

July 27, 2020

Board of County Commissioners
Clark County, Nevada

Via e-mail

Re: Request for Commissioners to Reconsider Approval of July 22, 2020, Zoning Commission Meeting Agenda Item 15 for New Dewey Strip Holdings, LLC (Application No. UC-20-0139)

Dear Commissioners,

I am writing on behalf of PETA and its 46,000 members and supporters in Clark County to respectfully urge the Board of County Commissioners (Board) to, in accordance with Clark County Code § 30.16.210(16), request reconsideration of its July 22 decision to approve New Dewey Strip Holdings, LLC's (NDSH) land use application to construct a circus-style tent and cages for three tigers for use in Jay Owenhouse's tiger magic show. The process employed by the Board in approving NDSH's application—which, as approved may run afoul of county law—failed to allow meaningful public input on important last minute changes to NDSH's application.

After delaying a hearing on NDSH's application for several months and working with Commissioner Gibson and county staff behind closed doors, Owenhouse and his attorney/lobbyist Robert Gronauer reportedly made changes to the application mere minutes before the meeting. This effectively robbed members of the public of the ability to provide meaningful comment on the adopted changes.

Specifically, during the July 22 meeting, Gronauer said that he had been working with Commissioner Gibson's liaison on application conditions "late last night" and that they continued to "mak[e] changes up until about a half hour before the meeting today." Apparently among these changes, which were [read into the record](#) immediately preceding the opportunity for public comment, was that the applicant would now be required "to submit a series of 20-day temporary commercial permits for each 20-day session . . ." of Owenhouse's six-month show. While not clearly explained, these changes appear to reference the prohibition against inherently dangerous exotic or wild animal exhibits lasting more than 20 days. *See* Clark County Code § 10.18.020(h). The Board's solution to this prohibition—which will allow Owenhouse to simply get a new permit every 20 days—is inconsistent with the law and obliterates the protections of an ordinance designed to safeguard public safety and animal welfare.

The Board's authority to approve special use permits for inherently dangerous exotic or wild animals is limited to uses that *comply* with Title 10 of the Clark County Code. *Id.* at § 30.44.020; *see id.* at § 30.44-1 ("Note: Compliance with Title 10 of the Clark County Code is required."). Title 10 explicitly prohibits the exhibition of inherently dangerous exotic or wild animals, subject to certain exceptions. *Id.* at §§ 10.18.010, 10.18.020. Owenhouse's six-month-long magic show does not meet the requirements of any of the enumerated exceptions. County staff acknowledged the application's shortcomings in its [recommendations](#), noting that while it "typically supports recreational facilities with on-premises consumption of alcohol in this area . . . , Clark

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County Animal Control states that the applicant is not eligible for an exotic or wild animal permit unless the operation is temporary (less than 20 days)[.]” Staff reiterated this requirement in the same document, reminding Commissioners that “[t]he temporary exhibition of [i]nherently dangerous exotic or wild animals must be 20 days or less”

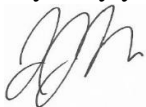
Historically, the Board has also given Title 10 its plain meaning. For example, at a [June 8, 2016, meeting](#), the Board applied the prohibition to Boulevard Ventures, LLC’s application for an aquarium, approving the entire application with the exception of its proposal to exhibit inherently dangerous exotic or wild animals. Specifically, the Board’s [meeting minutes](#) noted that “per section 10.18.010 of [the] Clark County Code, inherently dangerous exotic or wild animals are prohibited unless exempt per Section 10.18.020 and therefore poison dart frogs, Caimans and alligators are not permitted on the property unless and until an exemption is met.” Knowing that the proposed exhibit would last more than 20 days, one Commissioner suggested that the applicant become accredited by the Association of Zoos and Aquariums (AZA) to comply with one of the prohibition’s exceptions. Accordingly, NDSH’s application as approved runs afoul of the law, is inconsistent with past Board actions, and may be subject to revocation. *See id.* at § 30.04.160.

The county’s ban on these animals protects public safety and animal welfare; there are very limited exemptions, which were carefully and deliberately crafted to ensure that any long-term exhibition is authorized only at facilities that meet professionally-set standards designed by a recognized and respected accrediting body. To set aside the purpose underlying the county’s ban on these animals and allow exhibitors to flout the law to make a quick buck shows that the Board has prioritized big financial interests over the welfare of Owenhouse’s tigers and the safety of the county’s residents.¹ In addition to legal concerns, to decide now that exhibitors need not comply with the county’s animal protection laws opens the floodgates to disreputable animal exhibitors and harkens back to the Strip’s crueler days. Moreover, setting these conditions at the eleventh hour without giving the public the opportunity to review and comment on them is undemocratic and may violate Nevada’s Open Meetings Law, which would render the Board’s decision void. *See, e.g., Nev. Rev. Stat. §§ 241.020, 241.036.*

Accordingly, PETA respectfully urges the Commissioners to submit a written request for reconsideration to the Zoning Administrator no later than Wednesday, July 29, 2020. By reconsidering its approval of NDSH’s application at the July 22 meeting, the Board would allow its constituents to present thoughtful comments on this matter of public importance and provide itself an opportunity to bring NDSH’s application into compliance with county law.

Thank you for your attention to this important matter.

Very truly yours,



Jonathan Morris
Counsel, Captive Animal Law Enforcement
PETA Foundation

CC: Nancy Amundsen, Director of Comprehensive Planning (zoning@clarkcountynv.gov)

¹ The tigers exhibited by Owenhouse will also endure constant high-decibel noise from the nearby airport, and neither NDSH nor Owenhouse have explained how they plan to comply with the noise attenuation standards set forth in Clark County Code § 30.48.010. Furthermore, there is no indication in NDSH’s application materials or otherwise that it submitted FAA Form 7460-1 before submitting its application as required by Clark County Code § 30.16.210(4)(F) (requiring written evidence from the FAA of prior submittal before an application is accepted).