

55.750 - Dangerous dog; determination.

1. As used in this section a dog is:
 - (a) "Dangerous" if:
 - (1) It is so declared pursuant to subsections 2 or 3;
 - (2) Without provocation, on two separate occasions within 18 months, it behaved menacingly, to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog was off the premises of its owner;
 - (3) Without provocation, it killed or inflicted substantial bodily harm upon a human being on public or private property; whether on or off the property of its owner; or
 - (4) Without provocation, it killed or injured any domestic animal while the offending dog was off its owner's property.
2. A dog may be declared dangerous by a law enforcement agency if it is used in the commission of a crime by its owner or keeper.
3. Dangerous dog determination.
 - (a) Any person who has been attacked by a dog, or an authorized representative of such person, or any law enforcement officer or animal control officer, may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.
 - (b) Any person whose domestic animal has been attacked by a dog, without provocation, and which has been killed or injured by said dog may make a complaint before an administrative hearing officer approved by the Washoe County Board of County Commissioners, or a judge having jurisdiction over the matter, requesting the dog be determined dangerous.
 - (c) The hearing officer or judge in such action may make a determination that the dog is a dangerous dog based upon evidence of the dog's history or propensity to attack without provocation as provided herein.
 - (d) In the interests of public safety, regional animal services may require a dog pending a dangerous dog determination to be kept in a completely enclosed and locked enclosure, approved by regional animal services.
4. A dog may not be found dangerous:
 - (a) Based solely on the dog's breed; or
 - (b) Because of a defensive act against a person who was committing or attempting to commit a crime; or
 - (c) Because a person provoked the dog by physically abusing, tormenting, teasing, assaulting, or attacking the subject animal.
5. This section shall not apply to animal shelters, commercial animal facilities, rescue/sanctuary animal facilities which have qualified as commercial animal facilities, or licensed veterinary clinics. This section shall not apply to dogs which are utilized by any law enforcement officer during the performance of his or her duties.
6. An owner or possessor of a dangerous dog shall not:
 - (a) Introduce the dog into or relocate the dog within Washoe County without 30 days' written notice to regional animal services. The notice must include:
 - (1) A description of the dog;
 - (2) A copy of the dangerous dog determination order;

- (3) The dog's current address and proposed new address;
 - (b) Introduce the dog into or relocate the dog within Washoe County without prior approval from regional animal services. The dog's owner must submit a new application and fee for property inspection and enclosure approval by regional animal services.
 - (c) Remove from Washoe County any dog declared dangerous or which has a dangerous dog determination pending without 30 days' written notice to regional animal services.
7. If a hearing officer or judge has found a dog to be dangerous, the hearing officer or judge shall report that determination to regional animal services. If a law enforcement agency has made the declaration under subsection 2, the agency shall report to regional animal services.
8. Upon receipt of the determination from the hearing officer or judge or declaration from a law enforcement officer that a dog is dangerous, regional animal services shall notify the owner of the dog that he must comply with the provisions of section 55.760.

(Ord. No. 1207, § 77; [Ord. No. 1558, § 1, 6-9-15, eff. 6-19-15](#))

55.760 - Dangerous dog; registration.

1. The owner of a dog that has been certified to be dangerous pursuant to section 55.750 must:
- (a) Demonstrate that he has provided a proper enclosure to confine the dog and posted on his premises a clearly visible warning sign (containing letter at least two inches high) that there is a dangerous dog on the property. In addition, the owner shall display conspicuously a sign with a warning symbol that informs children of the presence of a dangerous dog.
 - (b) A proper enclosure includes, but is not limited to:
 - (1) An enclosure constructed of not less than nine-gauge chain link fencing or other material of equal strength as approved by regional animal services. The floor(s) need not be concrete provided that the posts supporting the kennel walls have concrete footings not less than 24 inches in depth and the perimeter of the kennel has a concrete footing at least six inches wide and not less than 12 inches deep. The enclosure fencing shall be securely fixed to the pad or footing. A roof over the entire enclosure shall be constructed of not less than nine-gauge chain link fencing and securely fixed to all sides of the enclosure. All fencing and gate(s) shall be at least six feet in height. All animals shall at all times have access to an area sheltered from adverse climatic conditions. All sheltered areas must be located inside the enclosure. All entrances to the enclosure must be secured by a padlock at all times. The size of such enclosure shall be determined by the size of the dog as follows:
 - (i) Small breeds (20 pounds or less): Four feet in width by six feet in length for one dog. An additional two feet in width for each additional dog.
 - (ii) Medium breeds (under 40 pounds and over 20 pounds): Six feet in width by 12 feet in length for one dog. An additional four feet in width for each additional dog.
 - (iii) Large breeds (40 pounds or more): 12 feet in width by 18 feet in length for one dog. An additional six feet in width for each additional dog.

Enclosures of other dimensions may be approved by an animal control officer on a case-by-case basis.

2. The owner of a dangerous dog must:
- (a) Post a surety bond with the county in an amount of at least \$250,000.00 per dog declared dangerous, issued by an agency authorized to do business in the State of Nevada, payable to any person(s) injured by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest; or

- (b) Provide evidence of a policy of liability insurance, such as homeowner's insurance, issued by an insurer authorized to do business in the State of Nevada in the amount of at least \$250,000.00 per dog declared dangerous, insuring the owner for any personal injuries inflicted by the dangerous dog, with Washoe County Regional Animal Services listed as an additional interest.
 - (c) Microchip the dog declared dangerous and provide the identification number to regional animal services.
 - (d) Spay or neuter the dog within 30 days of declaration and provide proof to regional animal services.
3. The owner of the dangerous dog shall also provide a signed statement attesting that the owner:
 - (a) Shall maintain and not voluntarily cancel the liability insurance policy or surety bond required herein during the life of the animal; and
 - (b) Shall immediately notify regional animal services once the owner has knowledge that the dangerous dog is at large, is unconfined, has attacked another animal, has attacked a human being, or has died.
 - (c) Shall not transfer or give away any dog that has been declared dangerous.
 4. The owner of a dangerous dog shall pay an annual inspection and registration fee in an amount per dog as set by the board of county commissioners. The registration fee shall be in addition to any other fees payable under this chapter to cover the increased costs of maintaining the animal's records.
 5. The owner of a dangerous dog shall comply with the provisions of this section within 30 days of receipt of notification of the hearing officer or judge's determination of a dangerous dog. Upon compliance with this section, regional animal services shall issue a certificate of registration to the owner of the dangerous dog.
 6. The dog's owner shall allow an animal control officer or peace officer to inspect the premises where the animal is maintained at any reasonable hour.

(Ord. No. 1207, § 78; Ord. No. 1269; [Ord. No. 1558, § 2, 6-9-15, eff. 6-19-15](#))

55.770 - Dangerous dog; unlawful acts.

1. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750, to fail to register the dog in accordance with section 55.760.
2. It is unlawful for an owner of a dog determined to be dangerous pursuant to section 55.750 to permit the dog to be outside the required enclosure unless the dog is under the direct control and supervision of the owner and the dog is muzzled and restrained by a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or license tag, but must prevent the dog from attacking or biting any person or animal.
3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the owner of said dog shall be guilty of a misdemeanor.

(Ord. No. 1207, § 79; [Ord. No. 1558, § 3, 6-9-15, eff. 6-19-15](#))

55.780 - Impoundment of dangerous dog; determination pending.

1. A dangerous dog shall be immediately confiscated and impounded by an animal control officer or peace officer upon the occurrence of any of the following:

- (a) The dog is not validly registered under section 55.760;
 - (b) The owner of the dangerous dog does not secure and maintain the surety bond or insurance required under section 55.760;
 - (c) The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under the required physical restraint of the owner;
 - (d) The dog attacks a person or another animal.
2. A dog determined to be dangerous pursuant to section 55.750, or a dog which is the subject of a pending dangerous dog hearing, may be held at the county animal shelter in the interest of public safety. The dog's owner shall bear the costs of boarding and other related expenses.
 3. If a dog determined to be dangerous pursuant to section 55.750 is found to be in violation of this chapter, the dog shall be immediately confiscated and impounded as required by law pending further court order from a court of competent jurisdiction. The dog's owner shall bear the costs of boarding and other related expenses.

(Ord. No. 1207, § 80; Ord. No. 1269; [Ord. No. 1558, § 4, 6-9-15, eff. 6-19-15](#))

55.790 - Harboring vicious dog prohibited.

1. A person who knowingly:
 - (a) Owns or keeps a vicious dog, for more than seven days after he has actual notice that the dog is vicious; or
 - (b) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious, is guilty of a misdemeanor.
2. Upon demand of a peace officer or animal control officer, a vicious dog must be surrendered.

(Ord. No. 1207, § 81)

55.800 - Penalties.

1. Except when a civil penalty is imposed pursuant to NRS 244.359 as provided below, any person violating any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not less than \$50.00 or more than \$1,000.00, or by both fine and imprisonment. Failure to appear in the proper court to answer to such misdemeanor citation is a separate offense.
2. Each day that a violation occurs constitutes a separate offense.
3. For any second conviction for violation of the same provision of this chapter, such person violating that provision shall be punished by imprisonment in the county jail for not more than six months, or by a fine of not less than \$100.00 nor more than \$1,000.00, or both fine and imprisonment.
4. In lieu of all or part of the criminal penalty which may be imposed pursuant to this section, the convicted person may be sentenced to perform a fixed period of community service pursuant to the conditions prescribed by law.
5. Except as prohibited by NRS 244.359, and in lieu of any criminal penalty which may be imposed for the violation(s) of any ordinance enacted pursuant to NRS 244.359(3), a civil penalty in favor of the county may be imposed in an amount not to exceed \$500.00. In order to impose a civil penalty as authorized by NRS 244.359, a peace officer or an animal control officer shall serve upon a person a "Notice of Civil Penalty" (NCP). The NCP shall contain the information required in WCC 55.800(8) and will be adjudicated in accordance with WCC 55.800(6) through 55.800(16) inclusive. A NCP is a civil infraction in nature and is not to be considered a criminal offense for any reason. All civil

penalties collected pursuant to WCC 55.800 shall be payable directly to Washoe County and shall be placed in the county's general fund.

6. Violation-Civil Infraction. It is a civil infraction for which a civil penalty may be imposed against an animal owner and in favor of the county, for an animal to be found in violation of any of the animal ordinances which are set forth in WCC 55.010 through 55.800 to the extent allowed by law.
7. Notice of civil penalty. Whenever any animal is found in violation of the animal ordinances which are set forth in WCC 55.010 through 55.800, a NCP may be issued. In lieu of issuing a NCP, a written warning may be served upon the owner of the animal by affixing the warning to the place of residence in a conspicuous place. The written warning shall be imprinted so as to advise the owner that the owner has violated the animal control ordinances, which animal control ordinances the owner violated, but that it carries no civil or criminal penalty.
8. Notice of civil penalty—Form. The NCP authorized by WCC 55.800(5) must be on a form which is provided by Washoe County Regional Animal Services and must contain the following information or as much of the following information as reasonably possible:
 - (a) The name and address of the alleged violator;
 - (b) The location at which the violation occurred together with the date and approximate time of the violation;
 - (c) The description of the animal found in violation of WCC 55.010 through 55.800 together with the section(s) of the Washoe County Code allegedly violated;
 - (d) The name of the peace officer or animal control officer who issues the notice of civil penalty;
 - (e) Information which advises of the manner in which the violation occurred, and the time within which, the NCP should be answered;
 - (f) Information that Washoe County Regional Animal Services Center (WCRASC) is the Washoe County agency where the alleged violator shall appear. The NCP shall also contain the address, telephone number and the hours of operation of WCRASC;
 - (g) The amount of civil penalty imposed together with a statement that the NCP shall not be considered a criminal offense for any purpose and that a person who commits the infraction shall not be arrested as a result; the NCP shall also inform the person served that failure to respond to the NCP within 30 days of the date of issuance shall be deemed an admission of liability and a waiver of any right to a hearing and will result in the imposition of an additional \$25.00 administrative assessment;
 - (h) The NCP shall also advise the individual that the Washoe County Board of Commissioners authorizes animal services to accept as payment in full for the civil penalty, one half of the authorized penalty indicated on the NCP if the individual pays that amount within 30 days of issuance.
9. Issuance. The notice of civil penalty may be issued by any peace officer or animal control officer. The NCP may be issued by the peace officer or animal control officer based upon a written and signed statement of a complaining party. In such a case, the complaining party must appear at a hearing subsequently scheduled pursuant to WCC 55.800(13) (d) below, to testify. If the complaining party does not appear at the hearing in the case, the NCP will be dismissed and the respondent released from liability.
10. Filing. The notice of civil penalty and/or an electronic facsimile thereof, must be filed with and retained by Washoe County Regional Animal Services and is deemed to be a public record of matters which are observed pursuant to a duty which is imposed by law and is prima facie evidence of the facts which are alleged therein. The notice of civil penalty must be served on the person to whom it is issued as provided in section 55.800(11).
11. Service. The notice of civil penalty may be served upon the owner of the animal by personal service, regular US Postal Service mail to the last known address of the owner, or by affixing the notice to the place of residence in a conspicuous place. Service of the notice of civil penalty by mail

or affixation has the same force and effect and is subject to the same penalties for the disregard thereof as if the notice of civil penalty were personally served on the owner.

12. Liability. The owner of an animal is liable for all of the civil penalties which are imposed pursuant to this chapter. The following civil penalties are hereby authorized by the board of county commissioners:

- (a) For the first NCP relating to an ordinance: \$100.00
- (b) For second or subsequent NCPs issued for the same ordinance, as follows:
 - (1) Second NCP—\$200.00
 - (2) Third or subsequent NCP—\$400.00
- (c) A peace officer or animal control officer may issue a criminal citation for a fourth or subsequent violation by the owner of the same ordinance within a three year period.

13. Notice of civil penalty—Duties of animal owner/respondent.

- (a) A person who responds ("the respondent") to a notice of civil penalty must either:
 - (1) "Admit" the commission of the civil infraction and pay the civil penalty imposed on the NCP, or
 - (2) "Deny" liability for the civil penalty.
- (b) A person may "admit" pursuant to paragraph (1) of subsection (a) of this section by paying the amount of the civil penalty which is appropriate for the violation and which has been approved by the Washoe County Board of Commissioners.
- (c) A person may "deny" liability pursuant to paragraph (2) of subsection (a) of this section by appearing in person at or by telephone contact to the Washoe County Regional Animal Services Center within 30 days of the date of issuance of the NCP to request a hearing, at which time, a date for a hearing and assignment of a hearing officer on the NCP shall be scheduled.
- (d) Assignment of the hearing officer to each case will be on a fixed daily rotation basis, but the hearing officer must be chosen from a list of hearing officers approved by the Washoe County Board of Commissioners. Only one hearing officer will be so assigned per day to hear scheduled cases. The assigned hearing officer is subject to disqualification for bias, prejudice, conflict of interest, or for any other reason for which a judge may be disqualified in a court of law. At the hearing, the hearing officer shall have the authority to require every witness to declare, under penalty of perjury, that he will testify truthfully, by oath or affirmation, administered by the hearing officer. An affirmation is sufficient if the witness is addressed in the following terms:

"Do you solemnly swear or affirm that the evidence you shall give in this matter now pending shall be the truth, the whole truth and nothing but the truth."

Assent to this affirmation shall be made by the answer "I do".

The hearing officer shall not accept evidence from any party that does not assent to the affirmation.

- (e) At that hearing, any witness may present relevant evidence regarding the infraction and the issuance of the NCP. If the hearing officer finds that the civil infraction has not occurred or a civil infraction has been committed but the respondent asserts and proves one or more legal defenses to the NCP, the hearing officer may dismiss the NCP and release the owner from liability.
- (f) If the hearing officer finds that a civil infraction has been committed and no defense exists, the hearing officer may, in the interest of justice and on behalf of the county, enter into an agreement for the timely or periodic payment of the applicable civil penalty.
- (g) In a contested hearing, the respondent against whom the hearing officer has entered a finding of liability and has assessed a civil penalty, by default or otherwise, may, if the assessed fine

has been paid, seek judicial review thereof by filing a petition for a writ of mandate in the district court within 30 days of the hearing officer's findings.

- (h) If the person served with a NCP fails to respond as set forth in this subsection, animal services may serve on the violator by mail or by personal service, an overdue notice which shall contain payment instruction including the address to which payments should be mailed or personally delivered. The overdue notice shall also state that payment of the civil penalty in accordance with WCC 55.800(8)(h) is no longer available to the violator and that the entire amount of the civil penalty indicated on the NCP shall be paid. In addition, the overdue notice shall inform the violator that an additional administrative assessment of \$25.00 will also be charged.
14. Judicial enforcement. Judicial enforcement of a notice of civil penalty must be by way of civil suit in the appropriate Justice's Court. A certified copy of the notice of civil penalty constitutes a prima facie showing that a civil infraction occurred.
 15. Commencement of civil action—Procedure. The civil action authorized in WCC 55.800(14) may be commenced at any time after the expiration of 60 days following the date on which the notice of civil penalty was served pursuant to WCC 55.800(11) or 60 days following the hearing officer's findings, by the filing of a complaint in the name of Washoe County and the issuance of a summons with respect thereto. Service of such complaint and summons on the defendant must be made by certified mail, return receipt requested, addressed to the registered owner of the animal at the owner's last known address, as indicated by any animal identification or in any other manner which is authorized by law. The proceedings in the Justice's Court for actions commenced pursuant this chapter shall be governed by the appropriate Justice Court Rules of Civil Procedure.
 16. Time limit. Civil actions pursuant to this chapter may only be commenced within one year after the date on which the civil penalty occurred, and the standard of proof which is applied is the preponderance of the evidence. The County has satisfied its burden of proof if it shows that a civil infraction occurred and that the animal was owned by, registered to, or in the custody of the defendant on the date the NCP was served, unless either of these elements is satisfactorily rebutted by the defendant. The defendant may assert and prove defenses as allowed by law and the court may dismiss the notice of civil penalty if it finds that a defense has been proven by the respondent.
 17. Administrative enforcement authority. In addition to any criminal or civil penalties which are authorized by this chapter, in the sole discretion of Washoe County Regional Animal Services and in lieu of the process contained in WCC 55.800(5) through 55.800(16), any animal control officer is authorized to utilize the administrative enforcement procedures contained within WCC Chapter 125 in appropriate cases.

(Ord. No. 1207, § 82; Ord. No. 1460, § 4, eff. 4-1-11)