

ANIMAL CONTROL ORDINANCE

OF

THE CITY OF SOCORRO

NEW MEXICO

ORDINANCE NO. 99-11-01

2406

Some Appendices changed - 9/26/03

**CITY OF SOCORRO
ORDINANCE NO. 99-11-01**

SOCORRO CITY ANIMAL CONTROL ORDINANCE

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PREAMBLE

ARTICLE I: TITLE

This Ordinance may be cited as the "Animal Control Ordinance of the City of Socorro" and is referred to hereinafter as "this Ordinance."

ARTICLE II: DEFINITIONS

Abandon means to leave a domestic animal without food, water or shelter for more than 24 hours on one's premises, or, to dump or leave off a domestic animal on property other than one's own without the consent of the owner of the property where the domestic animal is left and without making provision for the adequate feeding, watering and shelter of the domestic animal.

Adoption means the retrieval of a domestic animal from the animal shelter by choice and assumes responsibility for proper care in accordance with this Ordinance.

Animal Control Officer means the person designated as such by the City of Socorro who shall be deputized to enforce animal control laws, orders, ordinances and regulations or any person designated by the Chief of Police as such.

Animal Shelter means any facility used by City of Socorro in which stray, lost or unwanted animals are kept and released for adoption or reclaim.

Attack means to bite or scratch or chase.

Bite or Scratch means an abrasion, scratch, puncture, tear or piercing of the skin or clothing caused by a domestic animal's mouth or claws, respectively.

Confined means securely chained or kept caged or fenced.

Custody means care and/or responsibility. It does not mean physical control, confinement or restraint.

Domestic Animal includes cats, dogs, wolf hybrids, coyote hybrids, coyotes, domestic ferrets and other animals commonly known and kept as domestic pets.

Owner means any person, group of persons, or business entity who owns, keeps, harbors, or permits animal(s) to remain in, on, or about his or her premises.

Reclaim means the retrieval of a domestic animal from the animal shelter by its owner or responsible person.

Responsible person means an owner of a domestic animal or any adult person otherwise responsible for the care of a domestic animal.

Restraint means keeping a domestic animal under the immediate control of a responsible person on a leash or lead no more than eight feet in length; or, keeping a domestic animal in a fenced or caged area from which the domestic animal cannot escape; or under the demonstrable voice control of a responsible person.

Stray means the running at large of a domestic animal, without restraint, beyond the boundaries of the premises of the owner of that domestic animal.

Vicious Animal means any domestic animal that has attacked, without provocation, any person or domestic animal.

ARTICLE III: CONTROLLED ACTIVITIES

1. Stray Domestic Animals

Responsible persons shall not allow any domestic animals in their custody to stray.

2. Confinement of Vicious Domestic Animals

No person may keep or harbor domestic animals that demonstrate unprovoked attacks on human beings, or which might have a propensity to attack humans, unless confined so that the animal cannot attack any person. The responsible person shall post the enclosure on all sides with prominent notice of the threat posed by the animal confined therein.

3. Disturbing the Peace

- 3.A. Responsible persons shall not allow any domestic animals in their custody to persistently or continuously bark, howl, or yowl (refer to City Noise Ordinance).*
- 3.B. No person may keep domestic animals in conditions or in such numbers so as to result in noxious or offensive odors or accumulations of feces, urine or other bodily wastes, or confine them in such conditions so as to become unmanageable and potentially vicious.*
- 3.C. Responsible persons shall not allow any domestic animals in their custody to attack people in any location where the people are lawfully located.*
- 3.D. Responsible persons shall not allow any domestic animals in their custody to attack animals that are located on their owner's property, confined or under the physical restraint of a responsible person.*

4. Unlawful Use of Vaccination Certificates

No person may remove any vaccination tag from one domestic animal to another, or manufacture or cause to be manufactured or to possess or control a stolen, counterfeit or forged animal vaccination certificate or tag.

5. Physical Abuse

No person may maliciously beat, maim, disfigure, torture, violently set upon or kill any domestic animal. However, any person may employ reasonable force to drive off vicious or trespassing domestic animals.

6. Neglect

Responsible persons shall not deprive any domestic animals of shelter, food, and water or care

necessary to maintain the animal's health. Further, responsible persons shall not place their animal in a situation that poses a substantial threat to the animal's life.

7. Poisoning

No person may deliberately or intentionally feed to or set out to be ingested by any domestic animal any substance that is treated or prepared with any harmful or poisonous substance.

8. Abandonment

No person may abandon, or cause to be abandoned, any domestic animal.

ARTICLE IV: RABIES VACCINATION

1. Vaccination Required

Responsible persons having custody of any dog, cat or domestic ferret three months of age or over shall have the animal(s) vaccinated for rabies by, or under the supervision of, a licensed veterinarian. Any veterinarian who vaccinates domestic animals for rabies shall issue a serial numbered tag and certificate for each vaccination. Each domestic animal must be revaccinated before the expiration of the first and each subsequent rabies vaccination period.

2. Domestic Animals with Symptoms

No person may keep any unvaccinated domestic animal with any symptom of rabies. Any person observing an animal with any symptom of rabies shall notify the Animal Control Officer or the City of Socorro's Police Department immediately.

3. Destruction of Domestic Animals With Symptoms

No person may fail to destroy any unvaccinated domestic animal with symptoms of rabies. To be handled in accordance with NMSA-77-1-10

ARTICLE V: LICENSING

- a. No person may own, possess or keep any dog or cat within the City of Socorro unless such animal is vaccinated and licensed as herein provided, or has a current vaccination and is validly licensed by another municipality or political subdivision of the State of New Mexico.
- b. Persons applying for an animal license shall present a current anti-rabies vaccination certificate as described in Article IV, section 1, and proof of current standard vaccinations.
- c. The control of issuing animal licenses and tags shall be the responsibility of the Animal Control Department or a designated agent under contract to the City of Socorro, who shall maintain a register containing the following information:
 1. Date and number of each license and tag issued; name and address of the owner; type and date of anti-rabies vaccination.
- d. The City Clerk may delegate authority and responsibility to the designated Animal Control Officer or a designated agent under contract to the City to assist in the issuance of license and tags; in which event, he shall assign licenses, tags and receipt books to the Animal

- Control Officer or designated agent and require monthly reports reflecting the register information pertaining to licenses and tags sold and an accounting for any fees collected.
- e. The City Clerk or Animal Control Officer or a designated agent under contract to the City of Socorro, upon receiving proof of anti-rabies vaccination, and standard vaccinations shall issue to the owner a license and serially numbered tag. The License shall contain the information required in Article V, section c1 above. All licenses and tags shall be issued for a period of one year from the date of issuance.
 - f. The annual fee for scheduled licenses and tags shall not be less than:

Dogs	\$ 5.00
Cats	\$ 2.50

The designated agent under contract to the City for animal shelter services may set the annual fee at amounts greater than the minimum, if the fee is approved by resolution of the City of Socorro Governing Body:

- g. Senior citizens shall be levied annual license and tag fees of \$2.00 for a dog or cat. To qualify as a senior citizens, the person must present proof of age to be 62 years of age or older.
- h. If there is a change in owner of a licensed dog or cat, the new owner may have the current license or tag transferred upon payment of a transfer fee of only One Dollar (\$1.00).
- i. Any service dog shall be exempt from the licensing fees of this section.
- j. A veterinarian may issue the license and tag as described in Article V, section e. The veterinarian issuing the license and tag shall be paid a Two Dollar (\$2.00) service fee, with the remainder of the license and tag fee, as reflected above, to be remitted to the City Clerk or a designated agent under contract to the City.
- k. All surcharges, license fees and fines imposed for animals, as provided in this section, which are collected by the designated agent under contract to the City of Socorro shall be placed by City into a separate fund. This fund shall be used:
 1. Solely to offset the costs of sterilization programs.
 2. Offset the cost of emergency care.

ARTICLE VI LICENSE TAGS:

- a. The tag issued to the owner shall be a metallic or plastic tag bearing the license number and year during which it is issued. The shape or color of the tag may be changed from year to year.
- b. The owner shall insure that the dog or cat wears the issued license tag attached to a collar or harness at all times.
- c. If an issued license tag is lost or destroyed, the owner may obtain a duplicate tag upon presentation of the license and the payment of a One Dollar (\$1.00) replacement fee.

ARTICLE VII SPAY/NEUTERING:

- a. No person shall own or harbor within the city of Socorro any domestic animal over the age of six months, which has not been licensed, and becomes pregnant without a permit for breeding. Under Article VIII of this ordinance.

**ARTICLE VIII BREEDING PERMITS; FANCIER PERMITS;
ADMINISTRATION:**

- a. No owner of any dog or cat within the City shall cause or allow the dog or cat to breed without first obtaining a breeding permit. The breeding permit shall be required in addition to the license required by Article V of this ordinance.
- b. The City of Socorro or its contractor shall administer a permit program to allow the breeding of cats and dogs consistent with the criteria and according to the procedures in this Article.
- c. The fee for a breeding permit shall be \$25.00 per year, in addition to any other fee required under this chapter.
- d. All breeding permits shall contain the following terms and conditions and shall be subject to all of the following requirements:
 1. No offspring of the animal, which has been bred, may be sold or given away until the offspring has reached the age of at least six (6) weeks and has been immunized against common diseases.
 2. Any breeding permit holder advertising to the public the availability of any animal for adoption or sale shall prominently display the holder's breeding permit number to any person to whom any animal is sold or adopted.
 3. The Animal Control Officer shall inspect the areas used by any breeding or any fancier permit holder for the keeping of animal offspring, to determine compliance with the provisions of this Ordinance.

**ARTICLE IX KEEPING OF DOGS AND CATS; FANCIER'S PERMITS and
BREEDING PERMITS**

- a. It is unlawful for any person to be the owner of, to keep, to cause to be kept, or to assist in keeping more than five (5) dogs, cats, or any combination of, in the City except in conformance with a fancier's permit issued under this section.
- b. The applicant for the permit must show a plot plan of the premises where the animals are to be kept showing a minimum of 2 square feet per animal pound of accessible space; identify the number of cats and dogs which are proposed to be kept, including the numbers of which are to be kept predominantly or entirely outdoors; and identify the number and approximate location of any outdoor shelters on the premises.
- c. The fee for the fancier permit shall be five (\$5.00) per year, in addition to any other fees required by this chapter.
- d. Each holder of a fancier's breeder's permit shall comply with all provisions of this Article, and shall keep the premises for which the permit is issued free from any obnoxious, offensive, or unsanitary condition.

ARTICLE X REVOCATION OF PERMIT:

- a. Any permit issued may be revoked if any of the following conditions exist:
 1. The permittee has violated any City ordinances or New Mexico laws relating to the

- keeping, care or use of any animal;
2. The permittee has failed to comply with any condition or requirement of the permit or has failed to pay any fee required by this ordinance;
 3. The permittee refuses to allow inspection, on forty-eight (48) hours written notice, of any animal covered by the permit or the premises in which the animal is kept;
 4. The permittee has transferred, sold or otherwise disposed of the animals for which a breeding permit was issued.
 5. Any person whose permit is revoked after appeals process is exhausted shall within ten days, humanly dispose of all animals owned, kept or harbored. No part of the permit fee shall be refunded.
- b. If, after investigation, the Animal Control Officer or other commissioned law enforcement officer concludes that there is probable cause to believe that one or more of the above grounds for revocation has occurred, he or she shall give written notice of proposed revocation to the permittee. This notice shall be served on the permittee by first class mail or personal delivery, and a copy shall be delivered to the Chief of Police. The notice shall specify the grounds for proposed revocation of the permit and shall specify a time and date for an informal hearing to be held before the Chief of Police or the Chief's designee. The date of the hearing shall be not less than five days after the notice is personally delivered or eight days after the notice is mailed. After the informal hearing, the permit may be continued in effect, modified, or revoked.
 - c. The permittee may appeal the decision of the Chief of Police to the City Clerk by written notice of the appeal within five (5) working days of the decision. The appeal should be delivered to the office of the City Clerk. The Clerk's decision may be appealed within five (5) working days of his decision to the City Council.

ARTICLE XI: ANIMAL CONTROL OFFICER; AUTHORITY

1. Animal Control Officer

City of Socorro shall appoint at least one Animal Control Officer or shall, under a duly adopted Joint Powers Agreement, accept one or more Animal Control Officers appointed by another entity.

2. Authority of the Animal Control Officer

Subject to constitutional limitations, Animal Control Officers shall have the following authority:

- 2.A. To require responsible persons to exhibit proof of rabies vaccination for any dog, cat or domestic ferret in their custody, as well as a fancier's or breeders permit.
- 2.B. To enter upon private property to affix any summons, notice or official document upon the door of any residence occupied by a responsible person.
- 2.C. To enter upon any premises or go upon un-enclosed parcels of land or enter any pen, enclosure, yard or vehicle to enforce this Ordinance. However, the Officer must personally view any violation prescribed by this Ordinance that would place a domestic animal in immediate peril. Further, the Officer may enter only to the extent necessary for the immediate rescue of an imperiled animal.
- 2.D. To impound any stray domestic animals or any domestic animals found confined or treated contrary to the provisions of this Ordinance.

3. Responsibilities of the Animal Control Officer

- 3.A. Any Animal Control Officer shall make every attempt to impound any domestic animal

that he or she finds running stray and not under the control of the owner or responsible person.

- 3.B. Any Animal Control Officer shall destroy any dog he or she finds in the act of pursuing or wounding livestock or wounding and killing poultry or attacking humans.
- 3.C. Any Animal Control Officer shall destroy any domestic animal exhibiting symptoms of rabies. The Animal Control Officer shall have any such animals tested for rabies by the New Mexico Department of Health.

4. Entry to Buildings

No Animal Control Officer may enter any building, dwelling or place of business without the permission of the owner. However, nothing in this section limits the authority of an Animal Control Officer pursuant to a warrant issued by a court of competent jurisdiction.

ARTICLE XII: IMPOUNDMENT, ADOPTION, RECLAIM, AND DISPOSAL OF DOMESTIC ANIMALS

1. Impoundment of Stray Domestic Animals

Animal Control Officers or the City of Socorro's Police Department may impound any stray domestic animal.

- 1.A. If a stray domestic animal is wearing a license, collar, anti-rabies tag, has an identifying tattoo, microchip or is otherwise identifiable, the animal shall be impounded for at least seven days, unless during that time the animal has been adopted or reclaimed by its owner. During the first three days of impoundment, the animal shelter shall attempt, at least once daily, to notify the animal's owner(s) or responsible person(s) of the impoundment by either direct communication or oral or written message. However, the animal shelter need not make successive notification attempts if a preceding attempt was successful. Further, the animal shelter shall not release the animal for adoption during the first six days of impoundment.
- 1.B. If a stray domestic animal is not wearing a license, tag or other identification, the animal shelter shall impound it for at least four days and may release it for adoption during that time.
- 1.C. If an owner or responsible person contacts the animal shelter before expiration of the impoundment period, but cannot arrange to reclaim the animal before the impoundment period expires, the animal shelter shall assist the owner or responsible person in making alternative arrangements, at the owner or responsible person's expense.

Section 2

Agreement Required For Reclaiming A Domestic Animal

The animal shelter shall not release any domestic animal for reclaim unless the owner or responsible person signs a reclaim/adoption agreement, the form of which shall be titled "Appendix B: Reclaim/Adoption Agreement" and shall be adopted by the Board of City Councilors of City of Socorro in a resolution separate from this Ordinance. The reclaim/adoption agreement shall:

- 3.A. obligate the owner or responsible person to vaccinate any dog, cat or domestic ferret not proven to be vaccinated for rabies, and current standard vaccinations.
- 3.B. obligate the owner or responsible person to fulfill one of the following:
 - 1. To have a domestic animal younger than six months of age sterilized when it is no older than six months old, and domestic animals six months of age or older sterilized within thirty days of the date of adoption; or,

2. To keep the animal confined or restrained in such a way as to prevent its unintended breeding.
- 3.C. The animal shelter shall require a sterilization deposit, given in Appendix A: Schedule of Fees, to be adopted by the City Council of the City of Socorro in a resolution separate from this Ordinance, prior to the adoption or reclaim of each domestic animal. However, the animal shelter may not require sterilization deposit if the animal is proven to be sterilized or, in the case of a reclaim, the owner or responsible person agrees to keep the animal confined or restrained in such a way as to prevent its unintended breeding.
- 4.C. An owner or responsible person shall forfeit the sterilization deposit paid for a domestic animal that is subsequently impounded and not proven to be sterilized.

Section 3. Impoundment Fee

The animal shelter shall require payment of an impoundment fee, given in Appendix A: Schedule of Fees, to be adopted by the City Council of the City of Socorro in a resolution separate from this Ordinance, prior to the reclaim of any domestic animal.

Section 4. Adoption Fee

The animal shelter shall require payment of an adoption fee, given in Appendix A: Schedule of Fees, to be adopted by the City Council of the City of Socorro in a resolution separate from this Ordinance, prior to the adoption of any domestic animal.

Section 5. Refund of Sterilization Deposit

The animal shelter shall reimburse the sterilization deposit to the adopting or reclaiming person only upon presentation of a receipt from a veterinarian that the animal is sterilized.

Section 6. Destruction of Unclaimed Domestic Animals

The animal shelter shall humanely destroy any impounded domestic animal not adopted or reclaimed within seven days of being impounded, unless other acceptable arrangements have been made pursuant to Article XI, Section 1.C. of this Ordinance.

ARTICLE XIII: PENALTIES FOR VIOLATIONS

Violations of this Ordinance shall be punishable by a fine of up to three hundred dollars (\$300.00), and/or imprisonment of no more than ninety days, or both. In addition the judge will order the following:

- a. Mandatory Fees – animal control fee of \$30 which is considered to be a surcharge as listed in Article V, Section k of this ordinance, and may order the destruction or removal of the animal in instances of citations for vicious, biting, or attacking behavior.

ARTICLE XIV: RECORDS

Section 1. Record of impounded animals

A record of all animals impounded at the Shelter shall be maintained for a period of one year. The record shall contain at least the following information:

- a. A detailed description of the animal.
- b. The manner and date of its acquisition by the shelter.

Section 2. Record of Disposition

- a. The date and manner of its disposal.
- b. The name, address and telephone number, if any, of the party adopting / reclaiming the animal.
- c. All fees received.
- d. A record of all "dead on arrivals" including any identification information found on the animal and a description of the animal when possible.

Section 3. Record of Citations

To include person cited and infractions

ARTICLE XV: REPEALING CLAUSE

All other City of Socorro Ordinances, relating to domestic animal control and which are in conflict with the above provisions are hereby repealed by the adoption of this Ordinance.

ARTICLE XVI: SAVINGS CLAUSE

If any section, sub-section, sentence, clause or phrase of this Ordinance is held invalid for any reason, the validity of the remaining portions of this Ordinance shall not be affected.

APPENDIX A: SCHEDULE OF FEES

The animal shelter shall assess the following fees as required by Article XII of the City of Socorro Animal Control Ordinance, Ordinance Number 99-11-01, before releasing any domestic animal:

<i>Sterilization Deposit</i>	<i>See Vet's Fee Schedule</i>
<i>Adoption of Sterilized Animal</i>	<i>\$50.00 & proof of Rabies Vaccination or Prepayment</i>
<i>Impoundment Fee</i>	<i>\$7.00 per day</i>
<i>Breeder Permit</i>	<i>\$25.00 annually</i>
<i>Fancier Permit</i>	<i>\$5.00 annually</i>

Reclaim and adoption fees are variable depending on the size of the animal and veterinary price which may include standard vaccinations, anti-rabies, spay or neuter cost and city license.

No City of Socorro employee or shelter volunteer will be allowed to waive the daily impoundment fee.

Updated September 26, 2003

APPENDIX B: RECLAIM/ADOPTION AGREEMENT

Impound No. _____

**RECLAIM/ADOPTION AGREEMENT
BETWEEN SOCORRO ANIMAL SHELTER AND**

Name(Print) _____
Last First MI
Driver's License No. _____ **State** _____
Address _____ **City/State/Zip** _____
Phone (H) _____ **(W)** _____
Sterilization Fee _____ **Rabies** _____

ANIMAL INFORMATION:

Type _____ **Name** _____ **Breed** _____ **Weight** _____ **Color** _____ **Sex** _____ **Age** _____

**FOR AND IN CONSIDERATION OF RECEIVING THE ANIMAL DESCRIBED
HEREIN, THE UNDERSIGNED AGREES TO THE FOLLOWING: (circle the
number of all that apply):**

1. To care for and treat the animal humanely and comply with the Animal Control Ordinance of the City of Socorro.
2. To pay any vaccination fees required by the veterinarian in excess of the rabies Vaccination fee. The animal shelter is not responsible for fees in excess of The rabies vaccination fee.
3. To have the animal surgically sterilized by a veterinarian by _____ And to pay any sterilization fees required by the veterinarian in excess of the Sterilization fee. The animal shelter is not responsible for fees in excess Of the sterilization deposit and/or fee.
4. To keep the animal confined or restrained in such a way as to prevent its Unintended breeding (this option is not available for persons adopting a Domestic animal).
5. To allow Animal Control to repossess the animal, to become subject to any legal Action allowed by law and, if applicable, to forfeit the sterilization or rabies Vaccination deposit for failure on the undersigned's part to comply with this Agreement.

**FAILURE TO COMPLY WITH THE TERMS OF THIS AGREEMENT WILL
RESULT IN LEGAL ACTION AS SET FORTH BY LAW.**

Signature of Reclaiming Party _____ **Date** _____
Impound No. _____

I certify that the above animal was vaccinated for rabies (reclaim only).

Clinic _____ **Clinic Address** _____

Signature of Veterinarian _____ **Date** _____

Updated September 26, 2003

CITY OF SOCORRO
ORDINANCE NO. 99-11-01

WHEREAS, the growth of the human population in the City of Socorro has been accompanied by a growth in the population of domestic animals; and,

WHEREAS, nuisances caused by domestic animals are increasingly a problem in the City of Socorro; and,

WHEREAS, Section 4-37-1 et seq. NMSA 1978 provides that municipalities may adopt ordinances, not inconsistent with statutory or constitutional limitations placed on municipalities, to discharge those powers necessary and proper to preserve the health and to provide for the safety, order, comfort and welfare of the citizens of the city; and,

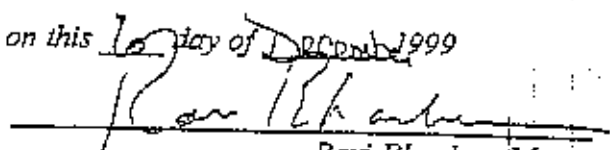
WHEREAS, Section 30-18-1 et seq. NMSA 1978 describes certain controlled activities relating to animals; and

WHEREAS, Section 77-1-1 et seq. NMSA 1978 establishes standards for the management of domestic animals, and further, requires that each city shall make provision by ordinance for the seizure and disposition of dogs and cats running at large and not kept or claimed by any person on their premises, and requires that each city shall provide for the impoundment of rabies-suspect animals and shall designate a part-time or full-time animal control officer who shall be deputized to enforce animal control laws, orders, ordinances and regulations; and,

WHEREAS, the Socorro City Council has determined that the health, safety, and general welfare of the residents of the city of Socorro would be best served by adoption of an animal control ordinance;

NOW THEREFORE BE IT ORDAINED THAT THE the Socorro City Council does hereby establish an animal control ordinance no. 99-11-01 to be enforceable beginning July 1, 2000 for the City of Socorro

PASSED APPROVED AND ADOPTED on this 10th day of December 1999


Ravi Bhasker, Mayor

Attest:


Pat Salome, City Clerk

(seal)

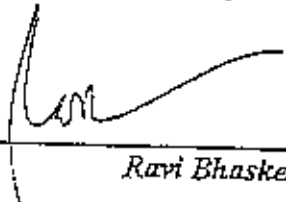
CITY OF SOCORRO
RESOLUTION NO. 99-11-01b

WHEREAS, the City of Socorro has adopted the City of Socorro Animal Control Ordinance No. 99-11-01; and


WHEREAS, Article XII of the City of Socorro Animal Control Ordinance No. 99-11-01, requires the City Council to adopt a form reclaim/adoption agreement titled "Appendix B: Reclaim/Adoption Agreement" by a resolution separate from the Ordinance;

NOW, THEREFORE, BE IT RESOLVED, by the City of Socorro, that it adopts the following Reclaim/Adoption Agreement to serve as Appendix B to the City of Socorro Animal Control Ordinance No. 99-11-01:

APPROVED, ADOPTED, AND PASSED on this 6th day of December, 1999.


Ravi Bhasker, Mayor

Attest:


Pat Salome, City Clerk

(seal)

