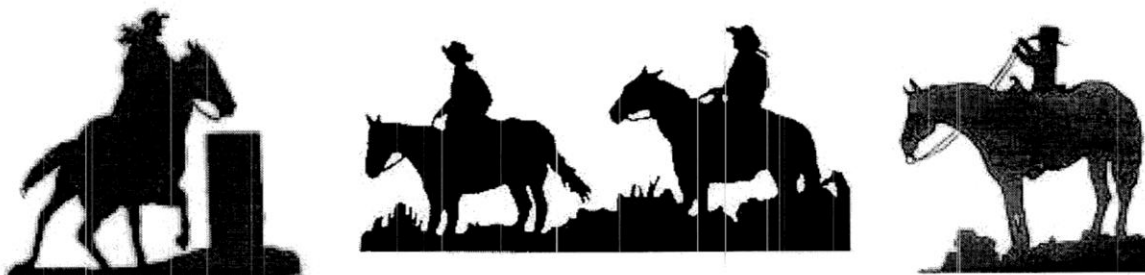
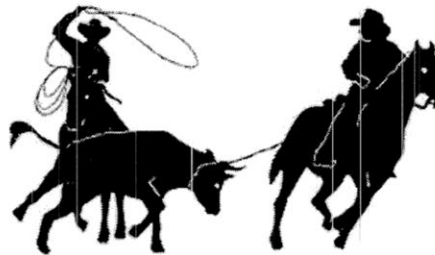


BOULDER CITY HORSEMEN'S ASSOCIATION BY LAWS



REVISED 10/17/2012

INDEX

Article One: Description and Background of the Corporation	Page 1
1.01 Non- Profit Corporation	
1.02 Deed	
1.03 Subdivision of Land	
Article Two: Incorporation of Applicable Sections of the Boulder City Municipal Code	Page 1
2.01 Boulder City Code	
2.02 Agreement with the City	
2.03 Conflicting Provisions	
Article Three: Purpose of BCHA	Page 2
Article Four: Definitions	Page 2
Article Five: Membership	Page 3
5.01 Qualifications	
5.02 Types of Membership	
5.03 Privileges of Membership	
5.04 Termination	
5.05 Termination Procedures	
5.06 Enforcement Procedures	
5.07 Reinstatement	
Article Six: Fees, Dues and Assessments	Page 4
6.01 Initial fee	
6.02 Annual Dues and Assessments	
6.03 Revision of Dues	
6.04 Budget	
Article Seven: Officers	Page 5
7.01 Eligibility to Vote	
7.02 Officers	
7.03 Nominations	
7.04 Elections	
7.05 Vacancies	
7.06 Recall of Officer	
7.07 Duties of Officers	
Article Eight: Meetings and Quorums	Page 6
8.01 General Membership Meetings	
8.02 Special Meetings	
8.03 Annual Meetings	
8.04 Quorum	
8.05 Fiscal Year	
Article Nine: Board of Directors	Page 6
9.01 Composition	
9.02 Meetings	
9.03 Authority	
9.04 Quorum	
9.05 Attendance	
Article Ten: Committees	Page 7
10.01 Formation	
10.02 Approval	
10.03 Fund Raising	
10.04 Fees	
10.05 Concession Stand	
10.06 Disbanding	
10.07 Revocation	
10.08 Accounting	

Article Eleven: Assignment and Transfer of Corral Lots	Page 8
11.01 Assignment, Lease or Transfer of Corral Lots	
11.02 Maximum Number of Lots	
11.03 Renters	
11.04 Leaving Clark County	
Article Twelve: Corral Lots and Improvement Requirements	Page 9
12.01 Size	
12.02 Attachment of Structures	
12.03 Improvements	
Article Thirteen: Utilities Installation, Rates, and Billing	Page 10
13.01 Electrical Services	
13.02 Water Services	
13.03 Utilities Rates	
13.04 Billings and Repairs	
13.05 Street Lighting and Common Use Facilities	
Article Fourteen: Maintenance of Lots and Improvements	Page 11
14.01 Maintenance of Premises	
14.02 Responsibility of Members	
14.03 Restrictions	
14.04 Storage and Use of Power or Motorcycles	
14.05 Flammable Liquids	
14.06 Use of Arena and Lights	
Article Fifteen: Vendors	Page 12
15.01 Limitation	
15.02 Terms and Conditions	
15.03 Restrictions	
Article Sixteen: Watchmen	Page 13
16.01 Authority	
16.02 Responsibilities and Duties	
16.03 Revision of Duties	
16.04 Reports	
16.05 Material and Supplies	
16.06 Assignment of Duties	
16.07 Failure to Perform	
Article Seventeen: Enforcement of Provisions	Page 14
17.01 Responsibility	
17.02 Policies and Procedures	
Article Eighteen: Parliamentary Authority	Page 14
Article Nineteen: Amendments	Page 14
Article Twenty: Limitation of Liability	Page 15
Article Twenty-One: Indemnification of Officers, Directors, Employees and Appointees	Page 15
Article Twenty-Two: Proxy Vote	Page 15
Article Twenty-Three: Dissolution	Page 15
Certification	Page 16

Attachments

- A: Quitclaim Deed from March 1966
- B: Drawing of lots and other features
- C: Chapter 17, Title 11 "CO" Corral Zone Code
- D: 1991 Agreement with Boulder City
- E: Lot Lease, Transfer Form
- F: 7-3 Animal Control Cruelty to animals, City Code
- G: 8-1-1 Public Nuisance, City Code
- H: Membership Application
- I: Proxy

**BOULDER CITY HORSEMEN'S ASSOCIATION
BY-LAWS**

THESE BY-LAWS constitute a restatement, amendment and replacement of all prior By-Laws, regulations and procedures of the Boulder City Horsemen's Association. (Approved 10/17/2012.)

**ARTICLE ONE
DESCRIPTION AND BACKGROUND OF THE CORPORATION**

Section 1.01 Non-Profit Corporation. Boulder City Horsemen's Association, hereinafter referred to as "BCHA," is a non-profit corporation organized and existing under Chapter 82 of Nevada Revised Statutes.

Section 1.02 Deed. By a 1966 quitclaim deed recorded as Instrument No. 577482 in Book 718 of the Recorder's Office of Clark County, the City of Boulder City, Nevada, conveyed to BCHA a parcel of land containing 42.35 acre more or less, hereinafter referred to as "Land." A copy of the quitclaim deed is incorporated herein, made a part hereof, and annexed hereto as Exhibit "A".

Section 1.03 Subdivision of Land. Thereafter, BCHA, in accordance with and pursuant to these By-Laws, has subdivided the Land into separate lots and leased such lots to persons primarily for use as corrals and related structures for maintenance and protection of horses. A schematic drawing showing current lots and other features of the Land is incorporated herein, made a part hereof, and annexed hereto as Exhibit "B".

**ARTICLE TWO
INCORPORATION OF APPLICABLE SECTION'S OF THE BOULDER CITY MUNICIPAL CODE**

Section 2.01 Boulder City Code. Chapter 17, title 11, and all future amendments of the Boulder City Municipal Code, defining and describing the "CO" Corral Zone, hereinafter referred to as "Code," is incorporated herein, made a part hereof and the current Code is annexed hereto Exhibit "C".

Section 2.02 Agreement with the City. The Amendment Agreement between Boulder City and BCHA, entered into on August 27, 1991, providing for the sale of the Land by the City to BCHA, hereinafter referred to as the "Agreement," is incorporated herein, made a part hereof, and annexed hereto as Exhibit "D."

Section 2.03 Conflicting Provisions. The provisions and terms of the Corral Zone Code (CO) and the Agreement shall prevail and be considered paramount in the event of a conflict between those provisions and terms and provisions of these By-Laws.

**ARTICLE THREE
PURPOSE OF BCHA**

Section 3.01 Purpose. BCHA was established as an association of persons dedicated primarily to the promotion and encouragement of interest in horses, their proper care and welfare, and equine activities of an athletic, social, educational and recreational nature.

**ARTICLE FOUR
DEFINITIONS**

The following terms as used in these By-Laws shall have the meaning defined as follows:

Section 4.01 BOARD. The Board of Directors of the BCHA.

Section 4.02 LOT SPACE. The lot area and improvements thereon under the control of and leased to the lot holder.

Section 4.03 INVITED GUEST. A person invited by and accompanied by a member.

Section 4.04 LEASE LOT HOLDER. A member leasing a lot with improvements thereon.

Section 4.05 MEMBER. A person holding a membership in accordance with these By-Laws.

Section 4.06 MINOR. A person under the age of 18 years.

Section 4.07 RENTER. Member who rents space from a lease lot holder (reference Section 5.02)

Section 4.08 SHELTER. A structure to shelter horses, other animals or fowl from the weather, including but not limited to the direct rays of the sun.

Section 4.09 VENDOR. A business or person providing feed or supplies for horses and other animals to members.

Section 4.10 CORRAL. Space that horses live in.

Section 4.11 MEMBER IN GOOD STANDING. A member in good standing is currently paid up on all dues, fees, assessments, and utility bills

Section 4.12 DUE NOTICE. 30 days written notice to the membership by means of the monthly newsletter and/or 30 days written notice to a member by means of a certified letter, return receipt requested.

Section 4.13 PROXY. Authority held by one person to act for another (in voting), a person holding authority to act for another, written paper giving a person such authority.

Section 4.14 FARM/UTILITY VEHICLE. Vehicles designed for hauling, towing or general farm use may be used on Association property.

ARTICLE FIVE MEMBERSHIP

Section 5.01 Qualifications. Qualifications for membership in BCHA are:

- A. Owner of a horse to be kept in the BCHA corrals.
- B. Members must be residents of Clark County, Nevada
- C. Approval by four members of the Board or a majority of the membership prior to moving any livestock into the corral zone.
- E. Payment of membership fees, annual dues, and assessments.
- F. A minimum age of 18 years.

Section 5.02 Types of Memberships. The classes of memberships shall consist of:

- A. Membership (Married persons or single persons, with or without minor children.)
- B. Family membership includes offspring of lot/lease holders as long as offspring remains on lot/lease holder's lot.
- C. Residents of Subdivision 11 of Boulder City who use the facilities of BCHA for horse related activities.

Section 5.03 Privileges of Membership. A member in good standing is entitled to use all BCHA facilities, vote, and hold office.

Section 5.04 Termination.

- A. Memberships shall be terminated for non-payment of dues, fees or utility bills.
- B. Actions in violation of BCHA Bylaws.
- C. Actions that endanger the BCHA or cause harm to its members.

Section 5.05 Termination of Procedures.

- A. After the thirty (30) day billing period, delinquent members will be given a thirty (30) day notice by certified mail, return receipt requested, to remedy the delinquency.
- B. If not remedied within 30 days and payments made current, a second letter will be sent certified mail, return receipt requested, stating that the membership will be terminated in 30 days if the member fails to correct or dues made current.

- C. The above enforcement and procedures may be postponed or altered only by a majority vote of the Board of Directors and in its discretion if just cause is shown in writing.
- D. Termination under "B" and "C" of Section 5.04 above requires a majority of Board approval and approval of 2/3 of the members present, in good standing at a general membership meeting, after due notice.

Section 5.06 Enforcement Procedures.

- A. Delinquent lease lot holders will be notified by certified mail, return receipt requested, to vacate their lots within 30 days or the gates or other point of entry will be locked or closed, water and electric meters removed, and their animals impounded by local or county animal control officials with impound fee paid by the delinquent member or owner.
- B. If the lot is not vacated as demanded, legal proceedings will be instituted seeking an eviction. Attorney's fees and costs incurred in the proceeding(s) by BCHA will be billed to delinquent lease/lot holder.
- C. The lot leases involved will be sold by auction to the highest bidder, and the net proceeds realized divided equally between the delinquent member and BCHA after delinquencies are paid. The auction shall take place 60 days after first certified letter or after the court decision, whichever is earlier. Total allotted time from first 30 day notice is 120 days.
- D. In the event of a renter, the termination notice shall be mailed certified mail, return receipt requested, simultaneously to the renter and to the lease lot holder, giving the renter 30 days to vacate the lot.
- E. If the renter fails to vacate the lot within 30 days, the lease lot holder will be responsible for the renter's delinquent payments and renter's membership will be terminated in accordance with the procedures described in Section 5.05 and this section.
- F. Delinquent Subdivision 11 members will be sent certified mail, return receipt requested, that they are no longer permitted on BCHA property, and any further violation or occupation of the lot will be considered a trespass.

Section 5.07 Reinstatement. A former member in good standing may be reinstated, provided that the member returns to the BCHA within five years from the date of last membership and pays the current annual dues prorated for the year they are being reinstated. Any member that exceeds the five year limitation must become a new member and pay all application fees.

**ARTICLE SIX
DUES AND ASSESSMENTS**

Section 6.01 Initial Fee.

- A. Initial membership and section 11 membership fee shall be \$300.00.
- B. Family membership must comply with 5.01. All other dues and assessments shall be paid in the normal course of being a member.

Section 6.02 Annual Dues and Assessments. Annual dues thereafter shall be assessed at an amount equal to the sum of the General Expenses, Facility Repairs/Upkeep Expenses and Facility Improvement Expenses from the approved BCHA Annual Budget. The sum total of the aforementioned expenses shall be divided by the sum total number of BCHA lots and Renters which shall be determined at the December General Membership meeting. An example of the procedure is as follows: Total Expenses from BCHA budget = \$20,000. BCHA lots = 162. Renters = 76. (162+76=238). \$20,000 divided by 238 = \$84.03. If you are a Renter your dues will be \$84.03. If you have one lot your dues will be \$84.03. If you have multiple lots your dues will be \$84.03 times the number of lots (i.e. \$84.03 multiplied by 3 lots = \$252.09 for dues). Payment for dues is required by February 15th of each year.

Section 6.03 Revision of Dues. Annual dues may be revised, upward or downward, by two-thirds vote of members in good standing at any general membership meeting.

Section 6.04 Budget.

- A. The BCHA will operate under an approved budget that balances income with expenses. At the end of the fiscal year membership will vote on the course of action/s for any unexpected income and/or excess funds that were not spent from the budget.

ARTICLE SEVEN OFFICERS

Section 7.01 Eligibility to Vote. In order for a member to be eligible to vote at any meeting or at the annual election of officers, the member must be in good standing as defined in Section 4.11.

Section 7.02 Officers. The officers of the BCHA shall be a president, vice president, secretary, treasurer and three directors, one director serving a term of two years and two directors serving terms of one year, with one 1-year director and one 2-year director being elected each year at the annual election of officers. Check signers cannot be family members and will be designated by the sitting board.

Section 7.03 Nominations. At the regular membership meeting in April, a nominating committee, consisting of three members, shall be elected with the person receiving the highest number of votes to serve as the chairman. That committee will nominate candidates for offices to be filled at the meeting in June. The nominating committee shall present its slate of officers at the June membership meeting. Nominations shall be accepted from the floor, provided each nominee is present or has given written consent and agreed to serve if elected, and is a member in good standing.

Section 7.04 Elections. Prior to elections secretary will read section 7.03 Nominations, 7.04 Nominations, 7.05 Vacancies. Except for one director who is elected for a 2 year term as stated above. Each office will be voted and counted on separate ballots. The outgoing Officers shall conduct their regular meeting with elections being last on the agenda. After elections, the new Officers will take their places and close the meeting.

Section 7.05 Vacancies. A vacancy in an office shall be filled by a special election held at the first meeting following the occurrence of the vacancy, except for a vacancy occurring in the office of President, in which case the Vice President shall automatically become president with the office of Vice President then becoming vacant. Vacancies shall be filled for the un-expired portion of the term of the officer being replaced.

Section 7.06 Recall of Officer. Any member in good standing, by presenting a petition signed by fifty percent (50%) of the BCHA membership, may demand a recall election of any officer or officers. The process for a regular election shall be followed thereafter to determine the outcome of a recall. The petition shall be presented at the next general membership meeting, but the petition shall not be acted upon until the following meeting. The petition shall state the reason(s) for the proposed recall.

Section 7.07 Duties of Officers.

- A. The *President* shall: 1) Preside at all general membership and Board meetings, 2) appoint all committees, except the nominating committee and the rodeo committee, 3) be an ex-officio member of all committees except the nominating committee, 4) appoint a newsletter editor and/or meter readers as deemed necessary and 5) supervise BCHA activities in general.
- B. The *Vice President* shall: 1) Preside at all general membership and Board meetings in the absence of, or at the request of, the President, and 2) Perform such other duties as assigned by the President.
- C. The *Secretary* shall: 1) Keep accurate minutes of the meetings of the general membership and the Board, 2) Report to the general membership recommendations and actions of the Board, 3) Maintain current by-laws and policies adopted by the Board or the general membership for reference by officers and members, 4) Schedule use of the arena, 5) Handle all correspondence for the Board, 6) Control and post notices on the official BCHA bulletin board, 7) Perform such other duties as may be assigned by the Board.
- D. The *Treasurer* shall: 1) Maintain a general fund and a special activities (rodeo) fund, 2) Receive funds and issue receipts for memberships, annual dues, assessments and utility charges 3) Prepare and present an itemized statement of receipts and disbursements for general membership meetings, 4) Disburse funds at the discretion of the Board, 5) Issue statements for dues, assessments, and utility charges, 6) Accept membership applications and lot transfer requests for submission to the Board for review and approval, and 8) Perform such other duties as assigned by the Board.

ARTICLE EIGHT MEETINGS AND QUORUMS

Section 8.01 General Membership Meetings. General membership meetings shall be held bi monthly on the third Wednesday of each month commencing in February, April, June, August, and October at a designated time and place. The December General membership meeting will be held on the second Wednesday at a designated time and place. Meeting time, date and location shall be posted 7 days prior.

Section 8.02 Special Meetings. In the event of an emergency, a special meeting may be called by the President or by any three members of the Board, provided that members are notified in writing at least three days in advance of the meeting, exclusive of Sundays and holidays.

Section 8.03 Annual Meeting. The regular meeting held in December shall constitute the year end meeting, at which time the following written reports will be received: Secretary, Treasurer, budget and special committees. To approve or disapprove the next year's budget, special committees and programs.

Section 8.04 Quorum. The quorum for all general and special membership meetings shall be fifteen members in good standing.

Section 8.05 Fiscal Year. The fiscal accounting year shall be from January 1st to December 31st of each year. Committees shall be from January 1st to December 31st of each year.

ARTICLE NINE BOARD OF DIRECTORS

Section 9.01 Composition. The Board of Directors shall consist of the President, the Vice President, the Treasurer, the Secretary and three elected Directors.

Section 9.02 Meetings. Regular meetings of the Board shall be held each month, notification of location, time and date of meeting will be posted on the BCHA bulletin board seven days prior to the meeting.

Section 9.03 Authority. The Board shall have:

- A. The administrative authority over all affairs and activities of the BCHA.
- B. With written approval of at least four members of the Board, permit a member to transfer a BCHA lease. (A denial by the Board may be appealed to the membership at the next regular membership meeting.)
- C. Set water and power rates according to Boulder City rates.
- E. Recommend that any member engage or consult a veterinarian or farrier to provide a horse or other animal with treatment when, in the opinion of the Board, such treatment is necessary or advisable.
- F. Recommend assessments and dues increases for approval by two-thirds of the members at a general membership meeting.
- G. Authority to review applications and to make recommendations to the members for approval of the hiring of watchmen.
- H. Authority to expend funds as it deems necessary from the approved budget only.
- I. Schedule an event.
- J. Right to see conclusive proof of ownership of any horse or cow housed at the BCHA with 24hour notice. (Brand inspection, bill of sale, registration.)(see 5.01)

Section 9.04 Quorum. The Quorum for the regular or any special meetings of the Board shall consist of a simple majority of its members.

Section 9.05 Attendance. Absence of a Board member from three consecutive regular Board meetings, without an excuse deemed valid by a majority of the Board and so recorded, shall automatically constitute a resignation by that member from the Board.

ARTICLE TEN COMMITTEES

Section 10.01 Formation. With the exception of the rodeo committee, a group of members desiring to use the common facilities of the BCHA may form a committee to consist of a chairperson and three members, and at the annual membership meeting in December, submit in writing its proposed plans involving BCHA for the upcoming year including the activity, date, time and place.

Section 10.02 Approval. At the general membership meeting in February, the Board will approve or disapprove all such committees.

Section 10.03 Fund Raising. Each committee must provide its own financial needs, and the chairperson must maintain a financial record in a form outlined and as required by the Board.

Section 10.04 Fees. The Board will set a table of fees for the use of all Common areas for day and night use by committees.

Section 10.05 Concession Stand. The concession will be a standing committee with all net proceeds realized from its operations to be deposited in the general fund and maintained as part of the annual budget.

Section 10.06 Disbanding. In the case of a committee disbanding, all monies and equipment obtained by the committee will be turned over to BCHA.

Section 10.07 Revocation. Any committee not performing as according to the purposes for which it was created, or that is not in the spirit of good sportsmanship, or in violation of any part of these by-laws may have its committee status revoked by the Board.

Section 10.08 Accounting. At the membership meeting in December each committee chairperson will submit an accounting of all funds received and expended in a form outlined and required by the Board, as audited by two members of the committee.

ARTICLE ELEVEN ASSIGNMENT AND TRANSFER OF CORRAL LOTS

Section 11.01 Assignment, Lease or Transfer of Corral Lots. A member may not rent or transfer corral space or improvements without written approval of at least four Board members. In order for such rent or transfer to be valid and recognized by BCHA, the following requirements have to be complied with:

- A. The BCHA "Form for Lease Lot Holders" be completed and returned to the Treasurer. A copy of that form is attached hereto, made a part hereof, and incorporated herein as Exhibit "E".
- B. The rent or transfer must be approved by at least four Board members.
- C. The members transferring or receiving such space and improvement must be in good standing.

Section 11.03 Maximum number of Lots. The maximum number of lots which may be leased or controlled by anyone member shall be five.

Section 11.04 Renters. A lease lot holder may rent any part of his or her corral space only to another member, the lease lot holder and the renter must each pay all applicable dues, fees and assessments to the BCHA. Should the renter not pay his or her dues or assessments, then the lease lot holder shall be liable for payment.

Section 11.05 Leaving Clark County. Lease lot holders moving out of Clark County, Nevada have one year to transfer their interest in the lot(s). If not transferred within that time, the Board will notify the lease lot holder by certified mail, return receipt requested, of BCHA's intent to auction the lot(s) in thirty days by open auction. The general membership will also be notified in a newsletter of the open auction in thirty days. Once auctioned, the BCHA will deduct auction expenses and forward the balance to the lease lot holder.

**ARTICLE TWELVE
CORRAL LOTS AND IMPROVEMENT REQUIREMENTS**

Section 12.01 Size. Each developed lot shall consist of a minimum of 4,000 square feet of fenced area, including the shelter space, and/or barn, tack room, and other related structures. There shall be a minimum of twelve feet of space between each owned lot, except in Phase 2 lots, where the space between each owned lot is ten feet.

Section 12.02 Attachment of Structures. No lease lot holder shall attach a fence or building to any other property unless the Board shall first determine that such attachment is a feasible arrangement and is in the interest of the BCHA.

Section 12.03 Improvements. Building permits issued by the City are required for all fencing or construction of structures on existing or newly developed lots and all such improvements must meet the following requirements as defined in these By-laws and Section 7-3 (Animal Control & Cruelty to Animals) of the City Code, as amended, a current copy of which is attached hereto, made part hereof, and incorporated herein as Exhibit "F".

- A. Fencing of the corral and construction of shelter space must commence within thirty days of acquisition of space and completed to minimum requirements for sheltering animal(s) within six months.
- B. Permanent structures must be constructed within one year of the acquisition of space, and extensions of time for construction of permanent structures may be granted upon written request of the lease lot holder, demonstrating adequate reasons for such extension as determined at the discretion of the Board.
- C. All construction must conform with the requirements of all applicable City ordinances and code, including zoning, building, electrical, safety, structural, fire and health requirements.
- D. A plot plan must be submitted to the Board prior to the application for a City building or other permits, for the purpose of maintaining by BCHA of a current record of structures and improvements.
- E. A lease lot holder must advise the Board prior to construction of proposed structures of structural improvement, and notify the board when obtaining city building permits.
- F. Each corral must be a minimum of 240 square feet, with no side less than 12 feet in length. In the event a smaller corral is desired, based on the size of the horse, veterinary instructions, show horses, etc., then the member can apply for a variance from the BCHA Board of Directors. For protection from direct rays of the sun and weather, each corral must have an accessible, sturdy shelter not less than 64 square feet in size.
- G. Barbed wire is NOT to be used in corral fences.
- H. Any stallion kept in the corral area shall be provided with a locked enclosure, including a sturdy fence at least six feet in height, with a solid top rail or electric wire at the top of the fence. A sign must indicate if a stallion is present.
- I. Fresh, potable water must be metered and provided to each corral to a suitable container or automatic watering device.
- J. Each lease lot holder shall provide a manger of adequate size and proportion to feed the number of animals being served. Ground feeding is prohibited.
- K. Areas for parking trailers shall be designated by the Board and only horse trailers or similar livestock trailers shall be permitted in such designated areas. Any exceptions must be specifically approved by the Board.
- L. The parking of any vehicle or trailer for more than seventy-two (72) hours outside of posted parking areas shall be prohibited. Each lease lot holder shall have the right to post signs to prohibit parking in front of his or her corral.

**ARTICLE THIRTEEN
UTILITIES: INSTALLATION, RATES AND BILLING**

Section 13.01 Electrical Services. A lease lot holder desiring electrical service must install a proper electrical service drop and box, approved by the City, and an electrical meter to be located where it is easily accessible without climbing a fence or other obstacle. The lease lot holder shall be responsible for the cost of power usage utilized as billed by the treasurer of BCHA.

Section 13.02 Water Services. Each lease lot holder must have a metered water service, installed in accordance with these By-laws and subject to the following requirements:

- A. The lease lot holder shall be responsible for the cost of water usage as billed by the treasurer of BCHA.
- B. Water line leaks on the lease lot holder's side of the meter and the meter are the responsibility of the lease lot holder; leaks on the street side of the meter are the responsibility of the BCHA.

C. If it becomes necessary to dig up the water meter box, or to remove weeds or debris to locate the box, or to clean out sand from the box in order to read the meter, a charge of \$10.00 shall be made against the account of the lease lot holder.
D. In the event the meter cannot be located to read, the lease lot holder shall be charged (1) the average charge for water usage for the previous three quarters, for which readings are available, or (2) \$5.00 per animal per quarter, whichever charge is higher.

Section 13.03 Utility Rates. The Board shall determine and set water and power rates in accordance with provisions of these By-laws.

Section 13.04 Billings and Repairs. All billings for water and electrical usage shall be in accordance with the following procedures:

A. Water and electrical meters shall be read quarterly in the last week of December, March, June, September-

B. A lease lot holder questioning the meter reading and/or billing may request that the meter be reread in the presence of the lease lot holder or representative, and the billing adjusted if warranted by existence of an error.

C. Billings shall be prepared following quarterly meter reading, and shall be rendered to each member no later than the 15th day of the following month. Payment shall be due upon receipt, and shall be delinquent if not paid by the 15th of the month following receipt of the billing. If the account is not paid in full by such date, a penalty of ten percent of the amount billed shall be assessed against the account. If the account is not paid in full prior to the next quarterly billing date, an additional ten percent of the revised billing shall be assessed against the account.

D. Members still delinquent at the next quarterly billing shall have termination procedures started as stated in Section 5.04 A and Section 5.05 A, B, and C.

E. Lease lot holders shall be informed if their renter is delinquent; a notice shall be sent to the lease lot holder as well as the renter. After 30 days lease lot holder will be responsible for delinquent renter.

F. Lease lot holders shall be billed for actual electric and water usage per meter readings. The Common utilities are to be billed equally to all BCHA members. The method for billing Common Utilities is as follows:

1. Common Electricity - Total the electric meter bills received from Boulder city for the quarter. Total the lease lot holders metering amount for the quarter. Subtract the total lease lot holders metering amount from the quarterly Boulder city electric bill and then divide by the number of members. Bill each of the members for their portion of the common electricity.

2. Common Water - Total the water meter bills received from Boulder city for the quarter. Total the lease lot holders metering amount for the quarter. Subtract the total lease lot holders metering amount from the quarterly Boulder city water bill and then divide by the number of members. Bill each of the members for their portion of the common water.

3. Fly Predators and telephone - The total amount spent for Fly Predators and telephone each quarter shall be divided by the number of members and billed accordingly.

Section 13.05 Street Lighting and Common Use Facilities. Maintenance and all utility usage to common areas and streets shall be provided by the BCHA, and the cost thereof divided equally among all members. Maintenance assessments and utilities will be billed quarterly in accordance with provisions of these By-laws.

ARTICLE FOURTEEN MAINTENANCE OF LOTS AND IMPROVEMENTS

Section 14.01 Maintenance of Premises. Lease lot holders shall be responsible for maintaining their corral space in a neat and orderly condition. Conditions creating a nuisance in violation of these By-laws or chapter 8-1 of the city code will not be permitted. A copy of the current Chapter 8-1 of the City Code applicable to nuisances is attached hereto, made a part hereof as Exhibit "G", and incorporated herein. Only materials and supplies for maintaining corral area improvements may be stored on the premises.

Section 14.02 Responsibility of Members. Each member shall be responsible for the following:

A. Damage or injury caused by his or her animals.

B. Proper behavior of the member, the member's family and guests.

C. Neglect of or cruelty to any animal. The Board shall invite and cause periodic, unannounced inspection of the corral area by representatives of the Board and the city's animal control officers.

D. Reporting of communicable disease by any member aware of such in any animal shall be to any officer or member of the Board. In such event, that owner shall keep the animal confined and quarantined until the nature of

the disease is determined and the treatment completed. A certificate issued by a veterinarian must be presented to the Board before the quarantine is lifted.

Section 14.03 Restrictions. Members and guests shall abide by the following safety rules:

- A. No running, no galloping, or permitting horses and dogs to run loose within the corral zone.
- B. Stallions are not permitted in the arena when it is in use by minors.
- C. Stallions are not to be exercised in the arena at any time when other horses/riders are present, without permission from the other adult riders.
- D. Operate vehicles within the corral zone at speeds of not more than ten miles per hour.
- E. Arenas are reserved for horse and herding activities. Persons and animals not involved in such activities or maintenance should remain outside the arenas.
- F. No person shall feed another's animal without permission. No person shall feed wild animals or birds.
- G. No person shall violate a "no trespassing" sign without permission, except in an emergency.

Section 14.04 Storage and Use of Power or Motorcycles. No person shall store, garage, or operate a "dirt" bike or similar vehicle within the corral zone with the exception of a farm/utility vehicle. Motorcycles, mopeds, or similar vehicles designed for street use are allowed for transportation to and from the corrals only. All vehicles must adhere to corral speed limits and not be excessively loud.

Section 14.05 Flammable Liquids. No member shall store or keep gasoline or other flammable liquids in the corral zone. Fuel (gasoline, diesel, oil) may be stored by the association to fill equipment used for grounds maintenance.

Section 14.06 Use of Arena and Lights. Regulations governing the use of the arena and arena lights, as approved by the Board, shall be posted near the gates of the arena, and shall be strictly observed by members and guests.

ARTICLE FIFTEEN VENDORS

Section 15.01 Limitation. Only one vendor of supplies, feed and services is permitted to have a permanent structure in the corral zone. Application by a proposed vendor shall be made to the Board for approval and of the membership thereafter. The vendor as approved must apply to the City for the necessary permits and licenses to conduct business in the City.

Section 15.02 Terms and Conditions. Applications by vendors shall be received on a year to year basis. Upon approval of the vendor, the vendor and BCHA shall enter into a written agreement, to include but not limited to, the types of supplies and materials to be available, hours of sales, conditions of use of buildings or areas within the corral zone, and related matters pertaining to the benefit of the members. Vendor must obtain an insurance policy that meets or exceeds current BCHA insurance limits.

Section 15.03 Restrictions. The following terms must be included and contained in any vendor agreement:

- A. BCHA shall not be responsible for any obligation, financial or otherwise, of the vendor.
- B. The BCHA shall have the right to cancel the agreement in the event the vendor does not abide by its terms and conditions.
- C. BCHA shall not be responsible for any damages or injuries to members or their animals or fowl caused by products of the vendor.
- D. The BCHA shall not be responsible if the vendor is rejected or unable to meet the terms or conditions imposed by the City, or any other agency having jurisdiction over the operation of a vendor's business in the corral zone.

ARTICLE SIXTEEN WATCHMEN

Section 16.01 Authority. Living quarters for not more than two watchmen and families in the corral zone area shall be permitted in accordance with Chapter 11-17 of the City Code.

Section 16.02 Responsibilities and Duties. The responsibilities and duties of the Watchmen shall be determined by the Board and agreed to in writing by each Watchmen appointed by BCHA. These duties shall be posted. Performance of their duties shall be reviewed once a year by the Board and a report made to the membership. The continuation or selection of current Watchmen shall be determined by a majority vote of the membership. Each Watchman shall be evaluated independently and separately.

Section 16.03 Revision of Duties. Any revisions, additions or deletions to the responsibilities and duties of Watchmen shall be made in July of each calendar year by the BCHA Board.

Section 16.04 Reports. Any reports required in the responsibilities and duties of a Watchman shall be made to any officer of the board.

Section 16.05 Material and Supplies. Any materials or supplies required to carry out assigned duties may be purchased by the Watchmen with the Board of Directors approval. Watchmen shall have no authority to make any commitments whatsoever on behalf of BCHA.

Section 16.06 Assignment of Duties. In the event that two Watchmen are designated, assignment of duties shall be made on a rotating basis as determined by the Board, but normally for one month at a time. However, during rodeos or other special events, both may be assigned to perform duties during such events.

Section 16.07 Failure to Perform. If at any time the Board shall determine that a Watchman has been negligent and generally not acting in a responsible manner, the Board may institute corrective action. In the event that the corrective action is not effective, the Board, with the approval of the membership, may suspend the Watchman or the agreement with them be terminated and directed to leave BCHA property.

ARTICLE SEVENTEEN ENFORCEMENT OF PROVISIONS

Article 17.01 Responsibility. The responsibility for enforcement of all the provisions of these Bylaws shall be vested in the officers and the Board.

Article 17.02 Policies and Procedures. In the course of enforcement of all of the provisions of these By-laws, the Board shall be guided by the following:

- A. Any member or person charged with violation of any By-law shall be advised in writing of the alleged violation.
- B. Any member or person charged with a violation shall have the right to be heard before the Board, and to produce and confront witnesses. If the charges are upheld, the member shall have thirty (30) days to rectify or cure the violation.
- C. Except when the seriousness of the alleged offense warrants other remedies (as determined by the Board, and within the Board's discretion), any member charged with a violation shall first be warned orally, and followed in writing by certified mail, prior to the Board taking action to suspend or terminate membership. Other remedies will include, but not be limited to requesting Boulder City animal Control intervention, and/or Boulder City Police, as deemed necessary by the BCHA Board.
- D. Any suspension or termination of membership by BCHA enforced against a member must comply with these By-laws. Each member hereby agrees to comply with the provisions, attachments and amendments of the By-laws.
- E. Children (under the age of 18) not accompanied by their parent(s) will be restricted to a 10 p.m. curfew except during scheduled functions such as team penning, rodeo, play days, etc.

ARTICLE EIGHTEEN PARLIMENTARY AUTHORITY

Section 18.01 The current edition of *ROBERTS RULES OF ORDER*, as revised, shall govern and apply to the procedures and conduct of all Board and membership meetings.

**ARTICLE NINETEEN
AMENDMENTS**

Section 19.01 These By-laws may be amended at any regular membership meeting of the BCHA by a two-thirds vote, provided that the amendment(s) have been submitted in writing or read at the previous regular meeting; and further provided that the Board shall distributed a copy of the proposed amendment to all members in writing after the meeting at which the proposed amendment has been submitted or read and 30 days prior to the meeting in which a vote will be cast.

**ARTICLE TWENTY
LIMITATION OF LIABILITY**

Section 20.01 Directors, officers and/or committee appointees (hereinafter referred to as APPOINTEES) of the BCHA shall have no personal liability for breach of fiduciary duty as a director or officer, except for such acts or omissions involving intentional misconduct, fraud or a knowing violation of law, in violation of NRS 78.300.

**ARTICLE TWENTY-ONE
INDEMNIFICATION OF OFFICERS, DIRECTORS, EMPLOYEES AND APPOINTEES**

Section 21.01 The BCHA shall indemnify its officers, directors and appointees against expenses, including attorney's fees, judgments, fines and amounts paid in settlement in accordance with Nevada Revised Statutes 78.751, and in particular, said expenses shall be paid by BCHA, as incurred, in accordance with Nevada Revised Statutes 78.751 (5).

**ARTICLE TWENTY-TWO
PROXY VOTE**

Section 22.01 Any member of the BCHA in good standing may assign their vote via a proxy to another BCHA member in good standing. A "Proxy Vote Authorization" form is to be completely filled out by the assignee and presented by any BCHA Board member prior to the start of any specific General Membership, Special or Annual meeting at which the proxy is to be used. Only one proxy vote may be assigned to anyone BCHA member in good standing. The maximum number of votes anyone BCHA member may have at a meeting is two. The "Proxy Vote Authorization" form is good for only one meeting. Proxy Vote Exhibit "I".

**ARTICLE TWENTY-THREE
DISSOLUTION**

Section 23.01 Assets. In the event the BCHA shall voluntarily or involuntarily have to dissolve all BCHA assets shall be divided in the following manner. After the liquidation of all BCHA equipment and common assets and all BCHA bills are paid; the remaining Sum will be equally divided among all current lease lot holders and renters in good standing. An example of the procedure is a follows: Dissolution total = \$20,000.00. BCHA lots = 162. Renters = 76. (162 + 76 = 238) \$20,000.00 divided by 238 = \$84.03. If you are a Renter your share will be \$84.03. If you have one lot your share will be \$84.03. If you have multiple lots your share will be \$84.03 times the number of lots (i.e. \$84.03 multiplied by 3 lots = \$252.09).

Section 23.02 Personal Property. Lease/ lot holders shall retain any and all personal property that is on the lot they had a lease for.

CERTIFICATION

This is to certify that the foregoing copy of the By-laws and attachments and references represent the amended By-laws as approved by the membership at the general membership meeting held on 10/17/2012.

ATTACHMENT A

BOULDER CITY, NEVADA
A Municipal Corporation
Boulder City, Nevada



IN CONSIDERATION of the sum of ONE AND NO/100 DOLLARS (\$1.00), receipt of which is hereby acknowledged, BOULDER CITY, NEVADA, a municipality, organized and existing under and by virtue of the laws of the State of Nevada, does hereby remise, release and forever quitclaim to BOULDER CITY HORSEMAN'S ASSOCIATION, INC., a Nevada non-profit corporation incorporated under the non-profit laws of the State of Nevada, the real property hereinafter described, situated in Boulder City, Nevada, a Municipality, County of Clark, State of Nevada, being more particularly described as follows, to wit:

A parcel of land located in the Northeast 1/4 of Section 16 and the Northwest 1/4 of Section 15, Township 23 South, Range 64 East, Mount Diablo Base and Meridian, in Boulder City, Clark County, Nevada, being more particularly described as follows:

BEGINNING at the Northeast corner of Section 16, Township 23 South, Range 64 East, Mount Diablo Base and Meridian; thence S 89° 34' 44" W 800.00 feet along the North line of the aforementioned Section 16; thence S 00° 28' 04" E 1939.56 feet to a point on the Northwesterly right-of-way line of the 200 foot South Hoover Basic 230 KV Transmission line easement; thence N 39° 36' 53" E 256.65 feet along the Northwesterly right-of-way line of said easement; thence continuing N 44° 13' 21" E 2478.48 feet along the Northwesterly right-of-way line of said easement to a point on the North line of Section 15; thence S 89° 36' 45" W 1109.33 feet along the said North line of Section 15 to the point of beginning.

This parcel contains 42.35 acres more or less.

SUBJECT TO all easements, reservations, conditions and covenants of record, including but not limited to those contained in Instrument Numbers 185057 through 185062, recorded in Official Records Book No. 228, Office of the County Recorder, Clark County, Nevada, and

FURTHER SUBJECT to a restriction limiting the use of the above-mentioned property to corrals, barns, stables, arenas, or facilities or uses related or incidental thereto, and

SPECIFICALLY SUBJECT to the condition that the real property included herein shall not be used for the manufacture, sale, or distribution of intoxicating liquors (except light wines and beer, or similar malt beverages, and only to the extent that the manufacture, sale, or distribution thereof is in accordance with State and local laws), or narcotics, or habit-forming drugs, or for gambling, prostitution, or lewd or immoral conduct. The sale or distribution of intoxicating liquors, narcotics, or habit-forming drugs, in accordance with State and local laws for medical or pharmaceutical purposes shall be deemed not a violation of such condition. These conditions shall continue in full force and effect until, by election or referendum held especially for this purpose not less than three years after incorporation of Boulder City as a municipality under the laws of the State of Nevada, a majority of the registered voters of the municipality participating in such election shall have voted to dispense with all the aforesaid conditions simultaneously.

FURTHER SUBJECT TO the provisions of that certain Agreement dated March 2, 1966, recorded March 29, 1966, as Instrument Number 566034, in the Official Records Book No. 704, in the Office of the County Recorder, Clark County, Nevada.

DATED and signed this _____ day of _____, 1966.

BOULDER CITY, NEVADA
A Municipality

By _____
F. M. Doolittle, Real Estate Officer

ATTEST:

Lorraine M. Kauts, City Clerk

(Corporate Seal)

STATE OF NEVADA)

COUNTY OF CLARK)

On this _____ day of _____, 1966, personally appeared before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, F. M. DOOLITTLE, known to me to be the Real Estate Officer of Boulder City, Nevada, a municipal corporation, organized and existing under and by virtue of the laws of the State of Nevada, who executed the foregoing instrument on behalf of the said municipality and upon oath did depose that he is the Real Estate Officer of Boulder City, Nevada, a municipal corporation as above designated; that he is acquainted with the seal of the municipality and that the seal affixed to the instrument is the corporate seal of said municipal corporation; that the signatures to the instrument were made by the officers of the municipality as indicated after the signatures; and that the municipality executed the instrument freely and voluntarily and for the uses and purposes therein mentioned.

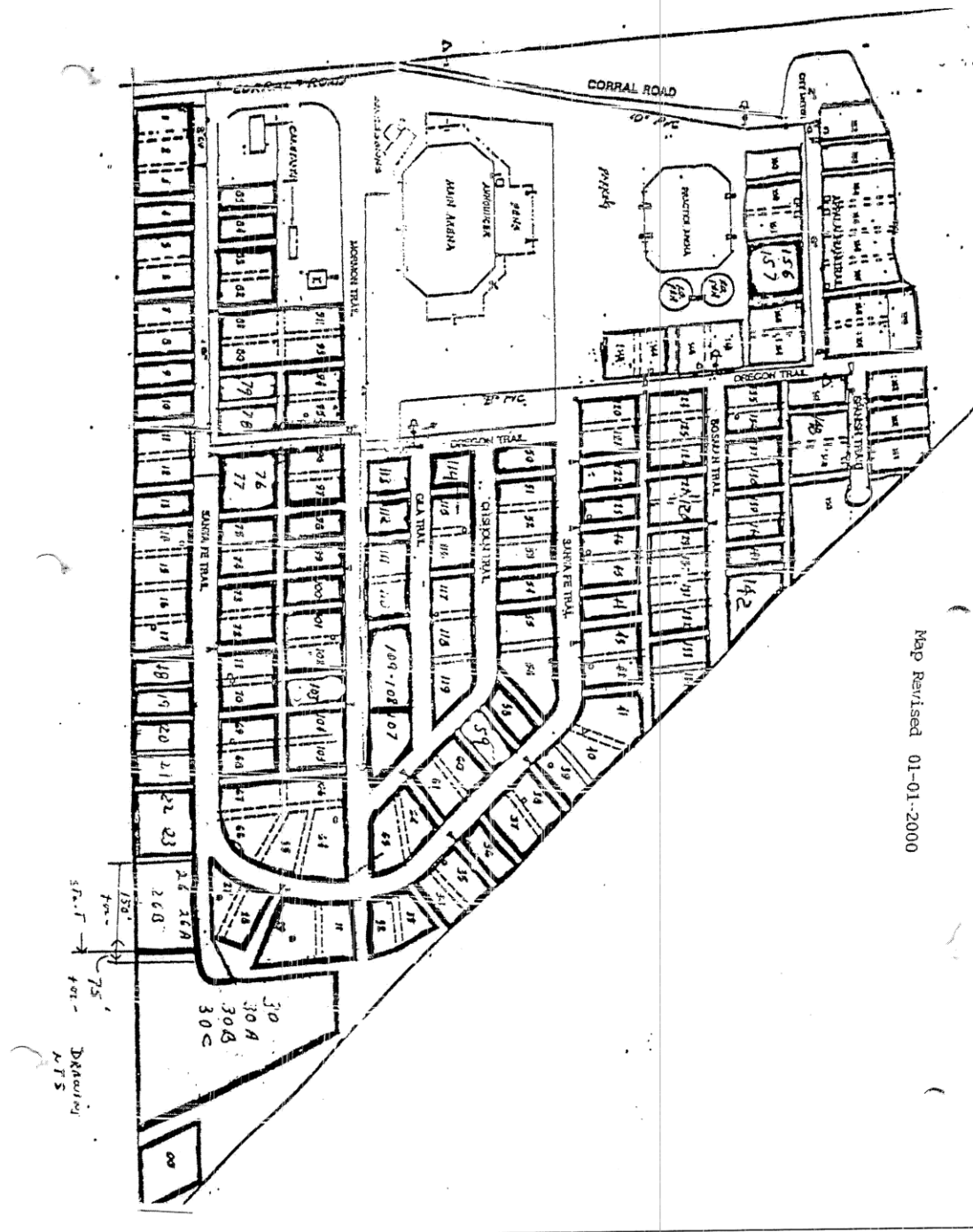
No. 577482
RECORDED AT REQUEST OF
B. C. Nev.
MAR 24 9:49 A.M. 66
OFFICIAL RECORDS BOOK No. 718
CLARK COUNTY, NEVADA
PAUL E. HORN, RECORDER
FEE \$ 2.50

Notary Public in and for said County & State

(Notarial Seal)

When recorded mail to:
Real Estate Officer, P. O. Box 367
Boulder City, Nevada

ATTACHMENT B



Map Revised 01-01-2000

ATTACHMENT C

CHAPTER 17 CO CORRAL ZONE

11-17-1: SCOPE:

The following regulations shall apply in the CO Zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-2: PURPOSE:

The CO Corral Zone is a zone intended for the keeping, raising and training of certain animals, but not including riding stables or academies or the raising of any animals for commercial use, and appropriate incidental uses related to the convenience or recreational needs of the Boulder City Horsemen's Association members and their guests, and further subject to the restriction as set forth in that certain quit claim deed between the City and the Boulder City Horsemen's Association, recorded as instrument number 577482, book 718, official records, Clark County, Nevada and the articles of incorporation of the Boulder City Horsemen's Association. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-3: USES:

A. Corral lots for horses, colts, burros, ponies and other equine animals, steers, goats, sheep, cows, calves or animals of a general like character, excluding swine. Dairies and feed lots shall be prohibited. The 4-H and other educational projects are permitted if sponsored, certified or approved by the Board of Directors of the Boulder City Horsemen's Association.

B. Dwelling quarters for the sole use and occupancy of two (2) watchmen or caretakers as designated by the Boulder City Horsemen's Association. Such occupancies shall otherwise conform to all other City Code requirements.

C. The incidental keeping of cats, dogs, fowl and animals of a general like character, providing such animals are not a public nuisance. All such animals shall be kept within the member's corral area and shall be the sole responsibility of the member. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-4: MINIMUM LOT SPACE REQUIREMENTS:

A. Not more than a total of six (6) or a total combination of any six (6) horses, colts, burros, ponies and other equine animals, steers, goats, sheep, cows, calves or animals of a general like character may be kept on any lot with an area of four thousand (4,000) square feet. No more than two (2) of the foregoing animals may be other than horses.

B. All corral lots shall meet the requirements stipulated in the bylaws of the Boulder City Horsemen's Association. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-5: OTHER REQUIREMENTS:

A. It shall be unlawful for any person to establish, enlarge, convert, construct or maintain any CO Zone lot owned or controlled by him except in the CO Zone established by this Chapter.

B. When the Boulder City Horsemen's Association desires to enlarge its site in the CO Zone, it shall first obtain approval by the Planning Commission. A request for approval shall be made to the Community Development Director on forms provided by the City and shall be accompanied by a site plan. The site plan shall show all the details of the proposed development and its facilities, including streets, water and electrical systems, structures and any other information as may be necessary for the Planning Commission to evaluate the proposed development.

C. The planning commission, upon receipt of an application and site plan, shall make the necessary inspection and review of the proposed development in order to determine that the provisions of this chapter as well as other applicable ordinances and laws are being complied with. The planning commission, in granting approval, may establish reasonable conditions and such evidence and guarantees as it deems necessary to ensure that the conditions will be complied with, which in the opinion of the planning commission shall assure the intent and purpose of this chapter.

D. It shall be unlawful for any person to operate any motor bike or motorcycle within the CO zone. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-6: DEVELOPMENT STANDARDS:

The standards as herein set forth are supplemental to the minimum standards for all construction, sanitation facilities and other utilities and necessary facilities for the safety, health and welfare of the occupants. Said standards shall be in accordance with the city codes and standards and applicable state laws. All existing improvements except the underground electrical system shall be in compliance with the foregoing requirements not later than two (2) years from the effective date hereof or within a reasonable length of time after the water and sewer utilities are made available to the CO zone.

A. Area Requirements: The site and lot requirement shall meet the requirements set forth in the Boulder City Horsemen's Association bylaws, as approved by the planning commission and the city council.

B. Roadways:

1. CO zone roadways shall be a minimum of thirty feet (30') in width. All roadways shall be kept clear except for temporary parking.

2. Where exceptional conditions will not logically permit roadways of thirty feet (30') in width, the planning commission may allow a deviation from said standards; providing, that adequate parking areas are provided. Such designs shall be subject to the approval of the planning commission.

C. Buildings And Facilities:

1. Definitions:

AGRICULTURAL BUILDINGS: A building located on the property and used to shelter farm implements, hay, grain, poultry, livestock or other farm products in which there is no human habitation and which is not used by the public.
SERVICE BUILDINGS: A building located on the property and used for public convenience and necessity, and shall include, but not be limited to, grandstands, judging stands, concessionaire stands and buildings, and buildings of a similar nature.

2. Requirements:

a. All service buildings and facilities shall be located a minimum of forty feet (40') from any corral or agricultural building and shall be maintained in a safe, clean condition, and shall be constructed in accordance with all applicable codes or any other law or ordinance.

b. Toilet facilities shall be provided for both women and men. Toilets may be of the outdoor type constructed to standards approved by the community development director. Additional portable facilities shall be provided for all public events. (Ord. 841, 2-23-1988, eff. 3-23-1988)

D. Upon receipt of a complete application and applicable fees, the community development director shall cause notices to be given in accordance with the procedures and requirements set forth in section 11-35-3 of this title. (Ord. 883, 2-26-1991, eff. 3-20-1991)

11-17-7: RESPONSIBILITY OF BOULDER CITY HORSEMEN'S ASSOCIATION:

A. The Boulder City Horsemen's Association shall be responsible for compliance with the provisions of this chapter relating to the CO zone.

B. The Boulder City Horsemen's Association shall be responsible for providing the portable toilet facilities for all public events and for the proper disposal from these units.

C. The Boulder City Horsemen's Association shall pay all costs in connection with the collection and removal of garbage, waste material, and for the disposal of all dead animals to an area designated by the City.

D. The Boulder City Horsemen's Association shall be solely responsible for the installation and maintenance of all utilities within the CO Zone, including, but not limited to, upgrading the present utility systems to comply with City codes and standards and applicable State laws, except that the existing corral area shall not be required to install an underground electrical system until such time as ordered to do so by the concurrent action of the Engineering Department, the Planning Commission and the City Council. This determination shall be based upon the development in the surrounding area, and in the event the Horsemen's Association is required to install an underground electrical system in the existing CO Zone, they shall be given at least eighteen (18) months in which to complete the work. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-8: SIGNS:

Signs and advertising structures may be permitted subject to the following conditions:

A. A nameplate shall be permitted not exceeding two (2) square feet for each corral lot to indicate the name and address of the occupant.

B. Signs and advertising structures not exceeding thirty two (32) square feet may be permitted in other areas in the CO Zone, providing the Boulder City Horsemen's Association assumes full responsibility for the erection, maintenance and safety of said signs and structures.

C. All signs and advertising structures shall be subject to the general sign provisions as set forth in Chapter 24 of this Title. (Ord. 841, 2-23-1988, eff. 3-23-1988)

11-17-9: CONFLICTING PROVISIONS:

In the event the requirements of the Uniform Standard Specifications for Public Works Construction Off-Site Improvements, Clark County Area, Nevada or any other ordinance, standard or specification, as they now exist or may hereafter be amended or adopted, are in conflict with the provisions of this Chapter, such specific requirements are hereby repealed to the extent of such conflict but not further, and the provisions of this Chapter shall prevail. (Ord. 841, 2-23-1988, eff. 3-23-1988)

AMENDED AGREEMENT

THIS AGREEMENT, made and entered into this 27th day of August, 1991, amends the original agreement attached to Ordinance No. 230 approved on February 22, 1966, by and between BOULDER CITY, NEVADA, a Municipal Corporation organized under and by virtue of the laws of the State of Nevada, hereinafter referred to as "SELLER", and BOULDER CITY HORSEMEN'S ASSOCIATION, INC., a Nevada non-profit corporation, hereinafter referred to as "BUYER"

WITNESSETH:

WHEREAS, in accordance with the Boulder City Charter, Section 145, which authorizes the Seller to negotiate and sell real estate to bona fide non-profit corporations on whatever terms Seller deems satisfactory, and

WHEREAS, Seller, by action of the City Council on the recommendation of the City Manager and the Real Estate Officer has agreed to sell the hereinafter described property to Buyer, and

WHEREAS, said action requires the formulation and execution of a formal contract covering the sale of the aforesaid land,

NOW, THEREFORE, the parties hereto do covenant and agree as follows:

1. Seller hereby accepts Buyer's offer in the amount of ONE DOLLAR (\$1.00), for the purchase of the property described as follows (Tract 68):

A parcel of land located in the Northeast 1/4 of Section 16 and the Northwest 1/4 of Section 15, Township 23 South, Range 64 East, Mount Diablo Base and Meridian, in Boulder City, Clark County, Nevada, being more particularly described as follows:

BEGINNING at the Northeast corner of Section 16, Township 23 South, Range 64 East, Mount Diablo Base and Meridian; thence S 89° 34' 44" W 800.00 feet along the North line of the aforementioned Section 16; thence S 00° 28' 04" E 1959.56 feet to a point on the Northwest-erly right-of-way line of the 200 foot South Hoover Basic 230 KV Transmission line easement; thence N 39° 36' 53" E 256.65 feet along the Northwest-erly right-of-way line of said easement; thence continuing N 44° 15' 21" E 2478.48 feet along the Northwest-erly right-of-way line of said easement to a point on the North line of Section 15; thence S 89° 36' 45" W 1109.33 feet along the said North line of Section 15 to the point of beginning.

This parcel contains 42.35 acres more or less.

2. Seller specifically covenants and agrees to cause the passage of the necessary ordinance actually consummating the sale, said ordinance to contain provisions requiring the payment by Buyer of an amount not less than ONE DOLLAR (\$1.00) in cash.

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3. Buyer specifically covenants that the land described in Paragraph 1 above will be developed in accordance with the provisions of the enabling Ordinance No. 230 and Amended Ordinance No. 897 and the "By-laws" of the Boulder City Horsemen's Association, as adopted by the City Council on March 20, 1963 and as may be amended by the Horsemen's Association. Seller and Buyer agree to obtain the necessary zoning changes so that the land will be developed in accordance with provisions of the Zoning Ordinance.

4. A. It is specifically understood and agreed that the Buyer shall not assign this agreement, or any rights hereunder, or security provided hereunder, or sell or convey by deed or otherwise to any party, corporation, partnership, organization or legal entity, and in the event Buyer attempts to so assign or convey, then said assignment or conveyance shall be null and void and of no force and effect whatsoever.

B. Buyer is given the right to use the property or a portion thereof as collateral for such purposes needed for utility and other improvements on the land. However, before such right can be exercised, City Council approval must be received. At such time when any lien on said property is satisfied said use of land shall be in accordance with the City Charter as it relates to charitable and non-profit purposes.

C. If at any time during the period when such a lien is placed on the land the Buyer defaults on its payments, the Seller has the right of first refusal to regain ownership of said land.

5. The Buyer specifically agrees that all corrals, barns, stables and other facilities constructed on the land described above shall be constructed and maintained in complete compliance with all applicable ordinances of Boulder City and statutes of the State of Nevada as well as the special "Building Code" for the Boulder City Horsemen's Association as adopted by the City Council March 20, 1963, and as may be amended by the Horsemen's Association and adopted by the City Council.

6. The Seller hereby retains the right of ingress and egress at any time over, under, or through the above premises for the purposes of establishing power, water, streets, drainage facilities, or any other public utility service to and through the above described premises, for said Seller or any of the assigns of said Seller with respect to utility services.

7. It is specifically understood and agreed by and between the parties hereto that this agreement does not create any obligation on the part of the Seller to furnish or supply water, electricity, sewage collection and treatment facilities, roads or streets to the Buyer or to or through the property described above.

ATTACHMENT D

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8. It is further agreed by and between the parties that all of the rights, duties, and obligations of this agreement shall inure to and become binding upon all heirs, successors, assigns, and grantees of the parties hereto.

9. This agreement shall become null and void if the necessary ordinance is not passed.

SELLER:

BOULDER CITY, NEVADA
A Municipal Corporation

By: Robert E. Boyer
Robert E. Boyer
Real Estate Officer

ATTEST:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

(City Seal)

BUYER:

BOULDER CITY HORSEMEN'S
ASSOCIATION

By: Richard C. Murrays
Richard C. Murrays, President

By: John Jay Smith
John Jay Smith, Secretary

STATE OF NEVADA)

COUNTY OF CLARK)

On this 28th day of August, 1991, personally appeared before me, the undersigned, a Notary Public in and for said County of Clark, State of Nevada, Robert E. Boyer, known to me to be the Real Estate Officer of Boulder City, Nevada, a municipal corporation, organized and existing under and by virtue of the laws of the State of Nevada, who executed the foregoing instrument on behalf of the said municipality and upon oath did depose that he is the Real Estate Officer of Boulder City, Nevada, a municipal corporation as above designated; that he is acquainted with the seal of the municipality and that the seal affixed to the instrument is the corporate seal of said municipal corporation; that the signatures to the instrument were made by the officers of the municipality as indicated after the signatures; and that the municipality executed the instrument freely and voluntarily and for the uses and purposes therein mentioned.

Trena McClaren
Notary Public in and for said County and State



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Bill No. 1000

Introduced by: Ferraro

ORDINANCE NO. 897

AN ORDINANCE OF THE CITY COUNCIL OF BOULDER CITY, NEVADA, AMENDING ORDINANCE NO. 230 AND IN PARTICULAR THE LAND SALES AGREEMENT WHICH SOLD 42.35 ACRES OF REAL PROPERTY TO THE BOULDER CITY HORSEMEN'S ASSOCIATION AND OTHER MATTERS PROPERLY RELATING THERETO

The City Council of Boulder City do ordain:

Section 1. Paragraphs 4 and 6 of the land sales agreement dated March 2, 1966 are hereby amended to read in their entirety:

(4) A. It is specifically understood and agreed that the Buyer shall not assign this agreement, or any rights hereunder, or security provided hereunder, or sell or convey by deed or otherwise to any party, corporation, partnership, organization or legal entity, and in the event Buyer attempts to so assign or convey, then said assignment or conveyance shall be null and void and of no force and effect whatsoever.

B. Buyer is given the right to use the property or a portion thereof as collateral for such purposes needed for utility and other improvements on the land. However, before such right can be exercised, City Council approval must be received. At such time when any lien on said property is satisfied said use of land shall be in accordance with the City Charter as it relates to charitable and non-profit purposes.

C. If at any time during the period when such a lien is placed on the land the Buyer defaults on its payments the Seller has the right of first refusal to regain ownership of said land.

6. The Seller hereby retains the right of ingress and egress at any time over, under, or through the above premises for the purposes of establishing power, water, streets, drainage facilities, or any other public utility service to and through the above described premises, for said Seller or any of the assigns of said Seller with respect to utility services.

Section 2. Validity. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 3. Effective Date. This ordinance shall become effective the 18th day of September, 1991.

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Bill No. 1000 Ordinance No. 897

Section 4. Publication. The City Clerk shall cause this ordinance to be published in summary on Thursday, the 29th day of August 1991, in the Boulder City News, a weekly newspaper, published in Boulder City, Nevada.

Eric L. Lundgaard
Eric L. Lundgaard Mayor

Attest:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

(Seal)

The foregoing ordinance was first proposed and read by title to the City Council on the 13th day of August, 1991, which was a regular meeting; thereafter, the proposed ordinance was adopted at a regular meeting on the 27th day of August, 1991, by the following vote:

VOTING AYE: LUNDGAARD, PILGRIM, FERRARO, PORTER AND BLETSCHE
VOTING NAY: NONE
ABSENT: NONE

APPROVED:
Eric L. Lundgaard
Eric L. Lundgaard, Mayor

ATTEST:

Carol Ann Hawley
Carol Ann Hawley, City Clerk

(SEAL)

WHEN RECORDED MAIL TO:
REAL ESTATE OFFICER
CITY OF BOULDER CITY

9 1 0 9 2 6 0 0 6 2 9



STATE OF NEVADA)

) ss

COUNTY OF CLARK)

On this 4th day of September, 1991, personally appeared before me, a Notary Public in and for said County and State, Richard C. Myres and John Jay Smith, known to me to be the persons described in and who executed the foregoing instrument; who duly acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.



Trena McClaren
Notary Public in and for said County and State

CLARK COUNTY
RECORDERS
OFFICE

CLARK COUNTY, NEVADA
JOAN L. SWIFT, RECORDER
RECORDED AT REQUEST OF:
BC/CITY OF

09-26-91 14:08 LJD
OFFICIAL RECORDS

5

ATTACHMENT E

Revised June 23, 2003

Boulder City Horsemen's Association
PO Box 60896
Boulder City, NV 89006-0896
Lot Transfer Form

Lots/Lot # _____

Current Lot Holder _____ (Print)

The above lot holder is a member in good standing and paid all fees, dues, utility charges and assessments as required by the By-Laws.

Date _____ Treasurer _____ (Print and sign)

REASSIGNMENT

Lots/Lot# _____

Reassigned to _____ (Print)

Address _____ (Print)

_____ (Print)

Phone Number/s _____

Date _____ Releasing Lot Holder _____

Date _____ New Lot Lease Holder _____

Note: Upon completion of the lot transfer form, mail or personally hand the form and mandatory copy of sales agreement to the BCHA Secretary. The Secretary will then schedule your appointment with the Board of Directors for completion. It is also agreed and understood that the lots, as described above, remain the property of the BCHA and the lot holder ONLY owns the improvements thereon.

Approval

Board of Directors (print and sign)

Secretary _____
(Print and sign)

Electric Meter Reading _____
Water Meter Reading _____

ATTACHMENT F

Chapter 3

ANIMAL CONTROL

7-3-1: TITLE:

This Chapter shall be known as *THE ANIMAL WELFARE AND CONTROL ORDINANCE*. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-2: DEFINITIONS:

All terms used in this Chapter are intended to have standard definitions, meanings and connotations, and are intended to be consonant with the meanings ascribed to them in other chapters of this Code, but the following terms also have the specific meanings stated as follows:

ADEQUATE: Sufficient for a specific requirement and/or lawfully and reasonably sufficient.

ADEQUATE FEED: The provision at suitable intervals, but in no event less than once every twenty four (24) hours, or a quantity of wholesome foodstuff suitable for the animal's physical condition and age, sufficient to maintain an adequate level of nutrition in the animal, such foodstuff to be served in a clean receptacle, dish or container.

ADEQUATE WATER: The access to a sufficient supply of clean, fresh, potable water provided at suitable intervals for the animal's physical needs and the climatic conditions.

ANIMAL: All male and female living beings, except members of the human race, characterized by having sensation and voluntary motion, including, but not limited to, all domesticated, tame and/or wild mammals, livestock or raptors. Except that with regard to the portions of this Chapter pertaining to the protection and welfare of animals and the public, the term "animal" shall not include pests, invertebrates or cold-blooded vertebrates, as defined in Nevada Revised Statutes section 555.005.

ANIMAL CONTROL OFFICER: Any person or persons appointed by the City Manager to perform the applicable functions specified herein.

AT LARGE: The applicable animal is not physically restrained by a rein, lead or leash, and not confined in a building or in a cage, coop, pen or other adequately fenced enclosure. An animal shall not be considered "at large" while under the direct supervision and control of an owner or trainer who is giving auditory and/or visual commands to such animal; provided that such animal is obeying such commands or not in any way violating the provisions of this Chapter.

BITE: A puncture, bruise, abrasion or tear of skin inflicted by the teeth of an animal.

CAT: Any member of the biological species *Felis catus* or *Felis domestica*, commonly known as the domestic cat, or whatever breed or mixture of breeds.

CITY LICENSE OFFICER: Any person or persons appointed by the City Manager to perform the applicable functions specified herein.

CITY POUND: The Boulder City animal control shelter or such other shelter as the City Council may by resolution designate from time to time as a place to receive and confine animals.

CONFINED: Means a condition whereby an animal is restricted to the property of the owner and/or caretaker by enclosed lot, leash, cord or chain of suitable length for the type of animal, as determined by the animal control authority from specifications furnished to him/her by the Clark County Veterinary Medical Association, and so placed that the animal has free access to feed, water and shelter, and further, so affixed as to preclude the animal becoming entangled on any obstruction; and the cage, coop, stable, leash, cord, chain or fence barrier shall be of such size and length to permit the animal to stand upright and lie down, and of such further dimensions as shall be deemed adequate by the animal control authority from specifications furnished to him/her by the Clark County Veterinary Medical Association to allow the animal comfort and safety.

CUSTODIAN: One entrusted with guarding and keeping property, such as animals, or records.

DOG: Any member of the biological species *Canis familiaris*, commonly known as the domestic dog, of whatever breed or mixture of breeds.

ENCLOSE: To hold in.

FERAL: Any wild animal, not domesticated, cultivated or tame.

FERAL FELINE OR CANINE: Any member of the domestic feline or canine species, which have either reverted back to a wild state of survival, or have been born to an unowned, non-domesticated feline or canine in such a state.

FOWL: Any edible bird.

HEALTH OFFICER: Any Clark County health officer assigned to duty with the City, or any person or persons appointed by the City Manager to perform the applicable functions specified herein.

HUMANE MANNER: Treating animals firmly but with kindness, tenderness and compassion, and furnishing to animals necessary facilities, supplies and amenities such as wholesome food, potable water, and shelter which is adequately shaded, ventilated, cleaned, and properly heated or cooled. Destroying an animal in a humane manner shall mean bringing about the death of such animal by the injection of sodium pentobarbital (or by the administration of carbon dioxide or chloroform on recently born puppies or kittens whose eyes are not yet open). Destroying an animal by the use of a firearm or other weapon

may be considered humane only if done properly, within legal boundaries and instantaneous death of the animal results.

IMPOUND: The act of taking or receiving into custody by any animal control, police or peace officer any animal for the purposes of confinement in an animal shelter consistent with the provisions of this Chapter.

INHUMANE MANNER: Any treatment of animals which is not done in a "humane manner", as defined herein.

LIVESTOCK: All members of the bovine, equine, porcine, with the sole exception of the miniature pot belly pig, all poultry or domesticated fowl or birds. (Nevada Revised Statutes section 561.025)

OWNER: Any person having a property interest in or custody of an applicable animal or who keeps or harbors such animal or who knowingly permits or allows such animal to remain on or about any premises occupied by such person. With respect to an animal owned wholly or partly by a person of minor age, the term "owner" shall include the parents or guardians of such minor person.

RABIES QUARANTINE AREA: Any area in which a state of emergency has been declared to exist due to the occurrence of rabies in animals in or adjacent to this area.

SHELTER: Protection from the elements as hereinafter provided.

STRAY ANIMAL: Any animal of which the ownership is unknown.

SUFFICIENT: Enough to meet the needs of a situation or a proposed end as may be determined by the Animal Control Officer.

TORTURE OR CRUELTY: Every act of omission or commission whereby unjustifiable physical pain, suffering or death is caused or permitted.

VETERINARIAN: Any person licensed to practice veterinary medicine in this State or in any sister state in which vaccination or treatment of an applicable animal took place.

VICIOUS OR DANGEROUS ANIMAL: These terms, or any combination of such terms, shall mean any animal which unprovokedly bites any human being or animal, or in a terrorizing manner approaches any person in an apparent attitude of attack.

WILD ANIMAL: Wild animal means any animal found naturally in an undomesticated state, whether indigenous to this State, County, continent or not. Wild animal includes, but is not limited to: badger, bobcat, coyote, wolf, kit fox, fox, mink, big horn sheep, mountain lion, panther, raccoon, skunk, weasel, ferret, opossum, ocelot, jaguar, jaguaroundi, lynx, wolverine, squirrel, chipmunk, all nonhuman primates, tiger, boar, javelina, coatimundi, muskrat, prairie dog, deer, elk, armadillo, kangaroo, wallaby, pachyderm, llamas, ostrich, raptor, anaconda, cobra, coral snake, all pit-vipers.

WILD STATE: Living in a state of nature not ordinarily tame or domesticated or amenable to control or restraint. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-3: ANIMALS:

A. Business Involving Animals: Businesses involving the keeping, breeding, treating, grooming and/or boarding of animals are governed by the provisions of Title 4 and Title 11 of this Code, and by the applicable State statutes and County ordinances pertaining to animals.

B. Keeping Of Animals: In all land use zones of the City, "guide dogs" or "hearing dogs" are allowed to be kept and used by "blind persons" or "deaf persons", respectively, as such quoted terms are defined in Nevada Revised Statutes sections 426.041, 426.055, 426.075 and 426.081, subject to all other provisions of this Code. A permitted incidental use in all land use zones of the City is the keeping of adult animals not exceeding an aggregate of three (3) such animals, plus any number of offspring under the age of six (6) months who are the progeny of such permitted adult animals, anything in Title 11 of this Code to the contrary notwithstanding.

C. Rabies Vaccination Of Dog, Cat, Ferret, Wolf-Hybrid, Miniature Pot Belly Pig And Livestock When Applicable Under The Rabies Control Authority:

1. Rabies Vaccination Required For Dog, Cat, Miniature Pot Belly Pig And All Livestock When Applicable: Every owner having a dog, cat, miniature pot belly pig and all livestock, when applicable, in the City limits, shall cause such animals to be initially vaccinated with rabies vaccine within a period of thirty (30) days from the date such dog or cat attains the age of four (4) months, or otherwise determined by a licensed veterinarian for the rabies vaccine to be administered, or from the date such animal is first acquired, kept or harbored within the City limits, whichever date is later, provided, however, that:

a. Exception; Previous Vaccination: This initial vaccination requirement shall not apply to any such animal as described in subsection C1 of this Section, which has previously received, and can show proof of, such rabies vaccination within one year preceding such date, from a licensed veterinarian in the State or any sister state.

b. Revaccination: Every owner having any such animal as described in subsection C1 of this Section, in the City limits which has been vaccinated with a rabies vaccine shall cause such animal to be revaccinated within such a period of time to be determined by a licensed veterinarian and the expiration date of rabies vaccine used, and/or the State rabies control authority.

c. Rabies Vaccination Certificate: Every veterinarian who vaccinates a dog, cat, miniature pot belly pig or applicable livestock with a rabies vaccine shall issue to the owner or custodian of any such animal (with the exception of livestock), a durable tag, evidencing such vaccination, to be attached to the collar or harness of such animal and such veterinarian shall also issue to such owner or custodian a signed certificate, in duplicate, stating therein the name and description of any such animal, the date of vaccination, expiration date of immunity, and the type of vaccine used. No vaccine shall be used unless it is designated by

its manufacturer to be effective for its purpose, pertaining to such animal, and to be administered only by a licensed veterinarian.

d. Rabies Vaccination Certificate Required For Dog, Cat, Miniature Pot Belly Pig Licensing: Every person applying for a City animal license must exhibit a certificate signed by a veterinarian licensed to practice in the State or any sister state, which certificate must show that such animal for which the license is sought has been vaccinated in accordance with the requirements of this subsection. No license for such animal shall be issued until such certificate is so exhibited and a copy thereof has been furnished to the License Officer.

D. Animal License Required:

1. Required: Every owner having within the City any dog, cat or miniature pot belly pig over the age of four (4) months shall, within thirty (30) days after such animal attains the age of four (4) months or within thirty (30) days after first bringing such animal into the City, whichever date is later, obtain for such animal and thereafter continuously maintain a current and valid animal license issued by the City as provided herein.

2. Renewal: Each animal license issued by the City shall be annual from January 1 through December 31 of the then-current calendar year, but shall be considered valid for an additional period of thirty (30) days if a renewal license for the ensuing year is obtained within such additional period. All such animal licenses shall be issued for calendar years only, and no fractional-year term will be considered. The fee for each animal license shall be determined by the City Council as provided in Section 7-3-10 of this Chapter.

3. Attaching License To Animal: The owner of any licensed animal shall obtain and maintain for such animal a collar or harness (or, for use on a cat or ferret only, a breakaway collar) on which shall be securely fastened the vaccination tag specified in subsection C1c of this Section and the license tag specified in subsection D4 of this Section. Such collar or harness (or breakaway collar) shall be worn by such animal at all times when not confined on the premises of its owner; provided, however, that if such animal cat has the number of its license prominently and indelibly marked or tattooed on its groin, ear or other easily detectable body part, then the wearing of such collar or harness (or breakaway collar) shall not be so required. It shall be unlawful for any person to remove any license tag issued under the provisions of this Section from any animal not owned by him or not lawfully in his possession or under his control, or for any person to place on any animal, or to permit any animal in his control or possession to wear, any license tag not issued or provided in this Section for that particular animal, or to have in possession or to make or to place on such animal or to have in possession any animal wearing any counterfeit or imitation of any license tag provided for in this Section.

4. Receipts And Tags: The License Officer shall deliver to each person obtaining an animal license a receipt showing the amount paid, the date of payment, and the number of the animal tag, and he shall furnish to the owner a numbered license tag of durable material. If the animal license tag is subsequently lost or destroyed, the owner of the applicable animal shall apply for a replacement animal license within thirty (30) days, with the fee for such replacement license to be the same as for an original license.

5. Registration: The City shall keep a register of all licenses issued, showing the name and address of the licensee, date of rabies vaccination expiration, and the number of the tag. The City shall also maintain an alphabetical file of the license certificates, with attached rabies vaccination certificate, by the name of the licensee.

E. Dangerous Or Vicious Animals:

1. General: It shall be unlawful for any person to have, house, shelter, quarter, own or in any other way have under his control or custody a vicious, dangerous or ferocious animal within the City limits, whether such vicious, dangerous or ferocious animal be allowed to run at large within the City, or confined on private property, except as provided in subsections E4 and E7 of this Section.

2. Dangerous Or Vicious Animal, Unlawful Acts; Penalties:

a. As used in this subsection, a dog is:

(1) Dangerous if:

(A) It is so declared pursuant to this subsection; or

(B) Without provocation, on two (2) separate occasions, within eighteen (18) months, it behaves menacingly to a degree that would lead a reasonable person to defend himself against substantial bodily harm, when the dog is:

i. Off the premises of its owner or keeper; or

ii. Not confined in a cage, pen or vehicle.

(2) Provoked when it is tormented or subjected to pain.

(3) Vicious if:

(A) Without being provoked it kills or inflicts substantial bodily harm upon a human being; or

(B) After its owner or keeper has been notified by a law enforcement agency that it is dangerous, it continues the behavior described in subsection E2a (3) (A) of this Section.

b. 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.

c. A dog may not be found dangerous or vicious because of a defensive act against a person who was committing or attempting to commit a crime or who provoked the dog.

d. A person who knowingly:

- (1) Owns or keeps a vicious dog, for more than seven (7) days after he has actual notice that the dog is vicious; or
 - (2) Transfers ownership of a vicious dog after he has actual notice that the dog is vicious, is guilty of a misdemeanor.
- e. In lieu of, or in addition to, a penalty provided in this Section, an order may be issued by the Municipal Judge for the vicious dog to be humanely destroyed.
- f. This Section does not apply to a dog used by a law enforcement officer in the performance of his or her duty.
3. **Allowing Dangerous Or Vicious Animals To Escape Or Run At Large:** Dangerous or vicious animals may be killed. Financial liability falls on the person(s) having care or custody of animals which bother, injure or kill animals belonging to another person.
4. **Muzzle:** Any vicious or dangerous animal leaving the private property or confines of the owner or person in charge of the animal shall be securely muzzled with a muzzle of such design and material as may be necessary to prevent such animal from biting any human or any other animal.
5. **Parades:** It shall be unlawful to permit any dangerous or vicious animal to be in exhibitions or parades in the City, except as provided in Section 7-3-6 of this Chapter.
6. **Exception:** An exception to subsection E1 of this Section is herein provided for animals confined to private property and under the direct control of the owner of said animal. Any animal which is known to have vicious or dangerous propensities may be kept and housed within the City, provided the following conditions are met:
- a. The private property must be adequately and properly posted with conspicuous warning signs, with identification of the owner (and trainer, if applicable) and the telephone numbers where emergency calls can be made to persons able to control such animal.
 - b. The animal shall be kept, confined or housed within an enclosure:
 - (1) That is adequate to ensure the animal's retention and of a size sufficient to permit the animal to stand upright and to exercise reasonably; and
 - (2) That is high enough so that the animal cannot bite or harm anyone by overreaching the top of the fence or other enclosure.
7. **Bites Or Injuries:** The exception provided for in subsection E4 of this Section shall not apply when any person is on the private property of another who has chosen to own, maintain or house a vicious or dangerous animal and said animal bites or injures in any way the said person, whether a guest, invitee or licensee, whenever such person is lawfully on the property of the owner or person in control of the animal. Keeping, harboring or maintaining any animal which bites or injures any human being as stated in this subsection shall be prima facie evidence of violation of subsection E1 of this Section.
8. **Destruction Authorized:** The members of the Police Department and the Animal Control Officer are authorized to destroy any dangerous or vicious animal in a humane manner when it is necessary for the protection of any person's life or safety.
9. **Exceptions For Police Dogs:** The foregoing subsections E2, E3 and E5 shall not apply to trained attack or patrol dogs owned by the City and on duty with and under the control of the Police Department while such dogs and their assigned handlers or trainers are in the performance of their official duties.
- F. Animals Running At Large:**
1. **Animals Running At Large:** It is unlawful for any person having charge, custody or control of any "animal", as previously defined in Section 7-3-2 of this Chapter, to actively encourage or willfully permit or negligently allow any such animal to run at large or trespass on any private premises of another, or to be on any public highway, street, sidewalk, alley, court, public ground or unfenced or otherwise unenclosed lot, or not within a sufficient, confined enclosure within the City limits; provided, however, that all equine animals are harnessed or saddled and bridled, or haltered, or dogs, cats or miniature pot belly pigs are led by an adequate and sufficient leash, lead, rope or chain and wearing rabies and animal licenses issued by the License Officer in conformity with the provisions of this Chapter and in the actual custody and control of a person capable of adequately restraining such animal, are excepted from the operation of this Section.
 2. **Animals:** No animal shall be permitted upon the public streets or public property or off the premises of the owner unless such animal under the reasonable control of the owner or unless such animal is confined in the process of being transported.
 - a. Any animal shall be deemed to be under reasonable control when such an animal is on the premises of its owner or custodian of such animal, premises being construed not to include the parkway and sidewalk in front of the owner's or custodian's premises. An animal at large shall be deemed to be not under reasonable control.
 - b. An animal shall be deemed not to be under reasonable control when such an animal commits damage to the person or property of anyone other than the owner or custodian, except in defense of the owner, custodian, his family or property.
 - c. All animals injured or killed in the street shall be considered as running at large and the Animal Control Officer shall remove all said animals and, at his discretion, take those needing medical attention to a veterinarian or to the City animal shelter. The owners of such animals shall be liable for all expense of such veterinary treatment and of the impoundment or disposal.
- G. Impounding Animals:**
1. **Running At Large Or Other Violation:** Any animals found running at large or without a numbered license tag or other identification, branded or tattooed on such animal, or in violation of any provision of this Chapter, and any animal which has been reported to the Police Department or to the Animal Control Officer as being abandoned or unclaimed, may be impounded at the City animal shelter by the Animal Control Officer and, upon such impoundment, shall be kept there for a period of not less than five (5) days (or 10 days in the case of obviously licensed or otherwise marked animals exclusive of the day of impoundment, unless released earlier as provided herein). If any animal running at large, with or without a numbered

license tag, tattoo or other means of marked identification, cannot be captured but can be identified, the Animal Control Officer may issue a citation to the owner of such animal dog for violating this subsection and/or subsection F of this Section.

2. Quarantine Of Animal Which Has Bitten Person: Any animal which has bitten a person shall be quarantined for a period of ten (10) days or pursuant to State rabies control authority requirements.

a. The owner shall have the option of quarantine at home for the required time if there is a current rabies vaccination certificate at the time of the bite and if this is the first incident of biting, or if the animal can be satisfactorily contained.

b. If there is no current rabies vaccination certificate at the time of the bite, or if this is not the first incident of biting, the animal shall be quarantined at the City pound or placed under the supervision of a licensed veterinarian for observation, at the expense of the owner of such animal.

3. Conditions For Release Of Impounded Animal: If the ownership of the animal is proven and the owner calls for it within the impoundment period, he shall be able to remove it upon performance of the conditions listed herein. No adult animal so impounded shall be released to any person except where the following conditions have been performed:

a. Presenting A Current License: A current license shall be presented for such animal issued by the License Officer, or if the person keeping, harboring or having such animal is not a resident of the City, such nonresident person shall present a current license for such animal issued by any other municipality or county if issued by the municipality of residence of such owner.

(1) If such adult animal was licensed and the collar bearing the license number is lost or the license tag is lost, the owner shall obtain a replacement of such at the expense of the owner.

(2) If no valid license had been issued for such adult animal for the then current year, and the claiming owner of such animal is a resident of the City, the Animal Control Officer shall issue a citation to such owner for violation of subsection D of this Section.

b. Proof Of Vaccination: Proof must be shown to the satisfaction of the Animal Control Officer that such animal has been vaccinated with rabies vaccine within the time periods and according to the requirements prescribed in this Chapter.

(1) If the Animal Control Officer suspects that any animal so impounded may have been exposed to rabies, he shall hold such animal for inspection by the health officer or a veterinarian. If it is determined that such animal does not have or is not reasonably believed to have rabies, the animal shall be released in accordance with the provisions of this Chapter. In the event it is determined that such animal is afflicted with rabies, it shall be disposed of or confined for such time as is stipulated by this Chapter and/or the State rabies control authority.

c. Payment Of Impounding Fees: Payment shall be made to the Animal Control Officer for the collection and impoundment fees. In addition, the owner will be required to pay a fee per day for keep of each animal.

d. Release Of Animal: If all the conditions of this subsection have been satisfied, the Animal Control Officer shall release such animal to the person keeping, harboring or having such animal to the person making application for the release of such animal. Impounded animals who are not required to be licensed and vaccinated may be released to such person without compliance with the foregoing conditions, but the claiming owner will be required to pay the collection, impoundment and boarding fees.

4. Collection And Impoundment Fees: The basic collection and impoundment fees shall be set, and revised from time to time, by resolution of the City Council as provided in Section 7-3-10 of this Chapter. Such basic fees shall be charged to owners of animals for the first instance of impoundment of an animal under the provisions of subsection G1 of this Section. For the second instance of such impoundment of an animal owned by the same owner, whether or not concerning the same animal, the owner shall be charged collection and impoundment fees twice the amount of such basic fees. For subsequent similar instances of impoundment, the owner shall be charged collection and impoundment fees equal to such basic fees multiplied by the number of times animals owned or controlled by such owner have been impounded under the provisions of subsection G1 of this Section. For the purpose of establishing the amount of such multiple fees, any impoundment occurring more than two (2) years previously shall be disregarded.

5. Disposal Of Unclaimed Animal: If the ownership is not proven within the impoundment period specified in subsection G1 of this Section, then such animal shall be destroyed in a humane manner under the direction of the Animal Control Officer; provided, however, the Animal Control Officer may offer any unclaimed animal which he would by this Chapter be authorized to destroy, for adoption to any person; provided, that the person seeking to adopt such animal shall pay the established adoption fee, if any, shall pay the basic impoundment and board fees, and shall procure for such animal the necessary collar and license. Unless the Animal Control Officer finds evidence that the animal to be adopted has received the current rabies vaccination required by this Chapter, the person seeking adoption shall be required to have the animal vaccinated accordingly. The City Council may by resolution establish, and revise from time to time, adoption fees for unclaimed animals, which adoption fees need not be uniform for such animals but may vary according to sex, age, size, appearance, disposition, obedience training, and/or apparent breed or mixture of breeds. It is the policy of the City to encourage such adoptions, and the Animal Control Officer will make available to interested nonprofit humane societies, animal shelter organizations, animal adoption agencies and other similar groups, upon request of such organizations, listings of the animals currently being held in the City pound which will be available for adoption if unclaimed.

a. Adoption Of Female Animals: No female animal capable of reproduction shall be released for adoption until a certificate is presented, which will be redeemable at any veterinarian clinic specifically designated therein, to assure that said animal will be spayed. These certificates may be purchased from the License Officer.

6. Female Animal Running At Large: It shall be unlawful for the owner or any person having the control or possession of any female animal to knowingly allow or permit such animal to run at large during such animal's rutting or copulation season, and any female animal found running at large during such season may be impounded at the City pound and held for the duration of such season subject to the provisions herein. If such animal is not voluntarily impounded, as provided in this subsection, the collection and impoundment fees to be charged to the owner of such animal shall be twice the amount otherwise applicable under the provisions of subsection G4 of this Section.

7. Sick Or Injured Animals: Any sick or injured animal impounded may be destroyed in a humane manner at any time after impoundment, if, in the professional judgment and with the certification of a veterinarian, inhumane suffering may be prevented thereby. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-4: LIVESTOCK, FOWL AND BEES:

A. Keeping Of Swine: No person shall keep any hogs or pigs on any parcel of land within the City, except for Vietnamese, Chinese or Asian miniature potbelly pigs (*Sus scrofa vittatus*) as provided in this Section. The Vietnamese, Chinese or Asian miniature potbelly pigs (*Sus scrofa vittatus*), hereinafter referred to as "miniature potbelly pigs", and shall be reclassified from the livestock designation to an exotic, non-dangerous pet.

The requirements for the keeping of a miniature potbelly pig shall include applying for and being granted a permit to keep and/or harbor a miniature potbelly pig subject to the conditions set forth by this Section.

1. The applicant shall pay an initial fee for an approved permit, which will be valid for one year and an annual renewal fee as set by City Council resolution.

2. Applicants shall meet the following requirements before a permit can be issued:

a. An on-premises investigation shall be conducted by the Animal Control Officer to determine if the requirements of this Section are met. In addition, the premises may be inspected upon each renewal;

b. Proof of applicant's ownership of the miniature potbelly pig shall be provided;

c. Verification of State requirements of "point of origin", either within the State or without will be provided;

d. Detailed breeder and/or seller information to include applicable licenses/permits to sell miniature potbelly pigs and registration papers certifying the pig as a "miniature potbelly pig", as defined in subsection A of this Section, will be provided;

e. A valid dated and signed health certificate issued through veterinary inspection showing proof of pseudo rabies and brucellosis testing; a valid statement of general health shall also be provided;

f. Applicant shall be legal owners of the property on which the animal will be housed, or shall have written permission of the legal owner. Property shall be subject to the following limitations:

(1) Minimum open fenced area for use by the miniature potbelly pig shall not be less than four hundred (400) square feet.

(2) A minimum four foot (4') high solidly constructed fence with secure gate shall be utilized for the open fenced area of the animal.

(3) Housing areas for the miniature potbelly pig shall be not less than twenty (20) linear feet from applicant's property line at any point and shall provide shelter, food and water facilities.

g. Only one miniature potbelly pig shall be allowed per residence;

h. The female animal must be spayed and a male animal must be neutered within not less than six (6) months of age nor more than nine (9) months of age;

i. The miniature potbelly pig must remain under one hundred twenty (120) pounds and under twenty four inches (24") in height, measured at the shoulders;

j. Applicant shall provide to animal control the following: owner's name, home phone number, work phone number, name of local veterinarian with address and phone number; the registered name of the pig. This information shall remain on file with animal control and shall be updated within five (5) working days of any changes;

k. Applicant shall keep all gates accessing the containment area securely locked, latched and/or padlocked;

l. Applicant shall provide adequate shelter, fresh food and water during all times the miniature potbelly pig is housed in an outside area;

m. Applicant shall provide adequate sanitation of the premises, to eliminate any noxious odors to abutting property, through daily removal of feces and washing with water any neighboring property, fences, walls or buildings urinated on by the animal.

3. If applicant fails to meet any of the requirements and conditions as set forth in this Section or other violations of the City animal control ordinances, they may be cited in accordance with Section 7-3-13 of this Chapter, and the permit to keep said animal may be revoked.

4. Miniature potbelly pigs shall be subject to rabies prevention regulations as set forth by the State rabies control authority.

Such regulations shall be provided to applicant and compliance will be confirmed by the Animal Control Officer. Miniature potbelly pigs shall be subject to those regulations as set forth in subsection 7-3-7A of this Chapter, when conditions warrant.

B. Restraining Animals: Every person who is the owner or has the care, custody or control of any horses, colts, burros, ponies or other equine animals, or steers, goats, sheep, cows, calves or any animals of a general like character, or poultry, or rabbits or any other rodent, or any wild animal, shall keep the same upon the premises under the control of such person, restrained by a fence, cage, coop, chain, leash or other adequate means so that said animal cannot leave the premises upon which it shall be kept, except when under the direct and immediate supervision of such person. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

C. Keeping Of Bees: Bees may be kept on large residential or agricultural zoned parcels provided the owner shall meet the following requirements:

1. Approval by appropriate State agencies shall be obtained;
2. The parcel on which the bees are kept shall be at least one acre in size;
3. The number of colonies or nuclei shall not exceed one per acre;
4. Adequate freshwater supply shall be available for bees on the subject property at all times;
5. The location of the beehives shall be not less than two hundred feet (200') from any public road, street or highway, residence or other occupied building other than that of the property owner or occupant of said property;
6. Hives shall be removed from the parcel when no longer occupied by a colony.

D. Keeping Of Livestock, Fowl And Bees: It is unlawful for any person to keep, cause to be kept, or permit to be kept any livestock, fowl, bees or other animals on-premises over which any such person may have control within the City, except as authorized herein or by Title 11 of this Code. (Ord. 1118, 6-27-2000, eff. 7-19-2000)

7-3-5: IMPOUNDING STRAYS:

A. Impounding Of Stray Animals: Any stray animal, running at large or which is not restrained as herein provided, and any wild animal not kept as pursuant to permit, may be impounded by the Animal Control Officer and kept at the City pound for a period of not less than five (5) days, exclusive of the day of impoundment, within which time if the ownership of the animal is proven and the owner calls for it, he shall be able to remove such animal upon the payment of a fee as the cost of impounding, and in addition thereto, a fee for the keeping of said animal.

B. Disposal Of Stray Animals: If the ownership of the stray animal is not proven within such five (5) day period, then such animal, whether domestic or wild, shall be destroyed in a humane manner under the direction of the Animal Control Officer, except as provided in this subsection. If any impounded wild animal is of a species protected by Federal or State laws, the Animal Control Officer shall notify the closest office of the United States Fish and Wildlife Service and/or the Nevada State Wildlife Department to arrange for the disposal of such protected wild animal. At the discretion of the Animal Control Officer, any unclaimed non protected stray animal which would otherwise be destroyed as authorized herein may be offered for adoption to any noncommercial zoo or zoological park, or to any animal welfare oriented group or organization referred to in subsection 7-3-3G5 of this Chapter, or to any person nominated by such group or organization. Dogs and cats are specifically excepted from the provisions of this Section, and the provisions of Section 7-3-3 of this Chapter shall be applicable as to the impounding of dogs and cats.

C. Sick Or Injured Animals: Any sick or injured animal impounded may be destroyed in a humane manner at any time after impoundment if, in the professional judgment and with the certification of a veterinarian, inhumane suffering may be prevented thereby. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-6: WILD ANIMALS:

A. Keeping And/Or Exhibiting Wild Animals: It is the policy of the City to discourage the keeping and/or exhibiting of wild animals. No wild animal shall be exhibited in public or kept as herein provided until the owner or person having the care, custody or control thereof shall have obtained from the Animal Control Officer a permit to do so. The Chief of Police shall not issue a permit for the keeping or exhibiting of a wild animal until he shall have caused an investigation to be made to ascertain what precautions shall be reasonably necessary to protect the public health, safety and general welfare, of both human and animal.

B. Permit To Keep Or Exhibit Wild Animals: The Animal Control Officer shall require, as a condition precedent to issuing any permit to keep and/or exhibit a wild animal, that the applicant for such permit has taken reasonable precautions to protect the welfare of such wild animal and to protect the public health, welfare and safety. Each such wild animal must bear distinctive identification marks such as a tattoo, non-removable identification tag, or unique markings, and the Animal Control Officer shall keep a record of all the permits, the marks of identification, the location of each such wild animal, and the name, address and local telephone number of the owner thereof.

C. Destruction Of Dangerous Or Wild Animals: Nothing herein shall require that the Animal Control Officer impound any dangerous beast or wild animal or prevent the destruction thereof in order to protect the public health, safety or general welfare, subject to the applicable State and Federal laws pertaining to protected species. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-7: RABIES PREVENTION:

A. Suspicion Of Rabies: Upon the receipt by the Animal Control Officer of any animal, if said Animal Control Officer shall have reason to believe that the same is afflicted with rabies or has been bitten by any animal afflicted or suspected of being afflicted with rabies, or has been exposed to the infection of rabies, the Animal Control Officer shall separately confine and keep so confined such animal and shall immediately notify the health officer thereof. The health officer shall thereupon make such examination of such animal as the health officer may deem necessary. If, upon such examination, the health officer shall determine that such animal is afflicted with rabies, he shall so notify the Animal Control Officer and the Animal Control Officer shall kill such animal at such time and in the manner directed by said health officer. It shall be the duty of the Animal Control Officer to keep every such animal suspected of having rabies so confined for such time as the health officer may direct, and such animal shall not be redeemed or released except upon an order signed by the health officer. Nothing in this Section shall be construed as permitting the redemption of any animal suspected of having or having been infected with rabies.

B. Impounding Or Destroying Rabid Animals: It shall be the duty of the Animal Control Officer to impound or destroy any animal found in or upon any public street, alley or other public place, or in or upon any lot or premises, known to have rabies or known to have been bitten by any animal having rabies.

C. Responsibility Of Owner: Whenever the owner or the person having the custody or possession of an animal shall observe or learn that such animal shows symptoms of rabies, or acts in a manner which would lead to a reasonable suspicion that it may have rabies, he shall immediately notify the health officer or the Animal Control Officer to make an inspection or examination of such animal until it shall be established to the satisfaction of said official that such animal has or has not rabies. It shall be unlawful for the owner of any dog, cat or other animal that has bitten any person or animal or that has been exposed to another animal that is believed to have rabies to destroy such animal before it can be properly confined by the Animal Control Officer.

D. Bitten Animals: Whenever any animal shall be bitten by another animal suspected of having rabies, the owner or person having the custody or possession of the animal so bitten shall immediately notify the Animal Control Officer, and thereupon, in the discretion of the Animal Control Officer, such animal so bitten may be quarantined for a period to be determined by the health officer.

E. Bitten Persons: Whenever a person has been bitten by an animal suspected of having rabies, the Animal Control Officer shall have the authority to immediately impound said animal for a quarantine period to be determined by the health officer.

F. Powers of Entry: The health officer and the Animal Control Officer are hereby empowered to enter upon any private property for the purpose of ascertaining whether any animal kept or harbored therein is afflicted with rabies.

G. Impounding For Observation: If it shall appear to the health officer or Animal Control Officer that an animal has rabies, he shall forthwith impound for observation such animal until released by such health officer.

H. Notification Of Human Contact: When an animal under quarantine has been diagnosed as being rabid by a licensed veterinarian, the veterinarian making such diagnosis shall immediately notify the health officer or Animal Control Officer and advise him of any reports of human contact with said rabid animal. If any animal under quarantine dies while under observation, the Animal Control Officer shall immediately take action to obtain a pathological and inoculation examination of the animal. As soon as a diagnosis is made available, the Animal Control Officer shall notify the health officer of any reports of human contact with the animal.

I. Report Of Treatment: Every physician or other health-care practitioner who treats a person or persons for bites inflicted by animals shall report such treatment to the Animal Control Officer, giving the names and addresses of such persons.

J. Veterinarian Report: Any veterinarian who diagnoses rabies in any animal in the City shall report such fact to the Animal Control Officer. The owner of any animal shall inform the veterinarian, before any rabies inoculation is given, whether or not the subject animal is under quarantine or has inflicted a bite on any person or animal within the last ten (10) days. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-8: NUISANCES:

A. Noise: It shall be unlawful for any person to keep, harbor or own any animal, which by loud or frequent habitual barking, yelping, braying or other noise causes annoyance to the neighborhood or to any persons in the vicinity.

B. Excrement: It shall be unlawful for the owner or person having custody of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to void excrement on, in or upon any sidewalk, any public street or any public park; or upon any real property under the control of or in the possession of any other person; or upon the floor of any common hall in any apartment house, tenement house, hotel or other multiple dwelling; or upon any entrance way, stairway or wall immediately abutting on a public sidewalk; or upon the floor of any theater, shop, store, office building or other building used in common by the public; or upon the floor or stairway of any depot or station or public waiting room; or upon any floor, stairway, entrance way, office, lobby, foyer or patio used in common by the public; provided, however, that no citation for violation of this subsection shall be issued if the owner or custodian of such animal promptly and voluntarily removes and properly disposes of such excrement.

C. Unsanitary Conditions: It shall be unlawful for any person to keep or permit on any premises in the City owned, occupied or controlled by such person, any chicken coop, rabbit hutch, corral, yard, kennel, stable, cow shed, horse shed or horse picket line in a foul, offensive, noxious or filthy condition.

D. Picketing: It shall be unlawful for any person to picket any cow, horse or other animal upon any public or private property without the permission of the owner of such property.

E. Discarding Animals: No person shall discard, dump or otherwise abandon any animal, whether alive or dead, onto the surface of any public or private property not owned by the owner of such animal. Unless otherwise provided in this Chapter, all animals which die shall be disposed of within twenty four (24) hours from the time of death. If the Animal Control Officer is requested to dispose of any dead animal, the owner or keeper of such animal shall be charged a fee for such disposal. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-9: CRUELTY TO ANIMALS:

A. Fighting: It shall be unlawful for any person to keep or use, or be in any manner connected with or interested in the management of, or receive money or other things of value for the admission of any person to, a house, apartment, pit or place for the baiting and fighting of animals, and it shall be unlawful for any owner or occupant of a house, apartment, pit or place to willfully procure or permit the same to be used or occupied for such baiting or fighting, or to instigate, promote, arrange or

carry on, or to do any act as assistant, umpire, principal, spectator or otherwise, in aid of or calculated to encourage or further any fight between animals.

B. Cruelty: It shall be unlawful for any person to overdrive, overload, torture or cruelly beat, or unjustifiably injure, maim, mutilate or kill any animal, whether belonging to himself or to another, or deprive any animal under his control of shelter from the elements (which shelter must be of adequate size to allow the animal to stand erect with reasonable room for bodily movement and excretory functions, must have adequate ventilation, must be heated or cooled if necessary to maintain reasonable temperatures for the species of such animal, must provide a shaded area for such animal for refuge from direct rays of the sun, and must be kept reasonably clean and free from offensive odors, animal wastes, and other unwholesome or unsanitary conditions), or deprive such animal of necessary wholesome food and potable water, or to willfully instigate, engage in, or in any way further an act of cruelty to any animal or any act tending to produce such cruelty. It shall be unlawful for any person to ride or drive a horse while such person is under the influence of any intoxicant or any controlled substance. It shall be unlawful for any person to buy, sell, trade, barter or otherwise obtain or dispose of any dog or cat, whether alive or dead, or to kill such animal, with the intent or reasonable expectation that such dog or cat will be used as a source of food for any human being or for any other animal. Nothing herein contained shall be construed to prohibit or interfere with the Animal Control Officer or the health officer in the exercise and performance of their powers and duties.

C. Abandoning Injured Animals: It shall be unlawful for any person owning, possessing or having the care, custody and control of a maimed, disabled or infirm animal, to abandon the same, or leave it to die in a public street, road, alley or other public place, or upon the private property of another person.

D. Poisoning: It shall be unlawful for any person to unjustifiably administer any poisonous drug or substance to any animal or unjustifiably expose any such drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of himself or another; provided, that nothing herein contained shall be construed to prevent or restrict the Animal Control Officer and health officer in the exercise and performance of their powers and duties.

E. Endangering: It shall be unlawful for any person to willfully throw, drop or place, or cause to be thrown, dropped or placed upon any road, highway, street, alley or public place, or upon the private property of another, any glass, nail, piece of metal or other substance or device which might wound, disable or injure any animal, or to drop, place or throw or cause to be dropped, placed or thrown any substance or device upon his own property with intent to wound, disable or injure any animal.

F. Transporting: It shall be unlawful for any person to carry or enclose, or cause to be carried or enclosed, in or upon any vehicle, device or otherwise, any animal in a cruel or inhumane manner, or so as to produce torture. For the purpose of this subsection, carrying an animal in a vehicle in such a way as to allow such animal to slide about, or to be thrown from such vehicle, due to inertia, momentum or centrifugal force, constitutes carrying in a cruel or inhumane manner. No person having control of a vehicle shall place or confine an animal or allow an animal to remain in such vehicle under such conditions or for such periods of time as may endanger the health or well-being of such animal due to heat, cold, lack of adequate air, food or drink, or such other circumstances as may reasonably be expected to cause suffering, disability or death.

G. Binding: It shall be unlawful for any person to lock or tie the wings of any live chicken, turkey, goose, duck or other domestic fowl for the purpose of weighing or handling or cause the same to be done.

H. Overcrowding: It shall be unlawful for any person to overcrowd in any crate, box or other receptacle, rabbits, domestic fowl or poultry, or fail to provide food, water, shelter or sanitation for the same.

I. Selling Or Giving Away Certain Animals: It shall be unlawful for any person to give away or to sell or offer for sale or barter baby chicks, rabbits, ducklings or other fowls as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This subsection shall not be construed to prohibit the display or sale of natural chicks, rabbits, ducklings or other fowl, in proper brooder facilities by hatcheries or stores engaged in the business of selling the same to be raised for commercial purposes.

J. Reporting Killed Or Injured Animals: Every operator of any vehicle on the roads or streets of the City who shall strike any animal causing injury or death to such animal shall stop and give such aid to such animal as he is reasonably able to render. In the absence of the owner of such animal at the scene, it is the duty of such operator to notify such owner if such owner's identity can be determined, and to take such animal if injured to the nearest available veterinarian or animal hospital. Whether or not such owner can be notified, such operator must notify the Animal Control Officer or any police officer of the City, reporting the circumstances of the striking of such animal. Any animal injured by a vehicle while not in the presence of its owner and not wearing identification shall be considered to be an animal at large.

K. Reporting Lost Or Abandoned Animals: Each person who shall take custody of any lost or abandoned animal shall report the same to the Animal Control Officer within two (2) hours after taking custody of said animal. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-10: FEES:

All license fees, impoundment fees, boarding fees and penalties required by this Chapter shall be set, and revised from time to time, by resolution of the City Council. License fees need not be uniform, and may be set by the City Council at different amounts for various classifications of animals, such as species, sex, neutering, breed, etc. All monies collected in connection with the enforcement of the provisions of this Chapter shall be paid into the City Treasury for the General Fund, and all expenses incurred in carrying out or enforcing the provisions of this Chapter shall be paid out of the General Fund. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-11: ENFORCEMENT:

A. Duties Of Officers: It shall be the duty of the Animal Control Officer, the health officer, and every police officer on duty in the City to enforce the provisions of this Chapter and the provisions of the Nevada Revised Statutes, as amended, relating to animal control regulations.

B. Resisting Authorized Personnel Unlawful: No person shall interfere with or oppose or resist any police officer of the City, or the Animal Control Officer, or the health officer, while engaged in the performance of the duties pertaining to the enforcement of this Chapter.

C. Search And Seizure Of Animals:

1. Public Property: The Animal Control Officer, the health officer and any police officer of the City shall have the right to enter upon any public property in the City in order to examine or capture any animal thereon.

2. Private Property: If the Animal Control Officer, health officer, or any police officer has probable cause to believe that there exists a violation of this Chapter on private property, said officer shall employ reasonable means to contact a person having authority at such location concerning the alleged violation. If no contact can be made after reasonable effort, said officer may enter upon the property to examine or capture any animal thereon or thereat; provided, said officer shall not enter a house used as a residence without first obtaining a search warrant from a magistrate having jurisdiction. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-12: ANIMAL CONTROL OFFICER'S RECORDS:

The Animal Control Officer shall keep a record of the number, description and disposition of all animals impounded, showing in detail in the case of each animal, the date of receipt, the date and manner of disposal, the manner and time of advertising for sale, the name of the person reclaiming, redeeming or purchasing, the reason for destruction, and the charges and proceeds of sale received on account thereof. Such records shall be subject to audit by duly authorized City officials or their agents. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

7-3-13: VIOLATIONS, CITATIONS AND PENALTIES:

A. Forms And Records Of Citations: The Chief of Police shall provide books of citation forms for violation of the provisions of this Chapter for notifying alleged violators to appear and answer to the violation charged in the Municipal Court. The books shall include serially-numbered sets of citations in triplicate in the form prescribed and approved by the City Attorney. The Chief of Police shall be responsible for the issuance of the books of citation forms to the Animal Control Officer or any other person authorized to enforce the provisions of this Chapter, and shall maintain a record of every book so issued and shall require a receipt for each book.

B. Penalties For Violations: Any person violating the provisions of this Chapter shall be guilty of a misdemeanor and shall, upon conviction, be fined not more than the maximum amount authorized by the applicable provisions of the Nevada Revised Statutes for criminal misdemeanor fines, or be imprisoned for not more than six (6) months in any penal facility currently authorized by the City Council for confining misdemeanants, or by both such fine and imprisonment. Each violation of any provision of this Chapter shall constitute a separate offense. (Ord. 1003, 4-8-1997, eff. 4-30-1997)

ATTACHMENT G

Chapter 1

PUBLIC NUISANCES

8-1-1: PUBLIC NUISANCES PROHIBITED:

It shall be unlawful to erect, contrive, cause, continue, maintain or permit to exist, any public nuisance within the city. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

8-1-2: DEFINITIONS; NUISANCES ENUMERATED:

A. Owner, Property Owner: The terms "owner" and "property owner", as used in this chapter, and unless otherwise required by the context, shall be deemed to include any person owning, leasing, occupying or having charge or possession of any property in the city.

B. Public Nuisance: A public nuisance is anything, act, condition or use of property which is:

1. Declared by statute to be a public nuisance.
2. In the absence of a statute, the act would constitute a common law nuisance.
3. Because of the time, place or circumstances involved, the act may cause irreparable injury to the public health, morals, safety and welfare. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

C. Specific Nuisances: The following are hereby specifically declared to be public nuisances, but shall not be construed to exclude other public nuisances coming within the definitions of subsection B of this section:

1. Insecure or unsafe buildings, walls, chimneys, stacks or other structures, and partially burned structures, declared substandard or dangerous by the building official.
2. Unpainted buildings and those having dry rot, warping, termite infestation or neglect.
3. Openings (windows, doors, fences, walls, etc.) constituting hazardous conditions and inviting trespassers and malicious mischief.
4. Building exteriors, yards, walls, fences, driveways, and walkways which are maintained in such condition as to become so defective, unsightly or in such condition of deterioration or disrepair that the same is materially detrimental to safety, health or public welfare.
5. Abandoned, discarded or unused furniture, stoves, sinks, toilets, cabinets or other household fixtures or equipment visibly stored at ground level adjacent to a public street or from adjoining properties.
6. Lumber, junk, trash, debris or salvage materials visible from a public street, or adjoining property.
7. Attractive nuisances dangerous to children, including abandoned, broken or neglected equipment and machinery, refrigerators and freezers, hazardous pools, ponds and excavations.
8. Neglected or improperly maintained landscaping constituting a fire hazard, danger to public safety or welfare. This shall include dead, debris laden, weed infested and/or overgrown vegetation or vegetation which is dying or required landscaping which has been removed without city approval.
9. All nauseous, inflammable and unhealthful matter, including accumulations of decayed animal or vegetable matter, filth, garbage, offal, shavings, weeds, grass, leaves, manure, papers, boards and debris resulting from fires.
10. Neglected or improperly maintained swimming pools or spas creating an unhealthy environment.
11. Construction equipment or materials remaining in a residential zone more than thirty (30) days after completion of construction. (Ord. 1138, 11-28-2000, eff. 12-20-2000)

8-1-3: DECLARATION OF PUBLIC NUISANCES:

All property found to be maintained in violation of the foregoing section is hereby declared to be a public nuisance and shall be abated by rehabilitation, demolition, removal or repair pursuant to the procedures set forth herein. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the city from enforcing other city ordinances or abating public nuisances in any other manner provided by law. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

8-1-4: NOTIFICATION OF NUISANCE:

Whenever the director of community development or other city official as may be designated by the city manager determines that any property within the city is being maintained contrary to one or more of the provisions of section 8-1-2 of this chapter, he shall give written notice to the owner of said property stating the sections of this chapter being violated.

A. Time Limit: Such notice shall set forth a reasonable time limit for correcting the violation and may set forth suggested methods of correcting the same.

B. Notice Of City Abatement For Noncompliance: Such notice shall state that unless such nuisance is corrected, the city will provide for the abatement of such nuisance and will charge the cost thereof to the owner, occupant or person causing or maintaining such nuisance, or commence criminal proceedings as a misdemeanor under section 8-1-6 of this chapter. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

8-1-5: CITY ABATEMENT; ACTION BY CITY COUNCIL:

A. Hearing: If such nuisance is not completely abated as directed by the city within said abatement period, the matter shall be referred to the city council for hearing. The city council by resolution may:

1. Declare the property as a public nuisance.

2. Provide that such expense incurred by the city to abate the nuisance shall constitute a special assessment against the respective lot or parcel of land to which it relates, and upon recordation in the office of the county recorder of a notice of lien, as so made and confirmed, shall constitute a lien on said property for the amount of such abatement.

B. Tax Assessment: After conformation and recordation of the notice of lien, a copy may be turned over to the assessor to levy the amount of such work as a tax against such property and the same shall be included in the next assessment roll thereafter made, and be enforced and collected in the same manner and at the same time as other taxes.

C. Civil Proceedings: Nothing in this chapter shall be deemed to prevent the city council or city manager from ordering the commencement of a civil proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of the city code or state law to correct hazards or deficiencies in real property. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

8-1-6: PENALTIES FOR VIOLATIONS:

A. Misdemeanor: The owner or other person having charge or control of any such buildings or property who maintains any public nuisance defined in this chapter or who violates any order to abate a nuisance pursuant to this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Such person shall be deemed guilty of a separate offense for each and every day during which any such violation or failure to comply with this chapter is committed, continued, or permitted.

B. Obstruction, Interference: No person shall obstruct, impede, interfere with any representative of the city or his designee engaged in abatement procedures set forth in this chapter or performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant hereto. Any such act of obstruction, impediment, or interference shall be deemed a misdemeanor punishable under the provisions of this section. (Ord. 783, 2-11-1986, eff. 3-5-1986; amd. 1995 Code)

BOULDER CITY HORSEMEN'S ASSOCIATION APPLICATION FOR MEMBERSHIP

I/we _____ hereby submit this application to the Board of Directors for membership in the Boulder City Horsemen's Association. By signatures below, I/we acknowledge and accept the following

- 1. We acknowledge receipt of a copy of the current Association By-Laws, we agree to be bound and to abide by the provisions of the By-Laws in their current form and as they may be revised in the future.*
- 2. We agree to follow the provisions of the By-Laws, Rules and Regulations applicable to occupancy and use of corral space and BCHA facilities.*
- 3. We agree to pay when due the membership fees, annual dues, utility charges, and assessments or other fees and charges, which may be levied in accordance with the By-Laws and Rules and Regulations of the Association.*

Note: Upon completion of this application, send check and mandatory Proof of Ownership to the BCHA Secretary. The Secretary will then schedule your appointment with the Board of Directors for introduction and acceptance of membership.

Date: _____ Signature(s): _____

Owner/Renter: _____

Lot Number: _____ Address: _____

Phone Number(s): _____

APPROVAL

Board of Directors:

Membership Fees(Amt):\$ _____ First Year Dues(Amt):\$ _____

Amount Enclosed: \$ _____ Date Paid: _____

Treasurer: _____

Fees: Family \$300.00 Membership Application Rec'd From:

Date: _____

ATTACHMENT I

**Proxy Vote Authorization
For
Boulder City Horsemen's Association
(BCHA)**

I, _____ (print name) a member of the BCHA in good standing do hereby assign my one vote to _____ (print name) who is a BCHA member in good standing. This proxy is good **only** for the date of _____ and will be considered invalid should I, _____ (printname) attend the meeting.

(Signature)

NOTE: ONLY ONE PROXY VOTE CAN BE ASSIGNED TO ANY ONE BCHA MEMBER IN GOOD STANDING. PROXY MUST BE COMPLETED AND TURNED IN PRIOR TO START OF MEETING.