



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: January 5, 2022

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| REPORT TO: | Mayor and City Council |
| REPORT THRU: | Daphne Hooper, City Manager |
| REPORT FROM: | RanDee Gahr, Animal Control Officer |
| REPORT TO: | Aaron Mouritson, Deputy City Attorney |

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| FINANCIAL IMPACT: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> | CURRENTLY BUDGETED: Yes: <input type="checkbox"/> No: <input checked="" type="checkbox"/> | FUND/ACCOUNT: N/A |
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ACTION REQUESTED: Consent Ordinance Resolution Motion Receive/File

AGENDA ITEM: (For Possible Action):
Presentation and discussion of a vicious dog declaration in which the owner seeks to appeal.

Agenda Item Brief:
On November 30, 2021, Fernley Animal Control deemed “Buddy” a male Flat Coat Retriever as a vicious animal, per Fernley Municipal Code 6.10 (a)(3). The victim sustained a serious injury due to the dog bite. The owners seek to contest the Declaration before Council.

Recommended Motion:
“I move to uphold the Vicious Dog Declaration signed by Animal Control on November 30, 2021. The dog, “Buddy”, shall be euthanized in accordance with FMC 6.14(A).”

ALTERNATIVES:

- “I move to overturn the Vicious Dog Declaration signed by Animal Control on November 30, 2021, and require that Sean and Teresa Blume may regain custody of “Buddy” after successfully fulfilling the conditions of a dangerous dog permit.”
- Other action as appropriate

BACKGROUND:

On November 27, 2021, a male flat coated Retriever, “Buddy”, attacked a juvenile causing serious injury. The victim was taken via ambulance to the hospital and required emergency surgery. The dog was quarantined at the Lyon County Animal Services Shelter in Silver Springs and the Animal Control Officer deemed the dog as a vicious animal under Fernley Municipal Code 6.10 (a)(3), due to the substantial bodily harm inflicted upon the child.

On December 6, 2021, owners appealed the declaration.

LEGAL IMPLICATIONS:

Fernley Municipal Code 6.10 (A)(3) states that an Animal Control Officer may deem a dog as vicious if “it constitutes a physical threat to human beings or to other animals and it has killed or inflicted substantial harm upon a human being or other animal”. Per FMC 6.10 (A)(3), after a dog is deemed as vicious, it must be impounded at the shelter and the owner has three choices. An owner may:

1. Surrender the dog to the shelter to be euthanized.
2. Arrange to have the dog euthanized by a licensed veterinarian (Animal Control will transport).
3. Challenge the Vicious Dog Declaration before City Council.

NRS 202.500 identifies a vicious dog as one that “without being provoked, it killed or inflicted substantial bodily harm upon a human being”.

NRS 0.060 defines Substantial Harm as “bodily injury which creates a substantial risk of death or which causes serious, permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ; or prolonged physical pain”.

Fernley Municipal Code 6.14 (B) states that at the appeal hearing, City Council may:

1. Uphold the Vicious Animal Declaration
2. Recommend that the owner or keeper obtain a Dangerous Animal Permit if appropriate
3. Take such other action as it deems appropriate

FINANCIAL IMPLICATIONS:

None

ATTACHMENTS:

None