

ANIMAL CONTROL  
ORDINANCE NO 364



CITY OF SANTA ROSA  
GUADALUPE COUNTY

February 21, 2006

**ANIMAL CONTROL ORDINANCE**

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**ORDINANCE NO. 364  
CITY OF SANTA ROSA**

**ANIMAL CONTROL ORDINANCE**

**AN ORDINANCE ADOPTING AN ANIMAL CONTROL ORDINANCE PROVIDING FOR THE PROPER REGISTRATION, LICENSING, AND HANDLING OF STRAY ANIMALS WITHIN THE CITY OF SANTA ROSA, NEW MEXICO**

Be it ordained by the City Council, that is, the Governing Body of the City of Santa Rosa, New Mexico: that Ordinance No. 327 and Ordinance No. 361 are hereby repealed effective January 11, 2006.

**GENERAL PROVISIONS**

**7-1-1 SHORT TITLE: LEGISLATIVE INTENT.** This ordinance shall be known and may be cited as the “Animal Control Ordinance”. It is the intent of the governing body of the City of Santa Rosa that enactment of this ordinance will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the Animal Control Center’s functions of licensing, enforcement, and recovery of animals.

**7-1-2 DEFINITIONS.** As used in this ordinance, the following terms shall have the meaning given herein.

“**ANIMAL**” Any vertebrate member of the animal kingdom excluding human beings.

“**ANIMAL CONTROL CENTER**” A facility designated by the City of Santa Rosa for the humane treatment of animals, pursuant to the provisions of this ordinance.

“**ANIMAL CONTROL OFFICER**” The person duly appointed to that position by the Director of Public Safety. The person designated to act in the capacity of ACO shall be made known to the Governing body by the originally appointed ACO.

“**ANTI-ESCAPE DEVICE**” Housing, fencing or other device which prevents a guard dog from leaving protected property.

“**BITE**” An actual puncture or tear of the skin inflicted by the teeth of an animal.

“**CITY**” The City of Santa Rosa, a municipal corporation.

“**CITY CHIEF OF POLICE**” The Executive Officer of the City of Santa Rosa Police Department, or his designee.

**“COMMERCIAL PROPERTY”** (a) A portion of land and/or buildings zoned for, or utilized for commercial or business uses, in the City of Santa Rosa, including temporary sites; (b) any vehicle utilized for commercial or business purposes in the City of Santa Rosa.

**“DANGEROUS ANIMAL”** means any of the following:

1. An animal which, when provoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of the animal; or
2. An animal which, when provoked, injures a person and the injury results in muscle tears, or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
3. An animal which, because of its poisonous bite or sting, would constitute a significant hazard to the public.

**“DESIGNATED AREA”** An area of private land which is designated by a property owner to house animals under the provisions of this ordinance.

**“ENCLOSED LOT”** Parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.

**“ESTABLISHMENT”** A place of business together with its grounds and equipment.

**“ESTRAY”** Any animal found running at large beyond the boundaries of the premises of the owner.

**“GROOMING PARLOR”** Any establishment, or part thereof, or premises maintained for the purpose of offering animals cosmetological services for profit.

**“GUARD DOG”** Any dog that is utilized to protect commercial property, as defined below.

**“HANDLER”** A person who is responsible for and capable of controlling the operations of a guard dog.

**“HOBBY BREEDER”** A person involved in showing animals or a controlled breeder of dogs/cats, which are registered with a nationally or internationally recognized animal registry organization.

**“HOUSING”** Any location where the guard dog is kept when not utilized for protection purposes.

**“IMPOUND”** To shut up (an animal) in a pound; hence, to take into legal custody.

**“KENNEL”** Any commercial establishment or premises where ten or more dogs or cats over three months of age are boarded, kept, or maintained for any purpose whatsoever, with the exception of state inspected veterinary hospitals and shelters.

**“LICENSED VETERINARIAN”** A person with a Doctorate of Veterinary Medicine Degree licensed to practice in the State of New Mexico.

**“NUISANCE”** Means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well being of the inhabitants of the City of Santa Rosa.

**“OWNER”** A person who owns, harbors, or keeps animals, or knowingly permits animals to be harbored or kept, or has animals in his/her care, or who permits an animal to remain on or about his/her premises.

**“PERSON”** Any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.

**“PET SHOP”** Any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange, or hire of animals of any type; except that the term shall not include livestock auctions.

**“PREMISES”** Defined as a parcel of land and the structures thereon.

**“QUARANTINE”** Any isolation or restriction imposed to keep an animal from spreading a suspected contagious disease.

**“REFUGE”** An establishment owned and operated by a nonprofit organization whose sole function is to aid and comfort more than four (4) but no more than twelve (12) animals.

**“RUN OR RUNNING AT LARGE”** To be free of physical restraint beyond the boundaries of the premises of the owner.

**“SHELTER”** An establishment owned and operated by a nonprofit humane organization licensed to do business in the State of New Mexico.

**“UNALTERED ANIMAL”** An animal which has not been sterilized.

**“VACCINATION”** Protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, State of New Mexico Rabies Act of 1757, given in the amounts sufficient for requirements recommended by NMAC Ch.7.

**“VICIOUS ANIMAL”** Any animal which bites or in any matter attacks or attempts to attack any person within the City of Santa Rosa, except that any animal that bites, attacks

or attempts to attack any person unlawfully upon its owners' or keepers' premises, which is provoked to attack, shall not be deemed a vicious animal.

**“WILD OR EXOTIC ANIMAL”** Any animal or species that, in their natural life, are wild, dangerous or ferocious and though they may be trained and domesticated will remain dangerous to others and may injure or kill a person or other animal in the City of Santa Rosa. Those animals however domesticated, shall include but are not limited to:

1. Dog family (canidae), such as, but not limited to wolves, foxes, coyotes, dingos, and jackals, and hybrids produced by breeding these canids with domesticated dogs, all except domestic dogs;
2. Cat family (felidae), such as, but not limited to ocelots, lions, tigers, leopards, cougars, panthers, and mountain lions, except commonly accepted domesticated cats
3. Bears (ursidae), all bears;
4. Antelope (ungulata), such as, but not limited to deer, bison, camels and hybrids produced by breeding these ungulate animals;
5. Weasels (mustelidae), such as, but not limited to weasels, martins, mink, wolverine, badgers, otters, ermine and mongoose, all except the commonly accepted domesticated ferrets;
6. Raccoons (procynnidae), all raccoons;
7. Primates (homidae), such as, but not limited to monkeys, chimpanzees and gorillas;
8. Porcupines (rodenta), all porcupines;
9. Skunks;
10. Snakes (reptilia), such as, but not limited to racers, boas, water snakes, and pythons;
11. Alligators (loricate), such as, but not limited to caymans, crocodiles, and venomous lizards;
12. Class Aves. (falconiforms), such as, but not limited to hawks, eagles, and vultures and subdivision (ratitae), such as, but not limited to ostriches, rheas, cassowaries, and emus. Not included are small caged birds, such as, parakeets, canaries, love birds, and finches.

### **ADMINISTRATION OF CHAPTER**

7-1-3 **Generally**

7-1-4 **Impoundment generally**

7-1-5 **Surrender of strays, disposition of animals, costs and records.**

7-1-6 **Records**

7-1-3 **GENERAL.** The City of Santa Rosa Police Chief is responsible for the administration of the ordinance. Reasonable rules and regulations shall be prescribed by the Police Chief to carry out the intent and purpose of this ordinance pursuant to the standards created therein. Powers delegated to the Police Chief may be delegated by the City Administrator

to his duly appointed Animal Control Officers as he may deem expedient for the effectuation of this ordinance.

**7-1-4 IMPOUNDMENT – GENERAL.** It is the duty of the Animal Control Officers to take up and impound any estray or any animal kept or maintained contrary to this ordinance.

**7-1-5 SURRENDER OF ESTRAYS, DISPOSITION OF ANIMALS; COSTS.**

- a. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of the animal to the Animal Control Department, giving his name, phone number, and address, a true and complete statement of the circumstances under which he/she took up the animal, a description of the animal and the precise location where such animal is confined.
- b. It is unlawful for a person taking up an animal to fail to give notice required above and for any person having such animal in his/her possession to fail or refuse to immediately surrender such animal to the City of Santa Rosa Animal Control Officer upon demand thereof.
- c. An estray shall be confined at the Animal Control Center for a period of at least three (3) working days during which time the owner, if known, shall be notified. If identification of the owner is not possible, the City of Santa Rosa may dispose of, without notice, any estray impounded under this section, after the required impoundment period and may either place the animal in an adoptive home or may destroy the animal in a humane fashion as the City of Santa Rosa Animal Control Officer deems proper.
- d. No animal that has been impounded by the City of Santa Rosa will be adopted out for the purpose of breeding, sale, or medical laboratory testing. Every dog or cat adopted shall be neutered or spayed by a licensed veterinarian and vaccinated in compliance with State Statutes. The person adopting the dog or cat prior to release of the animal will pay the cost of these activities to the City of Santa Rosa. Neutering, spaying, and vaccinations will not apply to animals under five (5) months old. Nothing in this section shall be construed as applicable to any dog or cat returned to the owner thereof.
- e. Any estray animal, which cannot be adopted or redeemed by the owner may be destroyed at the City of Santa Rosa's discretion.
- f. It shall be the responsibility of the owner redeeming an animal to pay for the animal boarding costs. The City of Santa Rosa shall establish by resolution all appropriate fees. In addition, the owner shall pay license fees, cost of inoculations, or other costs incurred while in the care of the City of Santa Rosa's Animal Control Center.
  - 1. If an owner of a small animal, which has been impounded, comes to retrieve such animal the fee shall be twenty-eight dollars (\$28.00). For the purpose of this ordinance "small animal" will mean: dogs, cats, skunks, snakes, foxes, ferrets, fowl, goats, and other animals of similar size.



2. If an owner of a large animal, which has been impounded, comes to retrieve such animal the fee shall be forty dollars (\$40.00). For the purpose of this ordinance “large animal” will mean: horses, colts, cows, calves, adult pigs, and other animals of similar size.

**7-1-6 RECORDS:** The City of Santa Rosa shall maintain records for a reasonable period of time, as determined by the City Administrator, of all animals impounded. These records will contain the following information:

1. A complete detailed description of the animal;
2. The manner and date of its acquisition by the center;
3. The date and manner of its disposal;
4. The name, phone number, and address of the adopting party;
5. A record of all fees received;
6. A record of all “dead on arrivals,” including any identifying information found on the animal and a complete description;

### **OWNER’S RESPONSIBILITIES**

- 7-1-7 Rabies Vaccinations**
- 7-1-8 Rabid Animal**
- 7-1-9 Biting Animal**
- 7-1-10 Restraint of Animals**
- 7-1-11 Confinement of Female Dogs or Cats in Mating Season**
- 7-1-12 Dog Licenses**
- 7-1-13 Space Requirements**

**7-1-7 RABIES VACCINATIONS:** It is the duty of all persons owning or keeping a dog or cat over the age of five (5) months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one year and shall be administered by a licensed veterinarian. A certificate or tag from the licensed veterinarian shall be evidence of vaccination. The City of Santa Rosa may require other animals to receive annual rabies vaccination. The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated the date of vaccination and the expiration date of the period of immunity.

It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the City.

**7-1-8 RABID ANIMAL:** An animal that has rabies or has signs of having rabies and any animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or has been exposed to rabies shall immediately upon learning of the infection notify the City

and the State Health Department as to the place where the animal is confined and shall surrender said animal to an Animal Control Officer upon demand. The City shall then deal with the rabid animal pursuant to State law.

**7-1-9 BITING ANIMAL:**

A. The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the City's Animal Control Center and the State Health Department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender said animal to the Animal Control Officer if the City deems it necessary to impound said animal for a period of observation.

B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the City's Animal Control Center and the State Department within twenty-four (24) hours of his first professional attendance. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known and any other facts or details that may assist the City in ascertaining the immunization status of the animal.

C. An animal that bites a person shall be confined securely at a place and for a period to time deemed necessary by the City's Animal Control Center. The owner of the animal shall bear the cost of confinement. The City may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by an Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement of a form approved and prescribed by the City before consent may be given for such home confinement.

A person who has custody of an animal that has bitten a person shall immediately notify the City's Animal Control Center if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animals shall notify the City's Animal Control Center or an animal control official and relinquish any claims to said animal.

**7-1-10 RESTRAINT OF ANIMAL:** It is unlawful to permit dogs in the streets or public places unless on a secure leash and under the immediate physical control of the person having custody thereof.

**7-1-11 CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON:** Any person in control of a female dog or cat in mating season shall confine such dog or cat as to preclude other dogs or cats from either attracting or being attracted to such female animals.

**7-1-12 LICENSE REQUIRED:**

**A.** Any person owning, possessing or harboring any dog five (5) months of age or over shall obtain a license for such animal. Written application for such license shall be made on such forms as supplied by the City's Animal Control Center and shall state any information deemed necessary by it. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee (tag and certificate) shall be \$5.00 for a neutered or spayed animal and \$15.00 for an un-neutered or un-spayed animal. In the event a tag is lost, replacement shall be purchased for one dollar (\$3.00). The license shall be renewed every twelve (12) months.

**B.** A current license tag shall be affixed to the licensed dog at all times in a reasonable manner unless the licensed dog is being kept in an approved kennel, veterinary hospital, or appearing in an approved show or being trained; provided that the person who is training a dog shall have in his possession the valid license tag for each dog and shall immediately display such upon request by an Animal Control Officer, animal shelter personnel or other law enforcement officer.

**C.** Animals belonging to nonresidents who do not keep said animals within the corporate limits of the City of Santa Rosa for thirty (30) consecutive days shall be exempt from this Section; provided, however, that all other provisions of this Ordinance must be complied with.

**D.** The license fees shall not apply to dogs trained to assist, and in fact used to assist the blind or deaf.

**7-1-13 SPACE REQUIREMENTS:** Animals shall be allowed in designated areas in the following ratios:

**A maximum of:**

Cow	1 per ½ acre
Horse	1 per ½ acre
Sheep	1 per ½ acre
Goat	1 per 200 square feet
Pig	1 per 200 square feet
Chicken	1 per 75 square feet
Duck	1 per 75 square feet
Goose	1 per 75 square feet
Rabbits	1 per 75 square feet

- a.** Area must be fenced to prevent animal from leaving designated area.
- b.** Designated area must be at least 50 feet from any residential structure or commercial business not owned and inhabited by the owner of the animals.
- c.** The designated area must be kept clean of animal waste or other material which may attract flies or emit obnoxious odors.

**7-1-13.1 NUMBER OF ANIMALS PERMITTED:**

A. No household or member thereof is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than four animals, consisting of animals subject to the licensing requirements of Section 7-8-12; provided that any household owning dogs or cats or any combination therefore totaling more than four animals, which animals are licensed before the effective date of this Section, shall be allowed to retain more than four animals only as long as the particular animals owned on the effective date remain in the possession of said household. Provided, further, that the head of any household shall be held responsible for any violation of this Section by the household or any of its members.

B. Any household or member thereof owning, harboring or keeping more than four dogs or cats on the date that this provision becomes effective shall be permitted to own, harbor or keep such number of its members.

1. That the owner, within thirty days after the effective date thereof, report in person to the Animal Control Center, a description of such animals.

2. That all such owners, within thirty days after the effective date hereof, show proof of compliance with Section 7-8-6 (Rabies Vaccinations) and Section 7-8-11 (License Required).

**7-1-13.2 KENNELS, GROOMING PARLORS, PET SHOPS, REFUGES, HOBBY BREEDERS AND SHELTERS FOR RAISING, BREEDING AND SALE OF SMALL ANIMALS SUCH AS DOGS, CATS, RABBITS, CHINCHILLAS AND HAMSTERS:**

The City Council hereby declares it to be conducive to the promotion of the health and general welfare of the inhabitants of this City to require a professional animal permit to operate a kennel, grooming parlor, pet shop, refuge or shelter or to be hobby breeder and impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, refuge or shelter or pet shop, or being a hobby breeder.

A: Kennels, grooming parlors, pet shops, refuges, hobby breeders and shelters shall be allowed only in zones designated by the City's Zoning Ordinance.

**C. Procedures for obtaining a professional Animal Permit, Permit Fees and Renewals.**

1. Persons operating kennels, grooming parlors or pet shops or hobby breeders shall obtain a professional animal permit.

2. An application for professional animal permit shall be filed on forms provided by the City Police Chief.

3. Each application for a professional animal permit must include a petition on forms provided by the City signed by the residents and owners of all

property, abutting the property for which the permit has been requested, not including public right-of-way, stating that said residents and property owners have no objection to the permit being issued. The person applying for the permit is responsible for obtaining the signatures. Provided, however, that the applicant may submit a petition not signed by all abutting resident and property owners if he is unable to obtain their signatures, and said petition must give the names and addresses of the residents and property owner who have not signed. The City Police Chief may contact any of the abutting residents or property owners to discuss the application.

4. Within 30 working days of receipt of an application for any professional animal permit, the City Police Chief shall inspect the premises to determine whether they comply with the standards established by this Ordinance.
5. The City Police Chief shall conduct a public hearing on each application for professional animal permit for refuge. At least fifteen (15) days before the date of the hearing, the applicant must post and maintain one or more signs as provided and where instructed by the City Police Chief. It is unlawful for any person to remove or tamper with any such requires sign during the period it is required to remain under this paragraph. The City Police Chief shall notify the applicant by mail of the date, time, and place of hearing and shall also mail written notices not less than six days prior to the date of the hearing to all owners of property within 100 feet of the exterior boundaries of the property which is the subject of the application, using for this purpose the last know name and address of the owners shown in the records of Guadalupe County Assessors.
6. Within thirty (30) working days after the inspection required for any professional animal permit or the public hearing on an application for a refuge the City Police Chief shall approve, with conditions, or deny the professional animal permit application. The City Police Chief shall approve an application if he determines that:
  - a. The standards established by this Ordinance, the Zoning Ordinance, and other application laws and regulations are met.
  - b. The activity would not be detrimental to the public welfare.
  - c. The professional animal permit would not be injurious to the neighborhood. In making his decision, the City Police Chief shall assess neighborhood input from public hearing for refuges, the petition for hobby breeders or any complaints, which have been made against the refuge or hobby breeder to determine the seriousness of any

objections, but neighborhood input shall not be the sole determinant of his decision.

7. Should the applicant for any professional for any professional animal permit, any party in the public hearing required for a permit for refuge, or any resident or property owner residing or owning property which abuts the premises of a hobby breeder wish to appeal the City Manage decision, such appeal must be made to the City Council.
8. If the professional animal permit application is approved by the City Police Chief, the applicant shall pay a permit fee of \$25.00 and the permit shall be issued; provided , however, that shelters shall be exempt from this fee and applications for hobby breeders may wither purchase regular license as provided in 7-8-12 or pay a \$25.00 fee for the professional animal permit. New professional animal permits for kennels, grooming parlors, pet shops or animal shelters, but not a renewal, shall be issued with permit fees prorated on a semi-annual basis. Except for refuges professional animal permittee who keep their animals confined shall, at the option of the permittee, be exempt from the animal license requirements of this Ordinance, and will not be issued any license tags unless the required animal license fee is paid; provided that hobby breeders who are professional animal permittee's will be issued license tags when the required fee for the professional animal permit is paid, but will be exempt from the animal license requirements of this Ordinance. Refuges must purchase regular licenses as provided in 7-8-12 for each animal on the premises.
9. Professional animal permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop, refuge and shelter.
10. A professional animal permit holder shall notify the City Police Chief of any change on his operation, which may affect the status of his permit and shall keep the City Police Chief apprised of any changes in name or location of the activities covered by the permit.
11. Person in charge of any kennel, grooming parlor, pet shop, refuge or shelter and any hobby breeder shall be responsible for complying with this Ordinance. There shall be kept at each Kennel, grooming parlor, pet shop, refuge or shelter, and hobby breeder's premises a record of all animals received and of their final disposition.
12. The professional animal permit for kennels, grooming parlors, per shops, and animal shelters shall expire December 31 of each calendar year, and an application for renewal shall be filed by February 1 of the following year. The professional animal permit for hobby breeders and refuges shall expire

one year after the date of issuance, and application for renewal shall be filled within 30 days after the date of expiration. Procedures and fees for permit renewals shall be the same as those for new applications, except the public hearing for professional animal permits for refuges shall not be required.

**C. Facilities and Care Applicable to Professional Animal Permit.**

1. Animal housing facilities shall be constructed of non-toxic materials and in a structurally sound design. Interior floors shall be smooth, easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.
2. Animals maintained in pens, cages or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.
  - a. Indoor housing shall be provided for, in all pet shops, grooming parlors, refuges, shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.
  - b. Sufficient lighting shall be provided by either artificial or natural means.
  - c. Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.
  - d. Provisions shall be made for the removal and proper disposal of animals and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.
3. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purpose, and any vicious or quarantined animals shall be removed and caged by themselves. Provided, however, that hobby breeders shall not be required to segregate the animals by sex.
4. Except for indicated for health or welfare, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
5. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be

provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop, refuge, or shelter who observe and animal which he suspects of being rabid shall at once notify the mayor and the State Department of health and Social Service and segregate such animal (s) for a period of ten (10) days unless examined and released by written statement of a veterinarian and then only at the discretion of the City Police Chief.

- 6. Persons operating kennels, grooming parlors, pet shops, refuges and shelters, as well as hobby breeders shall comply with all applicable requirements under the City Animal and fowl Ordinance.
- 7. Refuges shall be required to have all their dogs and cats spayed or neutered; however, that this requirements does not apply to the four dogs or cats permitted per households by Section 7-8-13.1 of the Ordinance.

**D. Inspection Under a Professional Animal Permits.** The City Police Chief, after proper identification, shall be permitted to enter, at and reasonable time, any kennel, grooming parlor, pet shop, refuge, or shelter, or hobby breeze premises for the purpose of making inspections to determine compliance with this ordinance. The City Police Chief, or his designee, shall make as many inspections and re-inspection as necessary for the enforcement of this Ordinance.

**E.** Number of animals permitted Holders of a Professional Animal Permit for Hobby Breeders. The number of adult dogs or cats, or any combination thereof, which any holder or a professional animal permit for hobby breeder may keep, shall be limited on the basis of the “Allowable kennel area” which he has and defined as ten percent of the total area of the lot on which the hobby breeding is to be conducted. The area requirement per dog or cat is established from the following table:

<u>ANIMAL SIZE</u>	<u>AREA REQUIRED</u>
Small (under 30 lbs)	75 sq. feet
Medium (30 – 57 lbs)	100 sq. feet
Large (60 lbs. or more)	125 sq. feet

“**Animal Size**” is defined by the weight specified in the standard for breed, either average or maximum allowable. If no breed standard for the purposes f this subsection. The sum of the area requirement for each dog or cat which the hobby breeder keeps cannot exceed the allowable kennel area.



- 7-1-14      **Animals running at large**
- 7-1-14.1   **Strays**
- 7-1-15      **Animals on unenclosed premises**
- 7-1-16      **Vicious animals**
- 7-1-17      **Animal disturbing the peace**
- 7-1-18      **Nuisance**
- 7-1-19      **Unlawful use of license tags**
- 7-1-20      **Breaking into animal control center or animal shelter or vehicles**
- 7-1-21      **False Reports**
- 7-1-22      **Hindering Officers**
- 7-1-23      **Dogs trained to assist the blind or deaf in public places**

**7-1-14 ANIMALS RUNNING AT LARGE:** It is unlawful for any person to allow or permit any animal to run at large in or upon any street, alley, sidewalk, vacant lot, public property, other enclosed place in the City or private property “not belonging to owner of animal”. Any animal permitted to run at large in violation of this Section is declared to be a nuisance, a menace to the public health and safety and shall be taken up and impounded as provided in Section 7-1-1.

- A.** It shall be the duty of the Animal Control Officers to take into custody and impound or cause to be impounded any stray animal found in the City.
- B.** As soon as practicable after the date of impoundment, the Animal Control Officer shall attempt locate and notify the owner of the impoundment.

**7-1-14.1 STRAYS:** No person shall hold or possess any unidentified or unclaimed animal of which he is not the owner for more than 24 hours, excluding Sunday, and Holidays, without first reporting the possession to the Animal Control Division. After five days, the person becomes legal owner of the animal subject to third party claims.

- A.** It is unlawful for any person taking up an animal to fail to make the report required in division above and for any person having the animal in his possession to fail or refuse to immediately surrender the animal to an animal control officer upon demand thereof.
- B.** If any stray is wearing a license or bears other identification as defined in 7-1-12 the animal shall be confined at an appropriate animal center, pending notification of owner or authorized agent, for a period of six days. The day the stray animal is impounded constitutes day one. Upon notification, an owner must redeem the animal within 24 hours. Failure to redeem the animal shall result in a \$10 fee in addition to any other costs, unless owner’s failure to pick up animal is due to circumstances beyond owner’s control. Boarding fees and other cost may be charged to the owner whether or not the animal is claimed.

- C. If the stray is not wearing a license or bears no other identification or shows no obvious signs of pet ownership as defined in 7-1-12 the animal shall be impounded at an appropriate animal control center for four days. Any owner who claims an unlicensed pet from the animal control center shall purchase a license for the animal. If proof of current rabies vaccination cannot be produced, the owner may be cited or may be allowed to sign an agreement that the animal will receive rabies vaccinations within three days.
- D. An owner pay a \$60 fee to obtain a conditional use permit packet from the Planning and Zoning commission for the purpose of obtaining a hobby breeder permit and shall pay all impoundment fees assessed. The conditional use application must be submitted to the City Development department within seven working days.

**7-1-15 ANIMALS ON ENCLOSED PREMISES:** it is unlawful for any person to chain, stake out, graze or herd any animal on any unenclosed premises in such a manner that such an animal may escape beyond the designated area.

**7-1-16 VICIOUS ANIMALS:** It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal while on public property may use reasonable force to repel said attack. After a judicial determination that an animal is vicious the owner or keeper of such vicious animal shall turn such animal to the City's Animal Control Center for destruction.

**7-1-16.1 DANGEROUS ANIMALS:** No person shall maintain a dangerous animal in a manner, which constitutes a threat to any person, or other animal.

**7-1-17 ANIMALS DISTURBING THE PEACE:** It is unlawful for any person to allow any animal to persistently or continuously bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the City of Santa Rosa or keep or maintain animals in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of another person.

**7-1-18 NUISANCES:** It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon any property other than the owners of the animal, and then only so long as no other provision of the Ordinance is violated.

**7-1-19 UNLAWFUL USE OF LICENSE TAGS:** It is unlawful for any person to remove any license tag from one animal to another or to remove a license tag from an astray without lawful permission.

**7-1-20 BREAKING INTO ANIMAL CONTROL CENTER OR ANIMAL SHELTER OR ANIMAL CONTROL VEHICLES:** It is unlawful for any person to break open any pound, center, or animal control vehicle where in animals are impounded by the City of

Santa Rosas or in any other way to remove or assist in the removal of any animal from such pound, center of vehicle without lawful permission.

**7-1-21 FALSE REPORTS:** It is unlawful for any person to make a false report to the City regarding any animal in danger or stray or regarding any alleged violation of this chapter.

**7-1-22 HINDERING OFFICERS:** Any person who shall willfully or intentionally hinder or obstruct any Animal control Officer in the discharge of his official duty under the provisions of this chapter, shall be guilty of a petty misdemeanor (2-1-20).

**7-1-23 DOGS TRAINED TO ASSIST THE BLIND OR DEAF IN PUBLIC PLACES:** it is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude there from any dog which has breed raised to assist the blind or deaf person whom it was trained to assist in conformance with the law.

### **CRUELTY TO ANIMALS PROHIBITED**

**7-1-24 Physical abuse generally**

**7-1-25 Work cruelty**

**7-1-26 Neglect**

**7-1-27 Abandonment**

**7-1-28 Poisoning**

**7-1-29 Protective care b y City**

**7-1-30 Injury by motorist**

**7-1-31 Hobbling livestock**

**7-1-32 Keeping of diseased or painfully crippled animals**

**7-1-33 Animal fighting**

**7-1-34 Confining or crating or fowl**

**7-1-35 Birds**

**7-1-24 PHYSICAL ABUSE GENERALLY:** It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance, any animal, except that reasonable force maybe employed to drive off vicious or trespassing animals.

A. It is unlawful for any person to carry any animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. No person shall keep or transport an animal in the bed of a pick-up truck unless the animal is properly restrained in a humane and safe manner to prevent the animal from leaving the confines of the bed of the truck when the vehicle is stationary and to prevent the animal from falling off while the vehicle is in motion. No person shall leave an animal in a closed vehicle for any length or time reasonably concluded to be dangerous to the health or safety of the animal.

**7-1-25 WORK CRUELTY:** It is unlawful for any person to drive or work any animal cruelly.

**7-1-26 NEGLECT:** It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise with proper food, drink, shade, care or shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.

**7-1-27 ABANDONMENT:** It is unlawful for any person having charge, custody, or ownership to abandon any animal. All animals which are to be abandoned may be turned over to the Animal Control Center or Animal shelter for adoption; such owner shall be required to sign an owner's release relinquishing ownership of said animal. In the event, however, that each animal is not adopted within three (3) working days, the animal may be destroyed pursuant to Section 7-8-5.

**7-1-28 POISONING:** It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this Section to prohibit the use of poisonous substances for the control of vermin of significance to the public health.

**7-1-29 PROTECTIVE CARE BY CITY:** Whenever the City finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of such animal, the City may take up such animal for protection care and in the event of sickness or injury upon the advise of a licensed veterinarian, the City may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal.

**7-1-30 INJURY BY MOTORIST:** Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately upon injuring, striking, maiming or running down any animal, give such aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the City's Animal Control Center furnishing sufficient facts relative to such injury.

**A.** Every such operator shall remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of said person, such operator shall immediately identify himself to the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the Animal Control Center and notifying the City. Such Section 7-8-25 above. This provision does not apply to operators of emergency vehicles.

**7-1-31 HOBBLING LIVESTOCK:** It is unlawful for any person to hobble livestock or other animals by any means which may cause injury to damage to any animal.

**7-1-32 KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS:** It is unlawful to have, keep or harbor any animal, which is infected with any dangerous, incurable, or painfully crippled condition except as hereinafter provided. The City may impound such diseased or painfully crippled animals in accordance with the provisions of this Ordinance. All such animals impounded following examination and approved by a veterinarian may be destroyed humanely as soon there after as is conveniently possible. In the case of destruction of such animal, the City shall not be required to give any of the previously mentioned notices provided in this Ordinance. This Section shall not be constructed to include veterinary hospitals or animals under active veterinary care.

**7-1-33 ANIMAL FIGHTS:** It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals is engaged in for the purpose of injuring, killing, maiming or destroying themselves or any other animal . **No person shall provoke or entice an animal from the property of its owner for engaging the animal in an animal fight.**

**7-1-34 CONFINING OR CRATING OF FOWL:** it is unlawful to confine any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than twelve (12) hours. It is unlawful to impound any wild or domestic fowl or bird in a crate, box or other enclosure, which does not permit the fowl or bird impounded therein to stand in a naturally erect position.

**7-1-35 BIRDS:** It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird.

**7-1-36 Use of Public Property**

**7-1-37 Rabbits or Fowl**

**7-1-38 Turtles**

**7-1-36 USE OF PUBLIC PROPERTY:** It is unlawful to display, sell or offer for sale, barter, give away or otherwise dispose of any animal upon any street, sidewalk or public park.

**7-1-37 RABBITS OR FOWL:** It is unlawful to sell, offer for sale, barter or give away any unweaned baby rabbit, or fowl less than four (4) weeks of age. Raising of such rabbits, or fowl by an individual for his personal use and consumption is not prohibited provided that he shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his possession. The sale of young fowl by commercial breeders is not prohibited.

**7-1-38 TURTLES:** No person shall offer for sale, sell, barter, or give away turtles, except in conformance with appropriate federal regulations.

**EXOTIC ANIMAL, GUARD DOG, ETC.**

**7-1-39 Wild or Exotic Animals**

**7-1-40 Housing of Guard Dogs.**

**7-1-39 WILD OR EXOTIC ANIMALS:** it is unlawful to be in charge of, possess or own:

- C. Any exotic animal or species prohibited by federal or state law.
- D. Any exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm beings, or which constitutes a public or private nuisance.
- E. Bats
- F. Skunks

**7-1-40 HOUSING OF GUARDS DOGS.**

- A. It is conducive to the promotion of the health and general welfare of the inhabitants of this City to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.
- B. Whenever there is a guard dog on the premises, the standards of this Section, in addition to the other requirements of law and regulations, shall be complied with, as follows:
  - 1. Housing shall have anti-escape building sufficient to house guard Dogs.
  - 2. All gates and entrances to the area where the guard dog is housed, Used or trained shall be locked when not in use.
  - 3. Additional Measures found necessary by the City shall be taken by the owner to protect the public from accidental contact with any guard dog.
  - 4. Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy to the fencing shall be subject to the approval of the City.

5. In order to control noise, the City may require a sight barrier, which breaks the dog's line-of-sight.
6. In buildings where guard dogs are housed, exterior glass must be adequate, or additional protective measure taken by the owner as required by the City, to prevent the dog from jumping through it.
7. The building and yard in which a guard dog is housed must be posted with bilingual (English and Spanish) or visual guard Dog signs, not be more than 200 feet apart, and posted at all property corners and at every entrance into the area.
8. For guard dogs either transported or utilized in vehicles, measures prescribed by rules and regulations of the City must be taken to protect the public from accidental contact with a guard dog.
9. A handler is required to be physically present while guard dogs are being utilized at temporary sites which do not comply with this Section of the Ordinance.

**7-1-41 ADOPTION OF ANIMALS:** The adopting party shall have every dog and/or cat they adopt from the Animal Control Shelter spayed or neutered by a licensed veterinarian. All of the costs of the operation shall be paid by the person adopting the dog or cat to include a \$65. Adoption fee, which will include the registration.

1. The Animal Control Office may make arrangement's to have all or part of the cost of operations deposited with the City.

### **PENALTIES**

#### **7-2-1 Penalty**

**7-2-1 PENALTY:** Any person found guilty of violating the provisions of this Ordinance may be sentenced, fined or both.

**A.** Any person violating the following Ordinance will be subject to a court appearance. If found guilty he/she will be ordered to pay a fine of minimum \$150.00 but no more than \$300 including court fees.

1. 7-1-9 Biting animal
2. 7-1-16 Vicious animal
3. 7-1-16.1 Dangerous animal
4. 7-1-20 Breaking into animal control centers and equipment.
5. 7-1-22 Hindering Officers

**B.** Any person violating any provisions of this chapter for which no specific penalty is prescribed shall be subject to in addition to court fees.

1. For the first offense, the fine shall be a minimum of \$35.
2. For the second offense, for the same person, the fine shall be a minimum of \$60.
3. For the third and subsequent offenses for the same person, the fine shall be a minimum of \$100.
4. All fines, less court fees, collected pursuant to this section shall be credited to the Department of Public Safety, Animal Control Division.