

## 2.1.5 ANIMAL CONTROL

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### 2.1.5 (A) Definitions

1. "Abandon" means to give up possession of, to neglect, to forsake an animal entirely, or to refuse to provide or perform the legal obligations for the care and support of an animal, by its owner.

2. "Animal" (for the purposes of this ordinance) means ~~any vertebrate member of the animal kingdom excluding man.~~ is a domesticated dog or livestock but not a cat.

3. "Animal at large" means any an unrestrained animal that is seen or seized off the premises of the owner and not under the direct control, custody, charge or possession of the Owner.

4. "Animal Control Officer" means any person(s) designated by the municipality as responsible for the execution of this ordinance, which may include the Chief of Police or his designated representative.

5. "Animal destroyed" means the administration of an agent which shall cause the death of an animal. Such method shall not destroy brain tissue necessary for laboratory examination for rabies.

6. "Animal Shelter" Holding Facility" means the establishment authorized by the municipality for the care and custody of impounded animals.

7. "Bite" means the puncture or tear of the skin inflicted by the teeth of an animal

8. "Confined" means the restriction of an animal at all times by an owner to an escape-proof building or other enclosure away from other animals and the public.
9. "Department" means the police department of the Town of Carrizozo, and its animal control officers.
10. "Domesticated animal" means an animal which is commonly kept as a pet, and which bears the appearance and mannerism of one which has, or has had, an owner in the past.
11. "Exotic animal" means an animal which is rare or unique and different from ordinarily domesticated animals.
12. "Impound" means the assertion of authority in the name of the Town of Carrizozo to seize, detain and dispose of animals ~~unrestrained running at large,~~ or pursuant to the authority of the Town to take measures to protect the health, safety and welfare of the Town.
13. "Impounding facilities" means any animal control center, pound, animal shelter, kennel, veterinary hospital, lot premise or building maintained or contracted by a municipality or county for the care and custody of animals.
14. "Incident" means a single occasion, involving a single animal, which amounts to a violation of this ordinance, and which creates a nuisance or threatens or causes injury to a person or another animal, or which causes damage to property.
15. "Isolation" means the confinement of an animal in an escape proof run or cage so that there is no possibility of direct contact with other animals or humans.
16. "Kennel" means any establishment or premises where five or more mature (6-months old or older) animals are kept or boarded for others.
17. "Livestock" means all domestic animals of the following genera: equine, bovine, ovine, caprine and porcine, ~~and galliformes.~~
18. "Loose" means an animal off the premises of its owner, identified either by citizen reports or law enforcement investigation. See also "animal-at-large"~~Unrestrained~~
19. "Owner" means a person who owns, harbors, keeps, or knowingly permits an animal to be harbored or kept, anywhere, or who knowingly permits an animal to remain on his premises, or, if that person is under the age of eighteen, that person's parent or guardian.

20. "Person" means any individual, household, firm, partnership, corporation, society, association and every officer, agent or employee thereof.
21. "Premises" means any individually taxed parcel of land and the structure(s) thereon, or any individual residential rental unit, within the Town of Carrizozo.
22. "Proper Enclosure" means secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object.
23. "Quarantine" means the strict containment of all animals specified in the order of the Chief of Police, upon the private premises of the owner, or under restraint by leash, or within a proper enclosure, and shall include other measures ordered by the Chief of Police to control the spread of rabies.
24. ~~"Running at large" means to be free of physical restraint beyond the premises of the owner.~~  
~~"Restraint": An animal is under restraint within the meaning of this ordinance if it is (1) controlled by means of a chain, leash, or other like device; (2) on or within a vehicle being driven or parked; (3) within a secure enclosure; or (4) within a dwelling, house of the owner. Voice commands and electric "shock" devices are not considered forms of restraint.~~
25. ~~"Service Animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability~~  
~~See definition by the Americans with Disabilities Act <https://www.ada.gov/resources/service-animals>~~
26. "Shelter" means any condition of confinement that provides adequate space for an animal, is safe and provides each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat and cold, prevents physical suffering and impairment of health: it is properly cleaned and provides each animal to be clean and dry and provides for a solid surface on which animals can freely access food and water.
27. "Stray animal" means any animal running at large. ~~Unrestrained.~~
28. "Vaccination" means the injection of an approved rabies vaccine or other vaccines by or under the supervision of a licensed veterinarian.
29. "Veterinarian" means a person with a doctor of veterinary medicine degree licensed to practice veterinary medicine in the state of New Mexico.
30. "Vicious animal" means any animal which at any time without provocation shall bite, attack or injure any person who was peacefully conducting himself where he lawfully may be, or which attacked another animal, or which damaged personal or public property, whether under an owner's care and control, or not.
31. "Wild animal" means any animal which is wild by nature and is not normally domesticated or controlled.

## 2.1.5 (B) ADMINISTRATION OF ORDINANCE

1. **Responsibility:** The Chief of Police is primarily responsible for the administration of this Ordinance. The Chief of Police may delegate some responsibilities to a designated animal control officer or officers. Rules, Regulations, Policies and Procedures as prescribed by the Governing Body may further delineate the intent and purpose of the Ordinance.
2. **Enforcement:** The Chief of Police or his/her designated agent(s) shall have the authority to issue citations for violations of this Ordinance, to record images of, or impound animals **unrestrained** and which pose danger to the Town, and to perform such other duties as may be prescribed by the Governing Body.
3. The Town of Carrizozo is not responsible for making a definitive determination of the ownership of an animal, and has no affirmative duty to pursue nor seize an animal known to be **unrestrained**. The Town of Carrizozo is not responsible for the disposition of an animal which is transferred to the Humane Society, to another similarly-suitable shelter, or to a licensed veterinarian.

## 2.1.5 (C) ANIMAL LICENSING:

1. **Licensing:** An Animal License must be obtained from the Police Department by any animal owner for each animal in his/her possession which is six (6) months of age or older. The License shall be issued reflecting the name and address of the owner(s), the animal's Rabies Vaccination Expiration Date and a description of the animal. No animal shall be licensed without proof of current Rabies Vaccination. Owners shall be given a copy of this Ordinance at the time of licensing.
2. **License Fees:** The License Fee shall be based on the duration of the Rabies Vaccination of the animal being licensed. A One Year Rabies Vaccination carries a Fee of \$6.00 for spayed or neutered animals, and \$10.00 for animals not spayed or neutered. A Three Year Rabies Vaccination carries a Fee of \$15.00 for spayed or neutered animals, and \$25.00 for animals not spayed or neutered. License Fees are due and payable on March 1<sup>st</sup> of each calendar year with no proration of any fraction of the licensing period.
3. **Tags:** A current Rabies Tag issued by a veterinarian, and a current Town Tag issued by the Police Department upon licensing the animal, shall be affixed to the collar of the licensed animal at all times, except when an animal is being kept in an approved kennel, veterinary hospital, or training class. The original current License, Rabies Certificate, and Tags shall be maintained by the animal's owner and shall be made available for inspection upon request by any person charged with the enforcement of this Ordinance.

4. Lost Tag: In the event the original License and/or Tag is lost, the owner may obtain a duplicate License and/or Tag from the Police Department at a cost of \$5.00 each.

#### 2.1.5 (D) PROHIBITED ACTIVITIES

1. Unlicensed animals. It is unlawful for any person to keep any animal within the Town limits unless the animal has been vaccinated for rabies and properly licensed.

2. False and/or Stolen Documents: It is unlawful for any person to transfer any license or rabies tag from one animal to another, or to make use of a stolen, counterfeit, or forged license, certificate, or tag.

3. Excess of Dogs. It is unlawful for any person to keep more than four mature dogs on any one premises, commercial or residential. Kennels are not authorized.

4. **Dog At Large/Livestock at Large/Restraint Requirements** ~~Animals running at large. It is unlawful for any owner to have an animal under his/her care run at large in the Town of Carrizozo.~~ It is unlawful for a person to allow or permit any dog or livestock to be unrestrained in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the town or private property without the permission of the property owner and without proper restraint.

A. Physical restraint. A person owning or having charge, custody, or care over an animal shall keep the animal under humane physical restraint at all times.

B. Dragging; hobbling. A person shall not hobble an animal, or tether or attach any animal to any object that can be dragged or moved by the animal. Such an animal, if not otherwise restrained by a secure tether or enclosure, shall be considered by the animal control officer to be unrestrained. This shall not apply to livestock animals being properly used for work purposes.

C. Owner's premises. A person owning or having care, custody, or control over an animal on his or her premises shall restrain the animal either by a secure enclosure or by immediate control.

i All pens, kennels, stalls, corrals, or other enclosures used to restrain an animal shall be continuously maintained with preservatives, fasteners, and other materials to prevent deterioration and animal escape. Substantial and acceptable locking or latching devices shall be installed on all gates and doors to animal enclosures in such a

manner as to be inaccessible to animals and small children in order to prevent animal escape and unauthorized entry.

- ii A person owning or having care, custody, or control over a dog on his or her premises may use a tether as a temporary means of restraint only.
  - a. A person shall not tether a dog in an unenclosed area where people or other animals are able to wander into the proximity of the tethered dog.
  - b. A tether used to restrain a dog shall be at least 12 feet in length. Such tether shall not enable the animal to reach beyond the owner's property.
  - c. A tether used to restrain a dog shall be affixed to a properly fitting collar or harness worn by the dog. A person shall not wrap a chain or tether directly around the neck or other body part of a dog.
  - d. A tether used to restrain a dog shall not weigh more than one-eighth of the animal's body weight. The tether weight shall include any additional objects attached to the dog or tether, such as locks or fasteners.
  - e. A tether used to restrain a dog shall have working swivels on both ends and shall be fastened so that the animal may sit, walk, and lie down using natural motions. Such tether shall be unobstructed by objects that may cause the tether or animal to become entangled or strangled.
  - f. In all cases, a tethered dog must be able to reach a container with water in it at all times.
- iii Fences to be provided for a livestock enclosure shall be species appropriate. For use in conjunction with stud stalls, such fences shall be maintained to adequately keep the animal from escaping the enclosure or fence line.
- iv A person owning or having care, custody, or control over a venomous reptile shall restrain the animal to the owner's premises by a secure locked cage.



any multiple dwelling unit, including mobile home parks and gated communities, shall not permit or authorize any animal to be unrestrained upon the common areas of the multiple dwelling unit, except upon such areas and within such enclosures specifically designated for such activity.

G. Exceptions.

- i A working dog that is under the control and supervision of the owner or handler performing such acts as herding, search and rescue, or police work shall not be considered as unrestrained while performing or being trained for such duties.
- ii A hunting, tracking, or show dog that is under the control and supervision of the owner or handler shall not be considered as unrestrained while performing in or being trained for those capacities.

5. Nuisance: It is unlawful for an owner to allow any animal to persistently bark, howl, or make other noises, or for an owner to keep or maintain any animal in such a manner as to disturb or otherwise jeopardize the mental or emotional health and general welfare of the human inhabitants of the Town. It is further unlawful for an animal to defecate upon public property or upon any private property other than the property of the owner of the animal, without the owner of that animal thoroughly and immediately removing and disposing of the feces. It is also unlawful for an owner of an animal to allow that animal's fecal and urinary wastes to accumulate on the owner's property to such an extent that they jeopardize the health or general welfare of the human inhabitants of the Town.

~~No owner or keeper shall have a dog or cat stray, or in any manner to run at large in or upon any public property or the property of another without the permission of the property owner, unless the animal is leashed or otherwise under the direct control of the owner or keeper. Any animal found running at large is declared to be a nuisance and a menace to public health and safety and the owner(s) of such animals may be cited accordingly and such animals may be taken up and/or impounded.~~



6. Cruelty to Animals:

a. Physical Abuse: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or to cruelly drive or work or otherwise cause physical or emotional pain or agony to any animal, except when such force may be required by the Animal Control Department to subdue or control a vicious or wild animal.

b. Abandonment: It is unlawful to abandon any animal.

c. Poisoning: It is unlawful to poison animals or to distribute poison or toxins in any manner with the intent of poisoning any animal, except as may be required in the authorized administration of lawful euthanasia.

d. Care and Maintenance: It is unlawful for any owner to fail to provide an animal with proper food, drink, and **sufficient** shelter. ~~Any tethered animal must have a chain, rope or cable of at least sufficient length to allow the animal access to food, water, shelter and shade, but not of such length as to enable the animal to harm itself.~~

~~e. Animal restraint: Any rope, chain or cable affixed to an animal must be done in a way that it is non-abrasive to the animal via a comfortably fitted collar or harness. In addition, the material affixed to the animal must be done so in a way that it will prevent the animal from being tangled in the line or rope. The rope, chain or cable must be at least 12 feet and must be free from other objects of obstruction in so that the animal has easy and constant access to adequate shelter, food and potable water. No owner or operator shall confine an animal in an unattended vehicle without adequate ventilation, or under such conditions or for such period of time as may endanger the health or safety of the animal.~~

f. Animal Fighting: It is unlawful to cause, instigate, promote or in any way participate in, any fighting in which animals are intentionally engaged for the purpose of injuring, maiming, or destroying themselves or another animal.

g. Premiums/Novelties: It is unlawful to sell, offer for sale, barter, or give away any live animal as a premium, prize, award, novelty, or incentive to purchase merchandise; it is unlawful to color, stain or dye any chicken, duckling or fowl.

7. Vicious or **Dangerous** Animals:

A **A Potentially "vicious or dangerous dog"** means a dog that may reasonably be assumed to be a threat to public safety as demonstrated by one or more of the following behaviors:

- i Causing an injury to a person or domestic animal.
- ii Chasing or menacing a person or domestic animal in an aggressive manner and without provocation.
- iii Acting in a highly aggressive manner within a fenced yard or enclosure and appearing able to jump out of the yard, enclosure or a trolley system.

B. It is unlawful for any person to keep or harbor any vicious animal(s).

8. Service Animals: It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the public is invited for any purpose, to debar or exclude therefrom a service animal which has been trained to assist the handicapped, provided that such animal be in the company of the handicapped person whom it was trained to assist, in conformity with State Statute.

#### 2.1.5 (E) IMPOUNDMENT

1. Right to Impound: Carrizozo Police and Animal Control officers are authorized to pursue, apprehend and impound any animal **unrestrained**, animals subject to cruelty, or which animals otherwise pose a clear and present danger to the health, safety or welfare of the Town of Carrizozo. Animals impounded by the Carrizozo Police and Animal Control officers will be sheltered with the Carrizozo Animal **Holding Facility**.

2. Right of Entry: Carrizozo Police and Animal Control Officers in lawful performance of their duties and/or in lawful pursuit of an animal may enter upon private property for the purpose of apprehending the animal. A private residence building may not be entered without the express consent of the owner. A closed or locked vehicle may be entered by the use of reasonable force if an officer deems it necessary to protect the life of an animal.

3. Registry: Data relating to each animal apprehended for placement in the Carrizozo Animal **Holding Facility** shall be entered on a standard registration form, by noting the breed, description, date and location of the animal's seizure. The Animal Control Officer shall retain one copy of the form, and shall deliver a second copy to the Carrizozo Police Department.

4. Notice to Owner: If the owner of an impounded animal is known, the owner shall be notified within 24 hours of the animal's impoundment by giving notice at the address designated on the animal's licensing application, or by posting notice at the purported owner's last known address. In the event the owner is unknown or cannot be located, a picture of the impounded animal will be publicized locally, primarily at Town Hall, for a period of at least three (3) business days after notice is served or posted.

5. Right to Redeem: The owner of an impounded animal shall have the right to redeem the animal at any time up to 72 hours after the impoundment, and prior to a third impound, provided that the animal is still impounded, upon the payment of fees set forth in Section 2.1.2 (I) of this Ordinance, and upon proof that the animal has been vaccinated as required by this Ordinance.

6. Protective Care: If an Animal Control Officer or Police Officer finds that any animal is or will be without proper care because of its caretaker's injury, illness incarceration, or other absence of the owner, or other reason that leaves the animal without adequate care, the Animal Control Officer or Police Officer may remove the animal for Protective Care. Animal Control will make reasonable efforts to contact the presumed owner or other person responsible for the animal to give notice that the animal is in Protective Care. While in Protective Care, the Animal Control Officer may take such action as a licensed veterinarian advises is necessary to prevent undue pain and suffering to the animal. If the animal is in Protective Care for seven (7) days after notice without contact from its owner, or the person responsible for the care of the animal, the animal may be declared impounded, and subject to appropriate disposition, according to the provisions of this Ordinance. All expenses involved in providing Protective Care/or disposition of the animal are chargeable to the owner or owner's representative in charge of caring for the animal.

7. Inability to Care for An Animal. An owner who, for whatever reason, is unable to care for a domesticated animal may remit the animal to the Carrizozo Animal Shelter along with a non-refundable payment of \$200.00. Any animal remitted under this provision may not be redeemed.

#### 2.1.5 (F) CARRIZOZO ANIMAL ~~SHELTER~~ HOLDING FACILITY

8. The Carrizozo Holding Facility is a facility operated by the Carrizozo Police Department which provides a clean and healthy environment for stray animals, animals unrestrained, and animals placed in protective care, which are picked up by Animal Control or by law enforcement agencies with whom Carrizozo has an active agreement. Animals are retained/detained until final disposition in compliance with this Ordinance. Animal control officers may designate "foster" facilities from time to time in order to shelter animals impounded, but which cannot be accommodated by the Animal Holding Facility.

9. The hours of operation of the Holding Facility shall be from 8:00A.M. to 4:00P.M. Monday through Friday, by prior appointment only, set through the Carrizozo Police Department.

10. After 72 hours of impoundment, an impounded animal shall be removed by the Carrizozo Police Department from the Carrizozo Holding Facility to the Ruidoso Humane Society Facilities.

### 2.1.5 (G) WILD AND EXOTIC ANIMALS

1. Keeping Wild Animals Under Certain Circumstances Prohibited: Wild animals kept in such numbers or in such a manner as to constitute likelihood of harm to the animals themselves, to others animals, to human beings, or to the property of human beings, or keeping wild animals in a fashion which constitutes a public or private nuisance is prohibited. It is unlawful for any person to possess exotic or wild animals whose possession is specifically prohibited by federal or New Mexico law, or without obtaining the appropriate license.

2. Permit required: No person shall receive, purchase, own, or keep wild or exotic animals without first applying for and receiving from the State of New Mexico Department of Game and Fish any required permit to do so, and by thereafter gaining a separate permit from the Governing Body. In order to receive a permit from the Governing Body to keep wild or exotic animals, the applicant must provide evidence of his/her State permit, demonstrate knowledge of the care and feeding required for the animals(s) involved, and must show proof that they have the appropriate facilities for such care and feeding.

3. The Chief of Police is permitted to enter the premises of any permittee hereunder at any reasonable time with appropriate notice, for the purpose of inspection or re-inspection to determine compliance with this Ordinance. The Governing Body or the Department of Game and Fish may deny, revoke, or suspend a permit for a failure to comply with the terms of any required permit, or with this Ordinance.

4. Permit Fee: The fee for a permit from the Governing Body shall be two hundred (\$200.00) dollars and shall be renewed annually. A separate permit shall be required for each wild or exotic animal.

### 2.1.5 (H) RABIES CONTROL

1. Vaccination: Dogs and cats over the age of three (3) months shall be vaccinated against Rabies. The animal shall be revaccinated against rabies every one (1) year following initial vaccination if a One Year vaccine is used; or every three (3) years if a Three Year vaccine is used; Rabies Vaccines shall be licensed by the United States Department of Agriculture and administered according to label recommendation. The "Compendium of Animal Rabies Control (CARC)" published by the National Association of Public Health Veterinarians, Inc. shall be the reference for the route of inoculation and type of vaccine.

2. Vaccination Certificate: Every person who keeps a vaccinated animal must be able to present a current rabies certificate upon the request of any person charged with the enforcement of this Ordinance.

3. Harboring Unvaccinated Animals: It is unlawful and in violation of this Ordinance for any person to keep a dog, cat or any animal capable of contracting rabies which has not received a vaccination against rabies.

4. Reporting Rabies Suspects: Any veterinarian who makes a clinical diagnosis of rabies and/or any person who suspects rabies in a domestic or wild animal shall immediately report an accurate description of the animal, precisely when and where such animal was seen, and if possible, where it may be found to the Chief of Police, who shall then report the animal's information to the Local District Health Office.

5. Human Exposure to Rabies: Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the Chief of Police, or to the Local District Health Office. Any physician or other health care professional who treats a person for such bite shall report such treatment to the Local District Health Office within twelve (12) hours of such treatment. Such treatment report must specify the name of the victim and exact location where the incident occurred.

6. Quarantine of Potential Rabies Carriers: Any dog, cat, or any animal capable of contracting Rabies which has bitten a person shall be confined and observed for a period of ten (10) days from the date of bite at the Animal Shelter, a veterinary hospital or an approved kennel facility; provided, however, that if the animal has proof of current rabies vaccination, and the area involved is not under quarantine for rabies, the Animal Control Officer may permit home-quarantine of such animal. Home quarantine shall not be permitted unless the premises has been previously inspected and approved for containment by the Animal Control Officer.

7. Enforcement of Quarantine: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without the express written consent of an Animal Control Officer, or without proof of current rabies vaccination.

8. Animals Exposed to Rabies: When circumstances indicate an animal has been bitten by a known rabid animal, the procedures outlined in NMAC 7.4.2.11 shall be followed.

2.1.5 (I) PENALTIES / FEES

1. ANIMALS FOUND ~~RUNNING AT LARGE / "LOOSE"~~ UNRESTRAINED FINE:

a. Owners of animals found **Unrestrained**, shall be subject to fines as follows:

- i. First "leese" offense: \$50 fine / court costs
- ii. Second "leese" offense: \$150 fine / court costs
- iii. ~~Third "loose" offense: \$300 fine / court costs~~
- iii. **Third "leese" Offense:** Animal ~~shall~~ may become a ward of the Town. All such animals may thereafter immediately be impounded and transferred to a third-party facility such as the Ruidoso Humane Society, and may not be redeemed.

2. IMPOUNDED ANIMALS FOUND ~~RUNNING AT LARGE~~ **Unrestrained** (non-vicious):

- a. If an animal found ~~running at large unrestrained~~ that is then caught and impounded, **the fine will apply and** in addition to the "leese" fine:
- b. All impounded animals may be redeemed by their owner per Section 2.1.2 (E)(5). Owners are responsible for any veterinary costs that may have necessarily been incurred while the animal was impounded. Owners retrieving animals from the first impound shall be given a copy of this Ordinance along with any citation issued.
- c. First-time impounded: animals may be redeemed by their owner per Section 2.1.2 (E)(5) by payment of an Impound Fee of \$35.00, and \$40.00 per day fee for Care and Feeding, and any veterinary costs that may have necessarily been incurred.
- d. Second-time impounded animals may be redeemed by their owner per Section 2.1.2 (E)(5) by payment of an Impound Fee of \$100.00, and \$40.00 per day fee for Care and Feeding, and any veterinary costs that may have necessarily been incurred.
- e. A Third-time impounded animal **may** immediately become a ward of the Town. All animals impounded after a third impound may thereafter immediately be transferred to a third-party facility such as the Ruidoso Humane Society.

- f. Animals left in the care of the Carrizozo Animal Shelter for three (3) business days or more shall become wards of the Town. In no case shall an owner or alleged owner of an abandoned animal be entitled to redeem an animal which has been impounded more than three times.
- g. The Chief of Police has the discretion to release to an owner an animal that has become a ward of the Town pursuant to the above subsections, only after a showing of extraordinary circumstances and after the full satisfaction of all fees or fines.

3. Violations of all other specific provisions:

	<u>1<sup>st</sup> Offense</u>	<u>Subsequent Offenses</u>
Unlicensed animal/ false / expired license or permit	\$25 PER INCIDENT Plus Impound Fees if any	\$100 PER INCIDENT Plus unrestrained and Impound Fees, if any
Nuisance	Written warning/Citation \$50 PER INCIDENT Instruction to correct	
Cruelty to Animals	Up to \$500 fine and/or up to 90 days in jail, and/or seizure of the animal	
Exclusion of Service Animal	Up to \$500 fine and/or up to 90 days in jail.	
Vicious Animal	Up to \$500 fine and/or 90 days in jail, restitution of the victim's demonstrable costs, and the animal may be ordered destroyed by the judge.	

All other violations of this Ordinance:

Up to \$500 fine and/or up to 90 days in jail.

## 2.1 .5 (J) ANIMAL BITES

1. The owner of an animal that bites a person and a person bitten by an animal have a duty to report the occurrence to The Carrizozo Police Department within twenty-four (24) hours of the occurrence.
2. The owner of an animal that bites must have the animal quarantined for a period of ten (10) days. Home quarantine shall be permitted with the approval of observance done on the First day of bite, 5<sup>th</sup> day and the last day of quarantine.

3. If the animal shows signs of sickness, abnormal behavior, or if the animal escapes confinement, the person shall immediately notify Animal Control Officer.
4. If an officer deems it necessary to impound an animal for observation for the violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the observation period is complete. The owner shall bear the cost of confinement.
5. It is unlawful for a person to keep an animal known to have bitten any person on two (2) separate incidents. The owner has the duty to destroy said animal humanely or surrender such animal to Animal Control.

#### 2.1.5 (K) LIVESTOCK

1. The keeping of livestock, including both small and large animals, is permitted in accordance with applicable city zoning designations and special animal permits. Keeping of such animals shall not be permitted in the required front, side and street side yard setbacks. No such animal shall be kept closer than 35 feet to an adjacent dwelling or the primary structure of an adjacent business, excluding that of the property on which the livestock reside.

A. Large livestock animals. The following requirements are established for the keeping of large livestock animals such as, but not limited to, llamas, horses, mules, donkeys, swine, bovines, buffalo and beefalo:

- i. The density per acre limitation for large livestock animals, not applicable to young livestock animals below weaning age or six months of age, shall be one-half acre or more. The minimum square footage of the open lot area, not including the dwelling unit, shall be 9,000 square feet for the first animal and 6,000 square feet for each additional animal, provided the total number of such animals shall not exceed four animals per acre.

B. Small livestock animals. The following requirements are established for the keeping of small livestock animals such as, but not limited to, ducks, poultry, goats, sheep, and miniature horses/donkeys:

The density per acre limitation for small livestock animals shall be as follows:



- i. For lots less than one-half acre, a total combined maximum of six such animals; and
- ii. For lots greater than one-half acre, the minimum square footage of the open lot area, not including the dwelling unit, shall be 2,000 square feet for each small livestock animal, provided the total number of such animals shall not exceed 100 regardless of lot size.

#### 2.1.5 (L) INTERFERENCE WITH ANIMAL CONTROL OFFICER IN THE PERFORMANCE OF DUTY.

1. No person shall attack, assault or in any way threaten or interfere with the Animal Control officer in the performance of the duties required by this chapter.
2. No person shall conceal one's true name or identity or disguise with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an Animal Control Officer in the legal performance of his or her duties.

#### 2.1.5 (M) MICROCHIP REQUIREMENTS

1. *Microchip requirement.* A person owning or having care, custody, or control over a dog to be three months of age or older shall:
  - A. Have the animal implanted with an identification microchip, with current, up-to-date pet owner information, including the owner's name, address, and phone number. The current, up-to-date pet owner information associated with the microchip shall constitute proof of ownership for this chapter and shall represent the pet licensure requirements for the municipality. All other licenses and permits shall be in addition to the registration requirement such as permits for unaltered animal, fanciers permit, dangerous dog, etc.
  - B. Maintain current registration with a microchip registration company.
  - C. If there is change in contact information of an owner of a registered microchipped dog, owner shall update contact information, including new address or telephone number, with the microchip registration company within 30 days of the date of the change in contact information.
  - D. If there is a change in ownership of a registered dog, the previous owner shall be responsible for ensuring that the microchip is no longer registered in the previous owner's name within 30 days of the date of

change in ownership. The new owner shall be responsible for reregistering the microchip to include any new address and telephone number and have the registration information transferred to the new owner's name within 30 days after the change in ownership.

2. *Reporting requirement.* Any veterinarian or other person who implants an identification microchip in a dog within the town limits shall provide proof of the microchip implant to the Humane Society of Lincoln County (HSLC) on forms to be developed and provided by the Carrizozo Police Department.