

GRANTS ANIMAL CONTROL ORDINANCE

ORDINANCE NO. 350

AN ORDINANCE PROVIDING FOR RABIES CONTROL; REPORTING OF ANIMAL BITES; LICENSING OF DOGS AND CATS; IMPOUNDMENT OF ANIMALS; LICENSING OF KENNELS AND PET SHOPS; PROHIBITION OF PERMITS FOR CERTAIN SPECIES OF ANIMALS; RESTRICTION AND PERMITS FOR DOMESTIC LIVESTOCK; AND PRESCRIBING PENALTIES FOR VIOLATING THE SAME, DECLARING EMERGENCY AND REPEALING ORDINANCES IN CONFLICT.

SECTION 1.0 DEFINITIONS:

As used in this ordinance, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein.

- 1.1 ANIMAL: Any vertebrate member of the animal kingdom excluding man.
- 1.2 ANIMAL SHELTER: Any establishment authorized by the City Manager for the care and custody of impounded animals.
- 1.3 BITE: A puncture or tear of the skin inflicted by the teeth of an animal.
- 1.4 BOARDED: An animal is being boarded within the meaning of this ordinance if it is being properly fed, watered, and otherwise cared for, for a fee.
- 1.5 CITY: That area lying within the corporate boundaries of the City of Grants, New Mexico.
- 1.6 CITY MANAGER: The City Manager of the City of Grants, New Mexico, or his/her designated representatives or agents.
- 1.7 EXOTIC ANIMALS: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.
- 1.8 EXPOSED TO RABIES: A dog has been exposed to rabies within the meaning of this ordinance, if it has been bitten by or has been in close proximity to any animal known to have been infected with rabies.
- 1.9 ANIMAL CONTROL OFFICER: The person or persons employed by the City of Grants as the enforcement officer, for this ordinance.
- 1.10 KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than three days, provided that this term shall not apply to veterinarians, kennel or pet store owners temporarily maintaining on their premises animals owned by others.
- 1.11 KENNELS: Any person, group of persons, or corporation engaged in the commercial business of breeding, buying, selling or boarding domestic animals.
- 1.12 NUISANCE: Means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or offensive odors, or acts otherwise endangering or offending the well-being of the inhabitants of the City of Grants, New Mexico.
- 1.13 OWNER: Any person, group of persons, or corporation owning, keeping and harboring an animal.
- 1.14 PERSON: Any individual, household, firm, partnership, corporation, society, association, and every agent and employee thereof.
- 1.15 PET STORE : Any person, group of persons, or corporation engaged in the commercial business of buying or selling animals including but not limited to dogs or cats or both.
- 1.16 QUARANTINE: To detain or isolate an animal suspected of being infected with rabies or other contagious diseases.
- 1.17 RESTRAINT: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash not over six feet in length or some other equivalent means of direct control, on or within a vehicle being driven or parked on the streets, or confined within the property limits of its owner or keeper.
- 1.18 RUNNING AT LARGE: An animal not under restraint.
- 1.19 DOMESTIC ANIMAL: Any animal living in, near, or about the habitations of man.
- 1.20 STRAY OR ESTRAY: An animal where there is no identifiable keeper.
- 1.21 VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Health and Environment Department and administered by and under the supervision of a veterinarian.
- 1.22 VETERINARIAN: Any veterinarian licensed in the State of New Mexico.
- 1.23 VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person or other animal on private property, or which terrorizes or attacks a person on public property or in a public place.
- 1.24 WILD ANIMAL: Any animal which is wild by nature and cannot normally be domesticated or controlled.

SEC 2.0 ADMINISTRATION OF ORDINANCE

- 2.1 RESPONSIBILITY: The City Manager is responsible for the administration of this ordinance. Reasonable rules and regulations shall be prescribed by the City Manager to carry out the intent and purpose of this ordinance.
- 2.2 ENFORCEMENT: The City Manager or his/her designated representatives, including police officers and animal control officers shall have the authority to issue citations for violation of this ordinance and to perform such other duties as are prescribed herein.

SECTION 3.0 RABIES CONTROL

- 3.1 RABIES VACCINATION: It is the duty of every person keeping a dog or cat to have such animals vaccinated against rabies. Every veterinarian who vaccinates an animal hereunder shall issue to the owner or keeper of the animal a numbered vaccination certification and tag.



This certification shall contain the name of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of period of immunity.

- 3.2 **VACCINATION CERTIFICATE:** Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this ordinance.
- 3.3 **HARBORING UNVACCINATED ANIMALS:** It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.
- 3.4 **REPORTING RABIES SUSPECTS:** Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to the local district health office of the Health Services Division of the Health and Environmental Department, stating precisely when and where such animal was seen, and if possible, where it may be found.
- 3.5 **HUMAN EXPOSURE TO RABIES:** Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the local District Health Office. Every physician or other health care professional who treats a person for such bite shall report such treatment to the local District Health Office within twelve hours of such treatment. Such treatment must specify the name and precise location of the person bitten.
- 3.6 **QUARANTINE OF RABIES SUSPECTS:** Any dog or cat which has bitten a person shall be destroyed and tested for rabies or shall be confined and observed for a period of ten (10) days from the date of the bite, at the animal shelter, a veterinary hospital or an approved kennel, at owner's expense, provided, however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the animal control officer may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.
- 3.7 **ENFORCEMENT OF THE QUARANTINE:** It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible animal control officer.
- 3.8 **WILD ANIMAL BITES:** Bites inflicted by animals other than dogs and cats must be reported to and discussed with the local District Health Office for proper disposition.

SECTION 4.0 LICENSING

- 4.1 **LICENSING:** No person shall own, keep or harbor any dog or cat within the City of Grants unless such dog or cat is licensed as herein provided. Written application for such license shall be made to the City Manager and shall state the name and address of the owner and the name, breed, color, age and sex of the dog or cat. The license fee shall be paid at the time of making applica-

tion, a numbered receipt given to the applicant, and a numbered metallic tag shall be issued to the owner.

- 4.2 **FEE:** The animal license fee shall be determined from time to time by the City Council of Grants by resolution for a neutered dog or cat and an unneutered dog or cat.
- 4.3 **LOSS OF LICENSE TAG:** In the event the original license tag is lost, the keeper shall obtain a duplicate tag from the City of Grants at the cost as determined from time to time by the City Council of Grants by resolution.
- 4.4 **KENNEL ANIMAL LICENSING:** Every person, group of persons, or corporation, including pet stores, engaged in the commercial business of buying, selling, breeding, or boarding, and who owns, harbors, or keeps five (5) or more animals, shall pay an animal kennel license fee to be determined from time to time by the City of Grants.
- 4.5 **DURATION:** All individual licenses and kennel animal licenses shall be issued for one year beginning with the first day of May. Applications for licenses may be made prior to and for thirty (30) days after the start of the licensing year without penalty, but when application is made after thirty (30) days of the licensing year has elapsed, the applicant shall be assessed a penalty of fifty percent (50%) of the license fee which amount shall be added and collected with the regular license fee. If the dog or kennel or pet store did not become subject to licensing until after the start of the licensing year, then no penalty shall be assessed.
- 4.6 **TRANSFER:** If there is a change of ownership of a dog or cat or kennel or pet store during the licensing year, the new owner may have the current license transferred to his name upon the payment of a transfer fee as determined from time to time by the City of Grants.
- 4.7 **PROOF OF RABIES VACCINATION:** No domestic animal shall be licensed without proof of rabies vaccination as provided in this ordinance.
- 4.8 **CERTIFICATE AND TAGS:** The current City license tag and rabies shall be affixed to the licensed animal at all times except when the animal is being kept in an approved kennel, veterinary hospital or training class. The original license and tag and the rabies certificate and tag of all licensed animals shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this ordinance.

SECTION 5.0 PROHIBITED ACTIVITIES

- 5.1 **FALSE AND STOLEN DOCUMENTS:** It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit, or forged license, certificate or tag.
- 5.2 **ANIMALS RUNNING AT LARGE:** It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.
- 5.3 **NUISANCE:** It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabi-



tants of the neighborhood

- 5.4 **PHYSICAL ABUSE:** It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or cruelly drive or work any animal.
- 5.5 **ABANDONMENT OF ANIMALS:** It is unlawful to abandon any animal within the City of Grants, New Mexico.
- 5.6 **POISONING:** It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.
- 5.7 **CARE AND MAINTENANCE:** It is unlawful for any keeper to fail to provide an animal with proper food, drink, and shelter, or to carry an animal in or upon any vehicle in a cruel and inhumane manner.
- 5.8 **ANIMAL FIGHTS:** It is unlawful to cause, instigate or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming, or destroying themselves or another animal.
- 5.9 **TURTLES:** It is unlawful to offer for sale, sell, barter or give away turtles except in conformance with appropriate federal regulations.
- 5.10 **VICIOUS ANIMALS:** It is unlawful for any person to keep or harbor any vicious animal.
- 5.10.1 It shall be unlawful for any person owning or having custody or control of any vicious animal to permit such vicious animal to run at large or to permit such vicious animal to run loose on or within the premises of such person in such a manner as to endanger the life or limb of any person lawfully entering upon said premises.
- 5.10.2 The animal control officer may request the owner or keeper of any vicious animal to destroy it humanely or to turn such vicious animal over to the animal control officer, the officer's agents or representatives for destruction. Should the owner or keeper of such alleged vicious animal refuse to destroy or turn over such animal to the animal control officer, the animal control officer shall cause a complaint to be brought against such owner or keeper for failure to destroy such alleged vicious animal. Any failure to comply with this subsection shall subject such owner or keeper to the penalty provisions of Section 15 herein, and each day's failure to comply with this subsection may be considered a separate offense.
- 5.11 **FEMALE DOGS OR CATS IN HEAT:** Any person owning, or in custody, control or possession of a female dog or cat in mating season or heat shall confine the animal in order to preclude other animals from either attracting or being attracted to such female animal.
- 5.12 **NUMBER OF ANIMALS PERMITTED:** No household or member thereof, is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than three (3) animals, consisting of animals subject to the licensing requirements of Section 4.0 herein; provided that should any animal have a litter, then the owner shall be allowed to keep more than three animals

for a maximum of 90 days from the date of birth; provided that any household owning dogs or cats or any combination thereof totaling more than three (3) animals, which are animals licensed before the effective date of this subsection, shall be allowed to retain more than three (3) animals only as long as the particular animals owned on the effective date remain in the possession of said household, and also provided that this subsection shall not apply to any owner or person operating a pet store within the City of Grants. Further provided that the head of any household shall be held responsible for any violation of this subsection by the household or any of its members.

SECTION 6.0 IMPOUNDMENT

- 6.1 **AT LARGE:** Animals found running at large shall be taken up by the Animal Control Officer and impounded in the City Animal Shelter and there confined in a humane manner for a period not less than three (3) days if the animal is not licensed and wearing its license tag and for a period of not less than five (5) days if the animal is licensed and wearing its license tag, and may thereafter be disposed of in a humane manner if not claimed by their owners or adopted by a new owner. Animals not claimed by their owners before the expiration of three days or five days, whichever is appropriate, shall become the property of the City of Grants and be disposed of in a humane manner at the discretion of the City Manager except as hereinafter provided in the cases of certain animals. The prospective adopter shall pay all impoundment fees as set herein.
- 6.2 **CITATION:** When animals are found running at large and their ownership is known to the Animal Control Officer, such animals may, but need not be, impounded by the Animal Control Officer, at his/her discretion, cite the owners of such animals to appear in court to answer to charges of violation of this ordinance.
- 6.3 **RIGHT OF ENTRY:** The Animal Control Officer, in performance of his/her duties may enter upon private property, except into a private residence, for the purpose of apprehending animals running at large and stray animals.
- 6.4 **REGISTRATION:** The Animal Control Officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color, and tag number, if any, and the time and place such animal was apprehended into the registry kept for this purpose.
- 6.5 **NOTICE TO OWNER:** If the keeper of an impounded animal is known, he or she must immediately be notified, if the keeper of the animal is not known, notice of impoundment shall be posted in a conspicuous place at the animal shelter for a period of one (1) day.
- 6.6 **RIGHT TO REDEEM:** The keeper of any animal which has been impounded under the provisions of this ordinance shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges, and such other costs as set



by the City Manager.

- 6.7 **DISPOSITION OF IMPOUNDED ANIMALS BEING HELD IN COMPLAINT:** If a complaint has been filed in the City Court of the City of Grants against the keeper of an impounded animal for a violation of this ordinance, the animal shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this ordinance in addition to all impounding fees, care and feeding charges and veterinary fees.
- 6.8 **IMPOUNDMENT FEES:** Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the City of Grants the following charges:
- 6.8.1 – An impoundment charge as determined from time to time by the City of Grants by resolution.
- 6.8.2 – A boarding charge as determined from time to time by the City of Grants by resolution.
- 6.8.3 – A rabies vaccination charge as determined from time to time by the City of Grants by resolution.
- 6.8.4 – A license charge as denoted in Section 14 of this ordinance.
- 6.8.5 – A spay charge which shall consist of the actual cost of neutering the animal plus 10%, for adoption only.
- 6.8.6 – Any animal impounded hereunder may be adopted as herein provided upon payment by the adopter to the City of Grants the charges listed above.

SECTION 7.0 KENNELS AND PET STORES

- 7.1 **LICENSE REQUIRED:** Persons operating a kennel or pet store must obtain a non-transferable business license, which shall be posted in a conspicuous place in the kennel or pet store. A business license shall expire on April 30th each year and shall be renewed by May 1st of the following year. No business license may be issued without an inspection certificate issued by the City Manager or Animal Control Officer. The annual business license fee shall be determined from time to time by the City Council of Grants.
- 7.2 **FACILITIES AND CARE APPLICABLE TO BUSINESS LICENSE:** Animal housing facilities must be structurally sound and shall be constructed of non-toxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages, or runs for period exceeding twenty-four (24) hours must be provided with adequate space to prevent overcrowding and to permit an adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animals from sunlight, rain, snow, or cold, or weather detrimental to the animals' health. Provisions shall be

made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors and disease hazards. Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean. Every animal kept must be observed daily and diseased or injured animals must be provided with veterinary care.

- 7.3 **INSPECTION:** The City Manager or his/her agent shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspect, any kennel or pet store to determine compliance with this ordinance.
- 7.4 **EXCEPTIONS:** This section shall not apply to and shall not be construed to require a license for:
- A veterinary hospital or clinic operated by a licensed veterinarian.
 - A bona fide research institution using animals for specific research.
 - A publicly owned animal control center or shelter.
 - A bona fide animal shelter operated by an organized humane society.

SECTION 8.0 WILD AND EXOTIC ANIMALS

- 8.1 **KEEPING THE FOLLOWING ANIMALS PROHIBITED:**
- Wild animals kept in such numbers or in such a manner as to constitute a public or private nuisance.
 - Exotic or wild animals prohibited by Federal or New Mexico law or regulations.
 - Bats.
 - Skunks.
- 8.2 **PERMIT REQUIRED:** No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the City Manager and from the State of New Mexico Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of animals involved. The City Manager or the Department of Game and Fish may deny, revoke, or suspend a permit for failure to comply with this ordinance. The fee for such a permit shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal.
- 8.3 **EUTHANASIA:** When in the judgment of the City Manager or his/her agent, an animal shall be destroyed for humane reasons, such animals may not be redeemed or adopted.

SECTION 9.0 EXEMPTIONS

- 9.1 **HOSPITALS:** Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from provisions of this ordinance, except where such duties are expressly stated.
- 9.2 **NON-RESIDENT PETS:** The licensing requirements of this ordinance shall not apply to any domestic animals



belonging to a non-resident of the City of Grants and kept within the City of Grants for not longer than thirty (30) days, provided all such domestic animals shall, at all times while in the City of Grants be kept within a building, enclosure, or vehicle, or be under restraint by the owner or keeper.

- 9.3 **VIOLATIONS, SUSPENSIONS, AND REVOCATIONS:** A kennel or pet store business license may be denied, suspended, or revoked by the City Manager upon a determination that the operator of the kennel or pet store is in violation of this ordinance. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the City Manager. Based upon a record of such hearing, the City Manager shall make a finding and shall sustain, modify, or rescind the action considered at the hearing. Any owner of a kennel or pet store whose business license has been suspended or revoked may make an application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this ordinance, the business license shall be reinstated.

SECTION 10.0 DOMESTIC LIVESTOCK

10.1 RESTRICTIONS

- a. Except in areas designated by the City Council, or by ordinance, no owner may keep any domestic livestock, including but not limited to, horses, cattle, goats, swine, sheep and fowls, within the City of Grants without first applying for and receiving from the City Manager a permit to do so.
- b. All domestic livestock shall be cared for according to accepted livestock management practice and in such a manner so as to not create a public nuisance.
- c. All domestic livestock shall be kept in a secure pen or enclosure for domestic livestock which shall not be less than one hundred (100) feet away from any inhabited dwelling or currently used church or school.
- d. The owner or person in possession of a pen or enclosure for domestic livestock shall keep it in such a manner as to control offensive odors, insect breeding and other conditions affecting public health.
- e. Any areas annexed to the City of Grants which contain established livestock facilities, shall be permitted to operate so long as the original owner is in possession, or as may be provided in ordinances including zoning.

- 10.2 **PERMIT REQUIRED:** No person shall own or keep any domestic livestock without first applying for and receiving from the City Manager a permit to do so. The City Manager or his agent shall be permitted at any reasonable time to enter the premises for the purpose of inspection or reinspection to determine compliance with this Ordinance. After reasonable notice and opportunity for a hearing, the City Manager may deny, suspend, or revoke the permit for any violation of this ordinance. The fee for such a permit shall be determined from time to time by the City of Grants and shall be

renewed annually.

SECTION 11.0 RECORDS

RECORDS: It shall be the duty of the City Manager to keep, or cause to be kept, accurate, and detailed records of the licensing, impoundment and disposition of all animals coming into custody.

SECTION 12.0 POLICE INVESTIGATION

POLICE INVESTIGATION: For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any police officer of the City of Grants may investigate violations of this ordinance.

SECTION 13.0 INTERFERENCE

INTERFERENCE: No person shall unlawfully interfere with the City Manager or the Animal Control Officer, or any Police Officer lawfully discharging the duties imposed upon them by this ordinance.

SECTION 14.0 PENALTY, SAVINGS, REPEALING, AND EMERGENCY CLAUSE

PENALTY CLAUSE: Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars (\$300.00) and/or imprisonment for a period not exceeding ninety (90) days or both such fines and imprisonment. Each day of violation shall be considered a separate offense.

FEE SCHEDULE: Fees shall be determined and/or revised every two calendar years from the passing of this ordinance, or as deemed necessary by the Mayor or his representative.

SAVINGS CLAUSE: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

REPEALING CLAUSE: Ordinances 154, 201, 202, Section 2, Section 5, 203, Section 2, 234, 293, 303 and all other ordinances in conflict herewith are hereby repealed.

EMERGENCY CLAUSE: This ordinance is hereby declared an emergency ordinance on the grounds of urgent public need and shall be effective immediately upon its passage and publication by title and general summary.

PASSED, APPROVED AND ADOPTED THIS 10th day of October, 1985.

ORDINANCE NO. 350. (PROPOSED): An ordinance providing for rabies control; reporting of animal bites; licensing of dogs and cats; impoundment of animals, licensing of kennels and pet shops; prohibition of permits for certain species of animals; restriction and permits for domestic



livestock; and prescribing penalties for violating the same, declaring emergency and repealing ordinances in conflict.

Ordinance No. 350 is a proposed Ordinance to replace Ordinance No. 293 (known as the Animal Control Ordinance) without change except to add Section 5.12 - Number of Animals Permitted; which reads as follows:

"No household or member thereof, is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than three (3) animals, consisting of animals subject to the licensing requirements of Section 4.0 herein; provided that should any animal have a litter, then the owner shall be allowed to keep more than three animals for a maximum of 90 days from the date of birth; provided that any household owning dogs or cats or any combination thereof totaling more than three (3) animals, which are animals licensed before the effective date of this subsection shall be allowed to retain more than three (3) animals only as long as the particular animals owned on the effective date remain in the possession of said household, and provided that this subsection shall not apply to any owner or person operating a pet store within the City of Grants. Further provided that the head of any household shall be held responsible for any violation of this subsection by the household or any of its members."

ORDINANCE NO, 379 - AN ORDINANCE TO AMEND ORDINANCE NO. 350 PERTAINING TO ANIMAL CONTROL TO PROVIDE CERTAIN FLEXIBILITIES FOR UNIQUE OR UNUSUAL SITUATIONS.

AMEND: SUBSECTION 5.12 by adding the following:

"No person shall exceed the limits imposed by this subsection without first applying for and receiving from the City Manager a permit to do so."

AMEND: SUBSECTION 6.8.6 by adding the following:

"The City Manager may waive or adjust the fee upon receiving a request from the Animal Control Officer."

Ordinance No. 350 remains unchanged except for the amending additions detailed above.

Passed, approved and adopted this 16th day of February, 1989.

