
ASSEMBLY BILL NO. 261—ASSEMBLYMEN OHRENSCHALL;
AND STEWART

MARCH 11, 2015

JOINT SPONSOR: SENATOR ATKINSON

Referred to Committee on Government Affairs

SUMMARY—Authorizes local governments to establish programs for the managed care of feral cat colonies. (BDR 20-1002)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governments; authorizing boards of county commissioners and governing bodies of incorporated cities to enact ordinances establishing programs for the managed care of feral cat colonies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law provides counties and incorporated cities with broad authority
2 regarding animal control within their respective jurisdictions. (NRS 244.189,
3 244.359, 266.325) This bill authorizes the board of county commissioners of each
4 county and the governing body of each incorporated city, whether incorporated
5 under general or special laws, to enact an ordinance establishing a program for the
6 managed care of feral cat colonies.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 244.359 is hereby amended to read as follows:
2 244.359 1. Each board of county commissioners may enact
3 and enforce an ordinance or ordinances:



1 (a) Fixing, imposing and collecting an annual license fee on
2 dogs and providing for the capture and disposal of all dogs on which
3 the license fee is not paid.

4 (b) Regulating or prohibiting the running at large and disposal of
5 all kinds of animals.

6 (c) Establishing a pound, appointing a poundkeeper and
7 prescribing the poundkeeper's duties.

8 (d) Prohibiting cruelty to animals.

9 (e) Designating an animal as inherently dangerous and requiring
10 the owner of such an animal to obtain a policy of liability insurance
11 for the animal in an amount determined by the board of county
12 commissioners.

13 *(f) Establishing a program for the managed care of feral cat*
14 *colonies. As used in this paragraph:*

15 *(1) "Feral cat" means a cat that has no apparent owner or*
16 *identification and appears to be unsocialized to humans,*
17 *unmanageable or otherwise demonstrates characteristics normally*
18 *associated with wild or undomesticated animals.*

19 *(2) "Feral cat colony" means a group of cats that*
20 *congregates more or less together as a unit, regardless of whether*
21 *every cat in the group is a feral cat.*

22 *(3) "Program for the managed care of feral cat colonies"*
23 *means a program under which persons are authorized to:*

24 *(I) Monitor feral cat colonies;*

25 *(II) Trap feral cats for the purpose of having the feral*
26 *cats sterilized and vaccinated for rabies; and*

27 *(III) Release feral cats that have been sterilized and*
28 *vaccinated for rabies.*

29 2. Any ordinance or ordinances enacted pursuant to the
30 provisions of paragraphs (a) and (b) of subsection 1 may apply
31 throughout an entire county or govern only a limited area within the
32 county which shall be specified in the ordinance or ordinances.

33 3. Except as otherwise provided in this subsection, a board of
34 county commissioners may by ordinance provide that the violation
35 of a particular ordinance enacted pursuant to this section imposes a
36 civil liability to the county in an amount not to exceed \$500, instead
37 of a criminal penalty. An ordinance enacted pursuant to this section
38 that creates an offense relating to bites of animals, vicious or
39 dangerous animals, horse tripping or cruelty to animals must impose
40 a criminal penalty for the offense. As used in this subsection, "horse
41 tripping" does not include tripping a horse to provide medical or
42 other health care for the horse.

43 **Sec. 2.** NRS 266.325 is hereby amended to read as follows:

44 266.325 The city council may:



1 1. Fix, impose and collect an annual license fee on all animals
2 and provide for the capture and disposal of all animals on which the
3 license fee is not paid.

4 2. Regulate or prohibit the running at large and disposal of all
5 kinds of animals and poultry.

6 3. Establish a pound, appoint a poundkeeper and prescribe the
7 poundkeeper's duties.

8 4. Prohibit cruelty to animals.

9 **5. *Establish a program for the managed care of feral cat***
10 ***colonies in accordance with section 3 of this act.***

11 **Sec. 3.** Chapter 268 of NRS is hereby amended by adding
12 thereto a new section to read as follows:

13 ***The governing body of each city may enact an ordinance***
14 ***establishing a program for the managed care of feral cat colonies.***
15 ***As used in this section:***

16 1. ***“Feral cat” means a cat that has no apparent owner or***
17 ***identification and appears to be unsocialized to humans,***
18 ***unmanageable or otherwise demonstrates characteristics normally***
19 ***associated with wild or undomesticated animals.***

20 2. ***“Feral cat colony” means a group of cats that congregates***
21 ***more or less together as a unit, regardless of whether every cat in***
22 ***the group is a feral cat.***

23 3. ***“Program for the managed care of feral cat colonies”***
24 ***means a program under which persons are authorized to:***

25 (a) ***Monitor feral cat colonies;***

26 (b) ***Trap feral cats for the purpose of having the feral cats***
27 ***sterilized and vaccinated for rabies; and***

28 (c) ***Release feral cats that have been sterilized and vaccinated***
29 ***for rabies.***

30 **Sec. 4.** NRS 574.100 is hereby amended to read as follows:

31 574.100 1. A person shall not:

32 (a) Torture or unjustifiably maim, mutilate or kill:

33 (1) An animal kept for companionship or pleasure, whether
34 belonging to the person or to another; or

35 (2) Any cat or dog;

36 (b) Except as otherwise provided in paragraph (a), overdrive,
37 overload, torture, cruelly beat or unjustifiably injure, maim, mutilate
38 or kill an animal, whether belonging to the person or to another;

39 (c) Deprive an animal of necessary sustenance, food or drink, or
40 neglect or refuse to furnish it such sustenance or drink;

41 (d) Cause, procure or allow an animal to be overdriven,
42 overloaded, tortured, cruelly beaten, or unjustifiably injured,
43 maimed, mutilated or killed or to be deprived of necessary food or
44 drink;



1 (e) Instigate, engage in, or in any way further an act of cruelty to
2 any animal, or any act tending to produce such cruelty; or

3 (f) Abandon an animal in circumstances other than those
4 prohibited in NRS 574.110. *The provisions of this paragraph do*
5 *not apply to the release of a feral cat as defined in NRS 244.359 or*
6 *section 3 of this act, as applicable, that has been sterilized and*
7 *vaccinated for rabies in accordance with a program for the*
8 *managed care of feral cat colonies established pursuant to NRS*
9 *244.359, 266.325 or section 3 of this act.*

10 2. Except as otherwise provided in subsections 3 and 4 and
11 NRS 574.210 to 574.510, inclusive, a person shall not restrain a
12 dog:

13 (a) Using a tether, chain, tie, trolley or pulley system or other
14 device that:

15 (1) Is less than 12 feet in length;

16 (2) Fails to allow the dog to move at least 12 feet or, if the
17 device is a pulley system, fails to allow the dog to move a total of 12
18 feet; or

19 (3) Allows the dog to reach a fence or other object that may
20 cause the dog to become injured or die by strangulation after
21 jumping the fence or object or otherwise becoming entangled in the
22 fence or object;

23 (b) Using a prong, pinch or choke collar or similar restraint; or

24 (c) For more than 14 hours during a 24-hour period.

25 3. Any pen or other outdoor enclosure that is used to maintain
26 a dog must be appropriate for the size and breed of the dog. If any
27 property that is used by a person to maintain a dog is of insufficient
28 size to ensure compliance by the person with the provisions of
29 paragraph (a) of subsection 2, the person may maintain the dog
30 unrestrained in a pen or other outdoor enclosure that complies with
31 the provisions of this subsection.

32 4. The provisions of subsections 2 and 3 do not apply to a dog
33 that is:

34 (a) Tethered, chained, tied, restrained or placed in a pen or
35 enclosure by a veterinarian, as defined in NRS 574.330, during the
36 course of the veterinarian's practice;

37 (b) Being used lawfully to hunt a species of wildlife in this State
38 during the hunting season for that species;

39 (c) Receiving training to hunt a species of wildlife in this State;

40 (d) In attendance at and participating in an exhibition, show,
41 contest or other event in which the skill, breeding or stamina of the
42 dog is judged or examined;

43 (e) Being kept in a shelter or boarding facility or temporarily in
44 a camping area;



1 (f) Temporarily being cared for as part of a rescue operation or
2 in any other manner in conjunction with a bona fide nonprofit
3 organization formed for animal welfare purposes;

4 (g) Living on land that is directly related to an active agricultural
5 operation, if the restraint is reasonably necessary to ensure the safety
6 of the dog. As used in this paragraph, "agricultural operation"
7 means any activity that is necessary for the commercial growing and
8 harvesting of crops or the raising of livestock or poultry; or

9 (h) With a person having custody or control of the dog, if the
10 person is engaged in a temporary task or activity with the dog for
11 not more than 1 hour.

12 5. A person shall not:

13 (a) Intentionally engage in horse tripping for sport,
14 entertainment, competition or practice; or

15 (b) Knowingly organize, sponsor, promote, oversee or receive
16 money for the admission of any person to a charreada or rodeo that
17 includes horse tripping.

18 6. A person who willfully and maliciously violates paragraph
19 (a) of subsection 1:

20 (a) Except as otherwise provided in paragraph (b), is guilty of a
21 category D felony and shall be punished as provided in
22 NRS 193.130.

23 (b) If the act is committed in order to threaten, intimidate or
24 terrorize another person, is guilty of a category C felony and shall be
25 punished as provided in NRS 193.130.

26 7. Except as otherwise provided in subsection 6, a person who
27 violates subsection 1, 2, 3 or 5:

28 (a) For the first offense within the immediately preceding 7
29 years, is guilty of a misdemeanor and shall be sentenced to:

30 (1) Imprisonment in the city or county jail or detention
31 facility for not less than 2 days, but not more than 6 months; and

32 (2) Perform not less than 48 hours, but not more than 120
33 hours, of community service.

34 ➤ The person shall be further punished by a fine of not less than
35 \$200, but not more than \$1,000. A term of imprisonment imposed
36 pursuant to this paragraph may be served intermittently at the
37 discretion of the judge or justice of the peace, except that each
38 period of confinement must be not less than 4 consecutive hours and
39 must occur either at a time when the person is not required to be at
40 the person's place of employment or on a weekend.

41 (b) For the second offense within the immediately preceding 7
42 years, is guilty of a misdemeanor and shall be sentenced to:

43 (1) Imprisonment in the city or county jail or detention
44 facility for not less than 10 days, but not more than 6 months; and



1 (2) Perform not less than 100 hours, but not more than 200
2 hours, of community service.

3 ➔ The person shall be further punished by a fine of not less than
4 \$500, but not more than \$1,000.

5 (c) For the third and any subsequent offense within the
6 immediately preceding 7 years, is guilty of a category C felony and
7 shall be punished as provided in NRS 193.130.

8 8. In addition to any other fine or penalty provided in
9 subsection 6 or 7, a court shall order a person convicted of violating
10 subsection 1, 2, 3 or 5 to pay restitution for all costs associated with
11 the care and impoundment of any mistreated animal under
12 subsection 1, 2, 3 or 5 including, without limitation, money
13 expended for veterinary treatment, feed and housing.

14 9. The court may order the person convicted of violating
15 subsection 1, 2, 3 or 5 to surrender ownership or possession of the
16 mistreated animal.

17 10. The provisions of this section do not apply with respect to
18 an injury to or the death of an animal that occurs accidentally in the
19 normal course of:

20 (a) Carrying out the activities of a rodeo or livestock show; or

21 (b) Operating a ranch.

22 11. As used in this section, "horse tripping" means the roping
23 of the legs of or otherwise using a wire, pole, stick, rope or other
24 object to intentionally trip or intentionally cause a horse, mule,
25 burro, ass or other animal of the equine species to fall. The term
26 does not include:

27 (a) Tripping such an animal to provide medical or other health
28 care for the animal; or

29 (b) Catching such an animal by the legs and then releasing it as
30 part of a horse roping event for which a permit has been issued by
31 the local government where the event is conducted.

32 **Sec. 5.** This act becomes effective on July 1, 2015.

