilation by windows, doors, vents, fans, or HVAC system. Building temperatures must remain cool during a period for which the National Weather Service has issued a heat advisory. Outdoor kennels must have shade and a place to stay warm when temperatures are below 50 degrees or protect animals when the National Weather Service has issued a high wind, inclement weather, or freeze warning.
 - (4) Each animal must have sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure.
 - (5) All animals must be fed palatable food, free from contamination, in an amount and with a nutritional value to meet the normal daily requirements for the condition and size of the animal.
 - (6) All animals must have fresh water available at all times, unless under documented veterinary direction.

- (7) Any dog over the age of six months must have proof of a current rabies vaccination.**
 - (8) Veterinary care must be provided, if needed, to maintain good health and general welfare and to prevent suffering by animals. All costs for veterinary care must be paid for by the kennel or business operator.**
 - (9) All animal bites involving any dog housed on the premises must be reported immediately to animal control pursuant to Fernley Municipal Code 6.07 (C) or any provision in Fernley Municipal Code.**
 - (10) A dog fancier or commercial breeder kennel must meet the zoning criteria required by Chapter 32 and its location be approved by the planning department before applying to animal control for a license.**
 - (11) Every dog fancier or commercial breeder kennel will be inspected to determine if the requirements for the license have been met before a license is issued. Additionally, every dog fancier or commercial breeder kennel will be inspected annually during the license renewal process and could be subject to unannounced random inspections throughout the duration of the license if probable cause of non-compliance is established. If requested by animal control during inspections, the kennel owner or operator must produce proof of current rabies vaccinations for each dog over the age of six months old at the time of inspection.**
- (g) A dog fancier or commercial breeder kennel must, in addition to subsection (f), meet the following requirements to be licensed:**
- (1) A dog fancier or commercial breeder kennel must meet the zoning criteria required in chapters 10 and 32 and be approved by the planning department before applying to animal control for a license. Residential breeders are not permitted to have business licenses in zoning areas designated SF 6, SF 9, SF12, SF 20, RR1/2, or RR1 (Fernley Municipal Code 10.01.03). Structures must be approved by the Building Inspector.**
 - (2) Puppies under the age of eight weeks must be housed in the same enclosure as their mother with sufficient room for all animals to move. The mother must be able to move away from her puppies if needed.**
 - (3) All dogs over the age of six months must have a current Rabies license pursuant to section 6.07 (B)**
 - (4) A dog fancier or commercial breeder kennel may not have more than six dogs over the age of six months for parcels with five acres and ten dogs over the age of six months for parcels five net acres or more, including dogs kept as pets, at that location. No more than three dogs of mixed breed or of a breed different than the purebred breeding dogs may be kept as pets or counted in the total number of dogs allowed at that location. All dogs kept as pets must have an identification microchip permanently implanted or a permanent tattoo with unique numbers, letters, or a combination of numbers and letters to distinguish the pet dogs from the breeding dogs. These pet dogs must also be spayed or neutered to prevent unintentional crossbreeding. The microchip registration number or a description of the tattoo must be provided to animal control and listed on the dog license information of each pet. Breeding dogs**

must either have a registered microchip or identification tattoo. If so, the registration number or tattoo description must also be provided to animal control and listed on the dog license information for those dogs. Breeding dogs and pet dogs must be licensed with animal control within 30 days of application for a breeder or commercial breeder kennel permit. All dogs kept as purebred breeding dogs must have documentation of pedigree from a recognized and accredited United States dog kennel club. Dogs of mixed breeds are not eligible to be bred in this manner and will not be granted a breeder's or commercial breeder's license for such litters.

- (5) Puppies or dogs may not be sold**
 - a. Unless the puppy or dog has had**
 - i. A registered microchip subcutaneously inserted into the puppy or dog; and**
 - ii. All the required vaccinations which are appropriate based upon the age of the puppy or dog; and**
 - b. without providing a written sales contract, return policy, and pedigree to the purchaser.**
- (6) All the above information must be provided to animal control within 2 business days upon request by the Officer.**
- (7) Breeders shall not breed a female dog**
 - a. before she is eighteen months old;**
 - b. more than one time in two years;**
 - c. after the dog has reached the age of nine years old.**
 - d. to another dog of a different breed.**
 - e. Application and inspection fees shall be set by the Animal Services Program Manager.**
- (8) Application and inspection fees shall be set by the Animal Services Program Manager.**

PROPOSED on the 6th day of November 2024.

PASSED, APPROVED, and ADOPTED this 20th day of November 2024, by the following vote of the Council:

Ayes: 5 Nays: 0 Abstentions: 0 Absent: 0

FERNLEY CITY COUNCIL

By: Albert Torres
Albert Torres, Mayor Pro Tem

Date: 11-20-24

Attest By: Kimberly Swanson
Kimberly Swanson, City Clerk

Date: 11/20/2024

