

**CITY OF GRANTS**  
**ORDINANCE NO. 13-1200: ANIMAL CONTROL**

**ORDINANCE NO. 13-1200:**  
**ANIMAL CONTROL**

**ARTICLE 1: GENERAL PROVISIONS**

**1-1 TITLE AND LEGISLATIVE INTENT**

- A. This Ordinance shall be known and may be cited as the "Ordinance". The short title to this Ordinance shall be the "Animal Control Ordinance". It is the intent of the Animal Board of the City of Grants, NM that enactment of this Ordinance will protect animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety, and welfare of residents and animals, assist in providing control of animals, and finance the functions of licensing and recovery of said animals within the City of Grants and surrounding areas within its jurisdiction.

**1-2 DEFINITIONS**

For the purpose of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. "Shall" is always mandatory and not merely directory. The masculine includes the feminine. The singular includes the plural, where appropriate.

- A. **Abandonment** – to desert deliberately and/or to relinquish the supervision or care of an animal.
- B. **Alteration** – to render an animal permanently sterile and incapable of reproduction.
- C. **Animal** – any dog, cat, or any vertebrate (excluding man).
- D. **Animal Control Division** – that division of the City Police Department, or the City's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.
- E. **Animal Control Officer (A.C.O.)** – that person duly appointed to the position by the City of Grants or the Chief of Police of the City of Grants or a police officer acting in such capacity.
- F. **Animal shelter** – a government-run facility that provides shelter to animals on a regular basis, including a dog pound; or a private humane society or a private animal shelter that temporarily houses stray, unwanted or injured animals through administrative or contractual arrangements with a local government; and does not include a municipal zoological park.
- G. **Bite** – a puncture or tear of the skin and/or flesh inflicted by the teeth of any animal.
- H. **Board or Animal Board** – the board of the City of Grants that is involved in animal welfare, humane animal practices, and involved with the City animal shelter.
- I. **Companion animal** – any vertebrate commonly kept as domestic pets; this excludes humans, those under the jurisdiction of the New Mexico Department of Game and Fish, and those under the jurisdiction of the New Mexico Livestock Board.
- J. **Consulting pharmacist** – the pharmacist whose services are engaged on a routine basis by a euthanasia agency and who is responsible for the distribution, receipt, and storage of drugs according to the state and federal regulations.
- K. **Disposition** – the adoption of an animal; return of an animal to the owner; release of an animal to a rescue organization; release of an animal to another animal shelter or to a rehabilitator licensed by the Department of Game and Fish or the United States Fish and Wildlife Service; or euthanasia of an animal.
- L. **Domestic livestock** – any of the large or small livestock, including, but not limited to horses, cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens, guinea fowl, ducks, turkeys, geese, quail, or pigeons.
- M. **Emergency field euthanasia** – the process defined by rule of the state board to cause the death of an animal in an emergency situation when the safe and humane transport of the animal is not possible.
- N. **Enclosed lot** – any parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected.
- O. **Estray (or "stray")** – any animal which is off and away from its home unattended and/or running at large within the City.
- P. **Euthanasia** – to produce the humane death of an animal by standards deemed acceptable to the NM state board as set forth in its rules.
- Q. **Euthanasia agency** – the facility licensed by the NM State and Veterinary Board that provides shelter to animals on a regular basis including a dog pound, a humane society or a public or private shelter facility that temporarily houses stray, unwanted or injured animals and that performs euthanasia.
- R. **Euthanasia instructor** – a euthanasia technician or veterinarian certified by the NM State licensing board to instruct other individuals in euthanasia techniques.
- S. **Euthanasia technician** – a person licensed by the NM State licensing board to euthanize animals for a euthanasia agency.
- T. **Exotic animal** – rare or different from ordinary domestic animals and not indigenous to the State of new Mexico, including skunks, llamas, birds of prey, wolf hybrids, and the offspring or wild

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animals cross-bred with domestic dogs and cats but not including parrots, toucans, or other tame and domesticated birds.

- U. **Fresh water/Potable water**- water that is free of debris and foreign materials, that is unfrozen and that is provided in a secure, tip-resistant container.
- V. **Humane** – characterized by compassion, sympathy of consideration, especially for the prevention of the suffering of an animal.
- W. **Impound** – the act, by an A.C.O., or police officer, of taking up and confining an animal within a shelter or other facility used by the City for the confinement of said animal.
- X. **Kennel** – any establishment or premises where dogs, cats, or other animals in numbers such as defined in Section 10-1 of this Ordinance are boarded, bred, kept, bought, sold, fostered, traded, let for hire, groomed or trained for a fee.
- Y. **Leash** – any chain, leather strap, or cord sufficient to hold under control the animal attached thereto while that animal is being walked outside of its owner's property boundaries. It shall be no longer than eight (8) feet, or twenty (20) feet for training purposes.
- Z. **Neuter** - to render a male animal permanently sterile and incapable of reproduction.
- AA. **Owner** – A person, who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about his premises.
- BB. **Premises** – a parcel of land owned, leased, rented, or controlled by any person, legal or natural. Such parcel of land may include a structure, and includes such items as kennels, houses, mobile homes, apartments, condominiums, and townhouses which are located on a parcel of land.
- CC. **Rabies vaccination** – the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the US Department of Agriculture, Bureau of Animal Industry, and State of New Mexico Rabies Act of 1959, given in amounts sufficient for one year of immunization or per veterinarian recommendation.
- DD. **Rescue organization** – an organization that rescues animals and is not involved in the breeding of animals.
- EE. **Run at large** – to be free of control beyond an enclosed lot or the premises, pasturage or vehicle of the owner.
- FF. **Shade** – any plant, area, or structure which provides complete shelter from the sun such that the animal's entire body is protected. This shade must be independent from the animal's

shelter structure and must be easily accessible by the animal.

- GG. **Shelter** – a structurally sound, fully enclosed, waterproof and weatherproof structure with walls, floors, and ceiling that are continuous and are of solid construction with no cracks, gaps, leaks or openings present except for a doorway covered by a flap or swinging door.
- HH. **Spay** – to render a female animal permanently sterile and incapable of reproduction.
- II. **Vaccination** – the protection provided against an infectious disease by inoculation with an antibody vaccine recognized and approved by the US Department of Agriculture and the Bureau of Animal Industry and given in amounts sufficient for the period of time approved for that type of immunization.
- JJ. **Veterinarian** – a person who is licensed as a doctor of veterinary medicine by the NM Board of Veterinarian Medicine pursuant to the Veterinary Practice Act, Section 61.14.1 et seq NMSA 1978.
- KK. **Vicious animal** – any animal which commits an unprovoked attack with a clear intent to harm upon a person or other animal on private property, or which terrorizes or attacks with a clear intent to harm a person on public property or in a public place.
- LL. **Wild animal** – Any animal that is wild by nature and cannot normally be domesticated or controlled. Those animals however well-trained, shall include but are not limited to:
  - 1. dog family (Canidae), all except domestic dogs, but including wolves and their hybrids (including wolf-dogs), foxes, and coyotes and their hybrids;
  - 2. cat family (Felidae), all except the commonly accepted domesticated cats, but including lions, pumas, panthers, mountain lions, bobcats, and ocelots and all hybrid cats;
  - 3. bears (Ursidae), including grizzly bears and brown bears;
  - 4. weasels (Mustelidae) all except the commonly accepted domesticated ferrets, but including the weasel, marten, mink, wolverine, badger, otter, ermine, and mongoose;
  - 5. raccoon (Procyonidae), including eastern raccoon, desert raccoon and ring-tailed cat;
  - 6. primates (Homidae)
  - 7. porcupines (Erthizontidae)
  - 8. venomous snakes
  - 9. venomous lizards, alligators, and crocodiles;
  - 10. Venomous fish and piranha.

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**ARTICLE 2: ADMINISTRATION OF ORDINANCE**

**2-1 ADDRESSING THE BOARD**

The Animal Board will provide a reasonable opportunity for persons attending an open meeting to address the Board on an agenda item. Any person with complaints, concerns, and/or suggestions regarding matters under the authority of this Animal Board may request to address the Board during the allotted time for presentation of public concerns. The request to speak shall be timely made and shall not delay or disrupt the Board's meeting.

**2-2 ANIMAL CONTROL OFFICERS**

- A. The Chief of Police is responsible for the administration of the provisions of this Ordinance. The Chief of Police may delegate any of his/her powers as defined in this ordinance to a duly appointed Animal Control Officers as he may deem expedient.
- B. The Chief of Police or the City of Grants shall appoint Animal Control Officers. The Animal Control Officers shall be concerned primarily with the health and safety of the citizens of the City as affected by animals and with the health and safety of animals within the City limits.

**2-3 AUTHORITY OF ANIMAL CONTROL OFFICERS; ISSUANCE OF CITATIONS**

- A. The City police officers and Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and state statutes regarding the care and control of animals, whenever there is probable cause to believe there exists a violation of this Ordinance and/or animal care and control statutes, and to perform such other duties as prescribed by the Chief of Police of the City.
- B. Animal Control Officers shall have the authority to investigate upon probable cause any alleged violation of this Ordinance or any law of the State of New Mexico which relates to the care, treatment, and control of animals and to the prevention of cruelty to animals within the Animal Control jurisdiction.
- C. Animal Control Officers, upon due notification to the owner or human occupant of premises to be entered, are authorized to enter onto and inspect premises and animals thereon within the City as necessary to perform their duties. "Due notification" is deemed to have occurred:
  - 1 if written notification of the need to inspect the premises and/or animals in question is posted on the premises entry door(s); or
  - 2 if the need to inspect is verbally communicated to the owner/occupant either face-to-face or by phone communication

such that the owner/occupant's identification is verified prior to inspection; or

- 3 If the owner or occupant of the premises objects to inspection or the A.C.O. or police officer is unable to verify that notification of inspection was received by the premises owner/occupant as defined under "due notification", then a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless there appears to the A.C.O. that probable cause exists of an emergency requiring such inspection. In such a case such that an emergency is deemed to exist, the A.C.O. must obtain an expedited warrant authorizing the inspection prior to entering the property in question; however, in such a case, the A.C.O. is not required to notify the premises owner/occupant prior to initiating the inspection of premises.
- 4 An "emergency" under this section of the Ordinance is defined as any situation where an animal is deemed to be in a life-threatening condition/situation or is deemed to be suffering from abuse such that performing the due notification process puts the life of the animal in question in danger because of time limitations. This subsection also applies to when humans are in immediate danger due to an aggressive or vicious animal.
- 5 An A.C.O. shall not enter onto the premises of the known owner for the sole purpose of taking up an animal which has been alleged, but has not been proven by the A.C.O., to be running at large by a person who is not an A.C.O. or police officer.

**ARTICLE 3: CONTROL AND IMPOUNDING PROCEDURES**

**3-1 IMPOUNDING OF ANIMALS; NOTICE REQUIRED**

- A. The A.C.O. or a police officer may take up and impound or cause to be impounded any stray animal found in the City, and any other animal found in violation of this Ordinance or state statute.
- B. As soon as practicable after the date of impoundment the Animal Control Officer shall notify the owner of such impoundment if the owner of such animal is not already so informed. If the owner is not known or if his address cannot be reasonably determined, the A.C.O. has no duty to give notice to the owner. In order for this duty to be waived, along with all other reasonable means of determining the identity and location of the animal's owner, the A.C.O. must first scan the animal for an implanted microchip using an

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acceptable universal microchip censor.  
Thorough scanning for a microchip must be performed at least four times prior to final determination of the disposition of the animal. Further, the A.C.O. must properly document the failure to find such a microchip implant.

**3-2 IMPOUNDING ESTRAYS ("STRAYS");  
NOTICE REQUIRED; REDEEMING  
ANIMALS**

- A. Notice
1. No person shall, without 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 (excluding Saturdays, Sundays, and business holidays) when such person has knowledge of or could reasonably discover the owner of such animal, without first reporting the possession of such animal to the owner or, if this cannot be done, to an A.C.O. This provision shall not preempt NMSA Section 77.18.1, et seq.
  2. Any person taking up an animal shall give notice of such animal retention to the owner if his identity can be reasonably determined and shall not refuse to immediately surrender such animal to the owner. If said person is unable to contact the animal's owner or care for the animal, the person must notify an Animal Control Officer of his possession of the stray animal and provide information on how the animal is to be cared for. However, the person in possession of the animal is in no way obligated to surrender the animal to the A.C.O. if lawful provision for the animal can be ensured by the possessor of said animal. The A.C.O. is then obligated to perform due process as described in this Ordinance to identify and contact the animal's owner.
- B. If an impounded animal is wearing a license or bears other identification tags or has a microchip implant, the animal shall be confined at an appropriate animal shelter pending notification of the owner or authorized agent, for a period of five (5) business days. This time period will commence at the exact time that the animal is impounded. Twenty-four hours after that initial impoundment time constitutes completion of day one.
- C. If an impounded animal lacks a license and no other form of identification of the animal is

found, including lack of a microchip implant, the City animal shelter will immediately advertise the presence of the animal (with a written description of the species, breed, color/coat pattern, gender and age of the animal, a photo if available, and where the animal was obtained by the City animal shelter) in the *Cibola Beacon* newspaper of Grants, NM and the *Gallup Independent* newspaper of Gallup, NM for at least a period of five (5) business days. This time period will commence at the exact time that the animal is impounded. Twenty-four hours after that initial impoundment time constitutes completion of day one.

- D. If an impounded animal is unclaimed after the period of time set forth in Sections 3-2(B) and 3-2(C) the City animal shelter will attempt, with good and appropriate vigor, to place the animal via adoption or via placement with an interested and qualified animal care shelter, sanctuary or other such organization. If the animal cannot be placed after good effort to do so has occurred for no less than fifteen (15) business days after the completion of the time period set forth in Section 3-2(B) and 3-2(C), the Animal Control Center may have the animal destroyed.
- E. Upon notification via certified mail with returned receipt, an owner or his notarized agent must redeem his animal within twenty-four (24) hours. The Animal Control Center must retain a copy of the aforementioned proof of certified mailing of notification. An exception can be made if there are extenuating circumstances that makes it extremely difficult or impossible for the owner to redeem the animal within this allotted time period. In such a case, the redemption period can be extended as agreed upon by the animal shelter and the owner. Any housing fees charged by the animal shelter shall be paid by the owner on redemption of the animal. Any animal not claimed by an owner within twenty-four (24) hours following notification or within the extended time period agreed upon between the shelter and the owner shall become the property of the City and may be impounded or adopted out at the discretion of the Animal Control Division.
- F. Any owner who claims an impounded animal must show proof of rabies shots and proof of neutering/spaying (when applicable) upon claiming said animal. If the animal was found stray, such owner may be cited by the A.C.O. If proof of current rabies vaccination cannot be produced, the owner of the impounded animal must vaccinate the animal within three (3) working days and furnish proof of such to the A.C.O. Failure to provide such proof within three working days may put the owner at risk of fees and/or penalties.

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- G. It shall be the responsibility of an owner to reimburse the City for animal boarding, vaccination, emergency veterinary costs, or other expenses incurred by the City or by a shelter under the provisions for any animal legally impounded as dictated by this ordinance. If the owner decides not to reclaim an impounded animal, the owner is still responsible to reimburse the City for the fees described in this subsection. In this case, the owner is responsible for all fees up to and including the date on which the owner relinquishes ownership of the animal to the City.
- H. The owner of an impounded animal may claim his animal by paying applicable fees to the City. An owner may elect to pay the fees under protest, request a hearing on the matter by accepting a citation from an A.C.O., appear at an arraignment at Court, and participate in a trial on the matter.
- I. If an impounded animal is certified by a licensed veterinarian as suffering because of sickness, injury or age, then it may be destroyed pursuant to Section 3-2 of this Ordinance, after the A.C.O. gives notice or attempts to give notice to the owner per the requirements of Section 3-2 of this Ordinance.

**3-3 ADOPTIONS OF ANIMALS**

- A. Upon City animal shelter's acquisition of ownership of an impounded animal by owner relinquishment of ownership or failure of an owner to claim said animal per Section 3-2 of this Ordinance, the City animal shelter may place said animal up for adoption.
- B. All individuals interested in adopting an animal must adhere to the following procedure:
1. Fill out an appropriate City animal shelter adoption application that includes at minimum the prospective adopter's full name, address of where the animal is to be kept, phone number.
  2. Sign an agreement that the animal will not be used for the purposes of breeding or sale and that an ACO may inspect the future residence of the animal prior to and any time after the adoption is approved.
  3. Sign an agreement to spay/neuter the adopted animal and pay applicable adoption, vaccination and neuter/spay fees.
- C. The City animal shelter must ensure that an adoptable animal (when appropriate) is vaccinated against rabies and has been neutered/spayed. Towards this end, the

adopting owner must provide proof of a spay/neuter and/or vaccination appointment with a qualified veterinarian to the City animal shelter within fourteen (14) days of animal adoption. Further the adopting owner must provide proof of successful spay/neuter and/or vaccination of the newly adopted animal within thirty (30) days of adoption, if an adult animal, or within six (6) months if the animal is an infant on adoption. If the owner fails to comply with these requirements, the City animal shelter has the right to confiscate and hold the animal.

- D. All persons who surrender an owned animal will not be able to adopt an animal from the City animal shelter for a year after the date of animal surrender

**3-4 DESTRUCTION OF ANIMALS**

- A. Destruction of impounded animals is deemed to be an act of last resort as defined by this section. Destruction of an animal may only be performed:
1. after attempts at identifying the animal and its owner have been made as per NMAC Section 16.24.3.8(B), and
  2. by utilizing one of the accepted forms of euthanasia as defined under NMAC Sections 16.24.6.8(E) and 16.24.3.8(O), and
  3. such that, as per NMAC Section 16.24.3.8(A), the euthanasia is only performed by a licensed veterinarian or a licensed euthanasia technician, and as per requirements of NMAC Title 16 Chapter 24 Part 3.
- B. If an animal which is impounded under Section 3-2 is not redeemed within the specified time period by its owner, or is not adopted out according to Section 3-4 or if it is suffering because of sickness, injury, or age such that the animal's condition is determined to be terminal in nature or of such poor prognosis that even with adequate medical care, the animal will be living in a prolonged state of pain and with a poor quality of life (as certified in writing by a documented examination of the animal that is performed by and signed by a licensed veterinarian), then it may be painlessly destroyed by euthanasia. The process of euthanasia shall be conducted by a licensed veterinarian or by a licensed euthanasia technician and be performed via an intravenous or intercardial injection of a dose of barbiturates or any other method deemed humane and painless by the veterinarian or euthanasia technician. Prior to this last resort measure being taken, the Animal Control Center must first exhaust all management aid options for the animal available from non-A.C.D. resources such as non-profit animal advocacy groups, etc.

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- C. Parvovirus Infections: According to this Ordinance, parvovirus infection is not considered a terminal illness as there are measures to cure and improve the health of an infected animal and its environment. As such, this diagnosis will not be considered adequate reason alone for destruction of an animal.
- D. Any animal which cannot be brought to an animal shelter because of the inability of an Animal Control officer to extricate or capture an animal which is, in the opinion of the A.C.O. vicious or shows clear evidence of infection with rabies or in any painfully terminal condition shall be destroyed by shooting by a Public Safety Officer at the direction of the Animal Control Officer.

**ARTICLE 4: OWNER'S DUTIES**

**4-1 RABIES VACCINATION**

- A. It is the duty of all persons owning a ferret, cat or dog (or any members of the canine or feline family) to have such animals vaccinated against the rabies virus. Every veterinarian who vaccinates an animal hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. This certificate 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 the vaccination, and the expiration date of the period of immunity.
- B. It is unlawful for the owner of any ferret, dog, cat or other members of the canine or feline family to fail to exhibit a certificate or tag of vaccination, upon demand, to any police officer or Animal Control Officer. An owner may be exempt from this requirement if he/she obtains a written statement allowing for this exemption signed by a licensed veterinarian.
- C. Although an owner retains the right to not vaccinate his/her canine, ferret, or feline, the owner will be liable for any and all applicable penalties, fines and damage costs incurred by any person or animal resulting from a bite by the unvaccinated animal. As such, it is strongly encouraged by the City that all canines and felines under ownership be vaccinated regularly against rabies.

**4-2 RABID ANIMALS**

Any animal that has rabies or shows signs of having rabies, and any animal bitten by another animal afflicted by rabies or that has been exposed to such a rabid animal shall be confined at once in a secure place by the owner. A person who knows or has reason to know that any

animal is infected with rabies or an unvaccinated animal has been exposed to rabies shall immediately notify an Animal Control Officer of the place where the animal is confined or can be found. An animal exposed to rabies or is suspected to have rabies may be required to be confined on the owner's premises for a minimum of ten (10) days, until it is determined by an A.C.O. that there are no symptoms of rabies. The owner of the said animal shall surrender said animal to the Animal Control Officer upon demand. The A.C.O. shall then deal with the rabid animal pursuant to state law. If the owner fails to properly confine said animal per A.C.O. standards, the A.C.O. may immediately impound the animal until the ten (10) day period is completed. All resulting impoundment costs will be payable by the owner.

**4-3 ANIMAL BITING A PERSON**

- A. The owner of an animal that bites a person and the person bitten by an animal shall both report that occurrence to an Animal Control Officer within twenty-four (24) hours of the occurrence. A vaccinated animal may be confined for a minimum of ten (10) days on its owner's premises during this time of observation providing that ability to properly confine the animal is confirmed by the A.C.O.
- B. The owner of the animal shall bear the cost of confinement. The A.C.O. may consent to confinement on the owner's premises, but only if the owner can produce evidence of 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 the A.C.O. A person who has custody of an animal that has bitten a person shall immediately notify the animal control officer if the animal shows signs of sickness, or abnormal behavior. The A.C.O. shall regularly personally inspect the animal at least every four (4) days of confinement to confirm the absence or presence of any signs of illness in the animal.
- C. If an offending animal, whether it is rabies vaccinated or not vaccinated, has a history of three (3) or more human bite offenses, the owner will automatically lose any rights of redemption of the animal and the A.C.O. is required to destroy the animal as soon as practicable.
- D. If an offending animal is found to be unvaccinated for rabies or the owner cannot produce proof of an up-to-date vaccination, the City animal shelter is required to confiscate the animal and place the animal under quarantine for at least ten (10) days. The owner must claim the animal within three (3) days after the completion of the quarantine time period. After that time-period, the City animal shelter is allowed to destroy the unclaimed animal. The owner is responsible for paying all fines and

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fees associated with lack of rabies vaccine and boarding of the animal during quarantine.

- E. A physician who renders treatment to a person bitten by an animal shall report the fact that he has rendered such treatment to an Animal Control Officer within twenty-four (24) hours of his first professional attendance to the bite wound. The physician shall report the name, sex and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and the other facts that may assist the Animal Control Officer in ascertaining the immunizations status of the animal.

**4-4 RESTRAINT OF ANIMALS**

- A. All persons owning or having charge, custody or control of any animal shall keep such animal restrained to prevent damage or harm to people and property. Violation of this section may subject said owner or keeper to a fine.
- B. When an animal is off its owner's premises, it must be under leash or under control of the owner. "Control" includes the case of an animal who responds to sound commands or comes to its owner on command. The owner of an animal shall not allow it to run at large or create a nuisance on another's property, be it public or private and whether inside or outside of a residence structure, including entering onto lawns, driveways, walk-ways, places of recreation, or amusement parks. The term "nuisance" shall include defecation or urination. Violation of this section may subject the animal's owner or keeper to a fine.
- C. Any animal trespassing upon private or public property shall be deemed automatically not to be under the immediate control of the owner or his designee and the owner shall be in violation of Sections 4-4A and 4-4B, and subject to penalties.

**ARTICLE 5: PROHIBITED ANIMAL ACTIVITIES**

**5-1 ANIMALS RUNNING AT LARGE**

It is unlawful for any owner to allow or permit any animal to run at large. 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 may be taken up and impounded as provided in Section 3-1 et seq. In addition, its owner may be subject to administrative fees and criminal penalties.

**5-2 WRITTEN COMPLAINT REQUIREMENT**

For any alleged violations of this section 5, an A.C.O. may require, before any further action or investigation, a written or phone complaint to be submitted to an A.C.O. or a officer of the Chief of Police. The complaint should include a A.C.O provided reference case number, a full description of the alleged violation, the name and address of the individual submitting the complaint and, if available, the owner who is in such violation.

**5-3 VICIOUS ANIMALS**

- A. It is unlawful for any person to keep or harbor a known vicious animal in the City. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that the animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 or this Ordinance. This act by the court is in addition to any fine or imprisonment which may be imposed for violation hereof.
- B. Any animal proved to have attacked or destroyed another animal(s) without provocation will be considered a vicious animal subjected to all fines and penalties, including impoundment, available hereunder or otherwise available at law.

**5-4 ANIMAL DISTURBING THE PEACE**

- A. It is unlawful for any owner to allow any of his animals to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of the inhabitants of the City, or to keep or maintain on his premises any animal in such a manner as to disturb others by noxious or offensive odors, or otherwise endanger the health, safety, and welfare of the inhabitants of the City. Such noise will be deemed persistent or continuous if, during a ten-minute period, the noise is discerned in each of the ten one-minute intervals.
- B. Violations of this section shall constitute a nuisance and may subject the owner to fees and/or penalties.

**5-5 ANIMAL NUISANCES ON SIDEWALKS, PUBLIC PARKS, ALLEYS, AND OTHER PLACES OPEN TO THE PUBLIC**

The term nuisance shall include any defecation or urination or destruction of property. 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 the following structures:

- a sidewalk,
- in a public park;

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- upon the floor or wall or any common wall or common hall in any dwelling – multiple or otherwise,
- entryway, stairway, or wall immediately abutting on a public sidewalk;
- upon the floor or wall of any theater, shop, store, office building, or other building used in common by the public; or
- upon any private property other than that of the animal owner.

When an animal defecates in a public place, the owner must remove the feces and dispose of it in a sanitary manner.

**5-6 EXCEPTIONS TO SECTION 5**

- A. Animals trained to assist the handicapped, including blind or deaf persons, shall be allowed in public places and it shall be unlawful for any person who owns, operates, or maintains any public place of business or conveyance into which the general public is invited to debar or exclude therefrom any animal which has been trained to assist the handicapped, provided such animal accompanies the handicapped person it was trained to assist.
- B. Such animals that assist the handicapped defined herein are otherwise subject to the prohibitions defined under Sections 5-1, 5-3, 5-4, and 5-5 herein.

**ARTICLE 6: CRUELTY TO ANIMALS PROHIBITED**

Failure of an animal owner to meet the requirements of this section may result in administrative fees and/or criminal penalties.

**6-1 PHYSICAL ABUSE**

It is unlawful for any person to willfully kill, beat, sexually abuse, maim, poison, stab, shoot, disfigure, burn, or scald any animal, or to attempt to kill, or poison any animal except that reasonable force may be employed only to drive off vicious animals. The taking of wild animal(s) by legal permit is excluded.

**6-2 MOLESTING ANIMALS**

It is unlawful for any person to tease, annoy, disturb or molest any animal.

**6-3 WORK CRUELTY**

It is unlawful for any person to drive or work any animal cruelly. This can be determined by consideration of the animal's breed, species, and sound physical structure and condition.

**6-4 CARE AND MAINTENANCE**

- A. It is unlawful for any owner of an animal to fail, refuse, or neglect to provide said animal daily with fresh food, fresh drink, shade, shelter and ventilation to ensure said animal's health and well-being. Any animal habitually kept outside shall be provided, by its owner, with a structurally sound, weather-proof enclosure large enough to accommodate the animal in a manner suitable for that species, or other shelters suitable to the species.
- B. An owner must keep the premises where an animal is kept free of garbage, hazardous material, feces, insect infestation, and other debris which may endanger the animal's health and safety.
- C. An owner must provide an injured or sick animal with proper veterinary care to reduce its suffering.
- D. Violations of this section of the ordinance are punishable by fines and/or any punishment to the maximum set forth hereunder or under other applicable law.

**6-5 UNCARED-FOR ANIMALS; ABANDONMENT**

- A. Whenever an Animal Control Officer finds that any animal is without proper care because of injury, or of illness, or because of lack of food, water, and/or shelter, or as the result of the extended or unreasonable absence of the owner or persons responsible for the care of such animal, the ACO may enter onto the property or premises where said animal is located and may take up such animal for protective care. In the event of sickness or injury of the animal, the Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal. If immediate destruction of the animal is determined to be required, the A.C.O. must first make reasonable attempt to locate and contact the animal's owner to inform the owner of the decision prior to destruction of the animal, per the owner notification requirements detailed in this Ordinance.
- B. It is unlawful for any person to willfully abandon any animal anywhere.

**6-6 INJURY TO ANIMAL BY MOTORISTS**

- A. Every operator of a motor vehicle or other self-propelled vehicle upon the streets and ways of the City shall immediately upon hitting, striking, maiming, or running down any animal, give aide as is reasonable to render to the animal. In the absence of the owner, said operator shall immediately notify an A.C.O., furnishing sufficient facts relative to the incident to identify the location of the injury, type of animal injured, and the name and address of the motorist striking the animal. It is the duty of such operator to remain at or near the scene for a reasonable length of time or until such time as the appropriate authorities arrive, unless

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permission is granted from those authorities to leave the scene. Said operator must first provide his name, address, and other relevant information as requested by the appropriate authorities prior to leaving the scene

- B. Any animal struck by a motor vehicle as provided herein shall be deemed an uncared-for animal within the meaning of Section 6-5 above.
- C. Emergency vehicles in the course of emergency duty are excluded from this provision with the exception of reporting the incident.

**6-7 KEEPING DISEASED OR PAINFULLY DISABLED ANIMALS**

**NOTE:** *This section shall not be construed to include animals receiving veterinary care.*

It is unlawful for any person to have, keep, or harbor any animal which is afflicted with any incurable disease or is in a painfully crippling condition that is not actively under the care of a veterinarian to ensure maximization of the comfort of the animal, except as hereinafter provided. The Animal Control Officer may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be placed to an appropriate individual or organization, or may be destroyed humanely as soon thereafter as is practicable. In the case of destruction of such animal, the Animal Control Officer shall be required to give any of the aforesaid notices to the owner as provided in this Ordinance.

**6-8 INTENTIONAL ANIMAL FIGHTS**

It is unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

**6-9 ANIMALS ON UNENCLOSED PREMISES; RESTRAINED ANIMALS**

- A. It is unlawful for any persons at any time to restrain any animal by way of the use of a chain with or without a stake except in the case of walking an animal utilizing an appropriate chain leash and collar. It is unlawful to restrain any female animal in heat in unenclosed premises at any time. Where circumstances warrant and no other alternative exists for confining an animal on its owner's property, a rope, cable, tether or trolley system may be used to restrain the animal, **only when** the following criteria are met:

- 1. When affixed to the animal by use of a non-abrasive, comfortably fitted harness or pet collar.

- 2. When it is at least twenty (20) feet in length unless such length allows the animal to enter into another's property. In this case the restraint shall be no less in length than the maximum span available of the enclosure that will prevent the animal from trespassing on another's property or twelve (12) feet in length, whichever is longer.
- 3. Must be unobstructed by objects which might cause the animal to become entangled.

- B. In unenclosed premises, the following living conditions must be maintained:
  - 1. The animal must have easy and constant access to shelter, food, and fresh water to ensure the animal's health and well-being.
  - 2. The area where the animal is confined must be kept free of garbage, feces, or other debris that may endanger the animal's health and safety.
  - 3. The area where the animal is confined must be kept free of insect infestation such as ant hills, wasp nests, flea, tick, and maggot infestations.
  - 4. The animal must be tied reasonably near the owner's residence or workplace and must not be left unattended for longer than a twelve (12) hour period.
- C. Where an owner maintains an invisible fence (i.e., an electrical device designed to contain animals wearing an appropriate collar within a confined area), which is in operation at all times that a dog is outdoors within the invisible fencing on the owner's premises, and where each owner's dog on the premises wears the applicable collar, then the provisions of Section 4-4A shall not apply, provided that the invisible fence does, in fact, retain the dog on the owner's premises.
- D. Violations of these requirements will constitute an act of neglect/cruelty, will subject the animal to immediate impoundment, and may subject the owner to administrative fees and/or criminal penalties.

**6-10 ANIMALS TRANSPORTED OR LEFT IN VEHICLES**

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. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal. During hot weather conditions, an A.C.O. or police officer may immediately remove an animal from a vehicle and take it into protective custody, at the cost assessed to the

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owner. Violations of this section may constitute an act of cruelty/neglect and may subject the owner to administrative fees and/or criminal penalties.

**6-11 BIRDS**

It is unlawful for any person to confine any bird unless provisions are made for the proper feeding and the furnishing of water to such bird at intervals of no more than twenty-four (24) hours. No person shall confine any bird in a bird cage or other enclosure, which does not permit each bird confined therein to stand in a naturally erect position. No person shall confine any bird in a crate or box unless doing so is for the safe and immediate transportation of the bird or if the person is certified to hold the animal in such a manner, such as in the case of a certified avian expert. Further, the enclosure must allow the bird the ability to fully extend wings and limbs as well as freely move about the enclosure. Such enclosure must be kept clean of feces/bird droppings, garbage and other debris such that the safety of the bird and its good health may be maintained.

**6-12 FALSE REPORTS PROHIBITED**

It is unlawful for any person to make a false report to a police officer or an A.C.O. regarding any animal in danger or stray or regarding any supposed violation of this Ordinance.

**6-13 SCOPE OF SECTION: VIOLATIONS**

- A. Three or more violations of any combination of Section 6 offenses shall constitute an act of cruelty. A repeat offender shall be deemed guilty of a misdemeanor, punishable by fines or and/or imprisonment as allowed by law.
- B. In cases of repeat offenders under this section 6, an A.C.O. shall have the authority impound any animal subjected to cruelty, neglect, or abandonment. The animal may not be returned to its owner before a hearing in Municipal or Magistrate Court if, in the opinion of the A.C.O., the harm to the animal is severe and likely to recur.
- C. In cases of repeat offenses for animals subjected to cruelty, neglect or abandonment, the A.C.O. may have such animal adopted to another owner, thereby extinguishing all property rights of the existing owner, provided the A.C.O. serves written notice upon the existing owner three (3) business days prior to adoption in order to maintain ownership of the animal and to object to the adoption, and to pay all impoundment, boarding, and veterinary costs, up to the date of the owner's declaration of intent to maintain his ownership of his animal. This intent must be stated in writing, signed by the animal's owner, and delivered to the animal

shelter keeping the animal. The statement of intent and payment of fees and costs will serve to stop any animal adoption proceedings until a decision is rendered by the applicable court.

**ARTICLE 7: WILD OR EXOTIC ANIMALS; GUARD DOGS**

**7-1 KEEPING OF WILD OR EXOTIC ANIMALS**

- A. No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations, or by the State of New Mexico, 17-3-22 NMSA 1978, as amended.
- B. No person shall keep an animal which is wild, vicious, dangerous, noxious, or naturally inclined to do harm, except in a licensed sanctuary, zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, or educational facility as long as proper and lawful protection devices shall be provided to prevent animals from escaping or injuring the public.
- C. Any provision of this Ordinance to the contrary notwithstanding, no person shall receive, own, or keep a wild or exotic animal within the limits of the City, without first applying for and receiving from the A.C.O. an annual permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved. The Animal Control Officer is permitted to enter the premises of the permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this ordinance. The A.C.O. may deny, revoke, or suspend a permit [or failure to comply with this section]. This permit shall be renewed annually, at a cost set forth in Appendix A.

**7-2 ANIMALS USED FOR ENTERTAINMENT**

Owners of animals used in exhibits, circuses, rodeos, and animals otherwise used for entertainment purposes must comply with all provisions of this ordinance.

**7-3 GUARD DOGS**

Anyone using or keeping a dog for the sole purpose of guarding a property, and neither as a pet nor for hunting uses, must follow all applicable provisions of this Ordinance:

- A. The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large.
- B. If tethered, the animal must be located within 10 feet of the entrance of the building to be guarded and tethered in such manner as set forth in Sections 6-9A 1-6 (Restrained Animals).
- C. The owner of the guard dog shall post warning signs prominently on all sides of the premises and

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on the entryway to the premises, stating that a guard dog is on the premises.

**ARTICLE 8: DEAD ANIMALS**

**8-1 DISPOSAL**

- A. Within twenty-four (24) hours of death of an animal, the owner shall dispose of the carcass by burial at least three feet underground in a suitable location as defined by current and/or future state statutes or by cremation via a legally certified cremation facility. If other means are desired by an owner to dispose of an animal carcass, approval must first be obtained from the A.C.O. or appropriate legal entity.
- B. At his discretion, the A.C.O. is authorized to pick up and dispose of all dead animals immediately upon discovery or notification.
- C. The A.C.O. is not responsible for the removal or disposal of domestic livestock, wild animals, or animals killed on interstate highways, state, or county roads.
- D. At the request of the owner, an A.C.O. may, at his own discretion, given the constraints of City resources, pick up the carcass of dogs and cats from the homes of the owners who are residents of the City.
- E. An animal carcass picked up under this section of the Ordinance shall be disposed of by the City in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the residents of the City and in such a manner as to minimize expense to the Animal Control Division and the City.

**ARTICLE 9: TAMPERING**

**9-1 BREAKING INTO ENCLOSURES**

Any person who shall in any manner break into or aid, directly or indirectly, in breaking into the enclosure in which any animal is impounded or kept under authority of an A.C.O. or police officer shall be guilty of a petty misdemeanor.

**ARTICLE 10: REGULATIONS FOR KENNELS, GROOMING PARLORS, PET SHOPS, PET SHELTERS, AND HOBBY BREEDERS**

**10-1 PERMITS; STANDARDS; REVOCATION OF PERMITS**

- A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premises of any one business property more than four (4) domestic, non-livestock animals unless the owner or person in charge thereof has obtained the permit to operate

a kennel for five (5) to ten (10) animals or more than ten (10) animals, as applicable, from the Animal Control Division as described in Appendix A. Puppies and kittens shall not be counted toward the maximum number of animals on the Owner's premises until after they have reached the age of twelve (12). It is the responsibility of the Animal Control Division to process and provide licensure in a timely fashion, and the owner will in no way be held liable for any delays due to failure of the Animal Control Division to process an application.

- B. The cost of obtaining a kennel license is set forth in Appendix A. The kennel license shall be issued annually, and shall be renewable during the anniversary month of the originally issued license and shall expire on the last day of the anniversary month.
- C. Exemptions:
  - 1. Non-residents, who keep 3 or more animals within the confines or the boundaries of the City for less than ninety (90) consecutive days shall be exempt from this section, provided, however, that all other provisions of this Ordinance are complied with.
  - 2. Kennels holding guide dogs will be licensed by the City at no charge.
  - 3. Veterinarians
  - 4. Non-profit 501(c) 3 animal shelters, animal humane societies, fostering individuals/homes or animal rescue groups are exempt from any kennel licensing fees; however these groups and organizations are still required to obtain a kenneling license if appropriate. Further, any animal foster individuals or homes must have current proof of registration as a foster provider with a qualified 501(c) 3 organization to be eligible for licensing fee exemption status.
- D. No kennel license shall be issued until an inspection of the kennel by an A.C.O. confirming kennel compliance with this Ordinance has been completed.
- E. The A.C.O. is authorized to inspect, at any reasonable hour once a quarter each calendar year, any kennel holding a license to operate. By accepting a kennel license, the permittee is agreeing to surrender the kennel for inspection upon the request of the A.C.O.
- F. All animals licensed under a kennel license must be provided with shelter, provender, and care as outlined in this Ordinance.
- G. If kennels are used to house animals by a owner with a kennel license, all kennels, as defined herein, shall, in addition to the other provisions of this

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Ordinance, comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial or revocation of a permit. The following standards must be met:

1. Animal enclosures must be provided which ensures protection against all weather extremes.
  2. Building temperatures, ventilation and lighting shall be maintained at a level appropriate to the needs of the species and breed.
  3. Each animal shall have sufficient space to stand up, lie down and turn without touching the sides or tops of cages. If the animal resides in the kennel continuously for more than four (4) hours at a time, the kennel shall have sufficient space to allow the animal to make five (5) paces normal to the gait of the animal in both the length and breadth directions of the enclosure. Runs shall have an impervious surface.
  4. Cages are to be constructed of materials that can be cleaned and disinfected. Cages are to be of an impervious material, radiantly heated, and shall have a raised bed or some kind of bedding. Cages shall be cleaned of all feces, urine, and debris daily.
  5. Animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
  6. All animals shall have fresh potable water available at all times. Water vessels shall be mounted or secured in a manner that that prevents tipping and be of removable type to allow for proper cleaning.
- H. All kennels must be in compliance with other applicable law, including without limitation the zoning requirements of the City of Grants Land Use Code. Any permit issued pursuant to this section may be revoked if an A.C.O. has a reasonable cause to believe the standards set forth in this section are not being met, or if the permittee or the person caring for or having control of the kenneled animals has violated any section of this Ordinance or is in violation of any zoning, health and safety, or building ordinance relating to the keeping, care or use of any animal.

**ARTICLE 11: PENALTY; GRACE PERIOD; RESTITUTION; SAVINGS CLAUSE**

**11-1 PENALTY CLAUSE**

Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, may be subject to fine(s) and/or imprisonment to the maximum allowable by law and at the discretion of the Court. Each day this Ordinance is violated may, in certain cases, be considered a separate offense.

**11-2 GRACE PERIOD**

Any violations existing upon the effective date of this Ordinance have a grace period of thirty (30) days to permit the persons to comply with all provisions herein.

**11-3 RESTITUTION**

Notwithstanding any of the foregoing, in the event an animal damages property, whether public or private, or causes injury to any person or animal, and such damage or injury is found to have been an element of the violation of any provision of this Ordinance, any court of competent jurisdiction may, at its discretion, require the defendant to make restitution within a reasonable time, to the victim of said damage or injury.

**SAVINGS CLAUSE AND REPEAL PROVISION**

If any sections, subsections, sentences, clauses or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not hereby be affected since it is the express intent of the City Council to pass each section, phrase, paragraph, and word separately. Ordinances 350 and 390 are hereby repealed. Where this Ordinance imposes greater restrictions than those imposed by other remaining rules, regulations, easements, covenants, agreements, or City ordinances or resolutions, the provisions of this Ordinance shall control, and all remaining ordinances in conflict herewith are hereby repealed to the extent of the conflict.

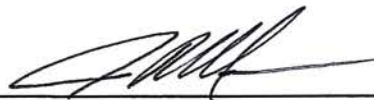
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**APPENDIX A**

**Kennel Licensing/Permit.**


- |  |         |
|--|---------|
| a. To operate a kennel able to house 5 to 10 animals (per year)      | \$25.00 |
| Puppies and kittens up to 12 weeks will not be counted               |         |
| c. To operate a kennel able to house more than 10 animals (per year) | \$25.00 |
| d. To operate any other kennels (per year)                           | \$25.00 |
| e. To keep an exotic animal  | \$20.00 |
| f. Late Penalty/No Kennel License                                    | \$15.00 |

**Passed, Approved and adopted on this 26th day of February, 2013.**



J. R. Murrietta, Mayor

ATTEST:

  
Denise M. Baca, City Clerk