

CHAPTER SEVEN

ANIMAL CONTROL

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7-1-1 **DEFINITIONS.** As used in this article, the following words and terms shall unless the context indicates a different meaning, have the meaning given herein.

- (a) **ANIMAL:** Any vertebrate excluding man.
- (b) **ANIMAL SHELTER:** Any establishment authorized by the municipality for the care and custody of impounded animals.
- (c) **BITE:** A puncture or tear of the skin inflicted by the teeth of an animal.
- (d) **MUNICIPALITY:** That area lying within the incorporated boundaries.
- (e) **CHIEF OR POLICE:** The chief of police of the municipality or his or her designated representative.
- (f) **EXOTIC ANIMAL:** An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.
- (g) **NUISANCE:** Means, but is not limited to, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offensive to the environment to the municipality.
- (h) **KEEPER:** Any person who owns, harbors, keeps, or has control or custody of an animal for more than six days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
- (i) **KENNEL:** Any establishment or premises where dogs or cats are boarded or kept.
- (j) **PERSON:** Any individual, household, firm, partnership, corporation, society, association, and every agent and employee thereof.
- (k) **QUARANTINE:** To detain or isolate an animal suspected of being infected with rabies.
- (l) **RUNNING AT LARGE:** An animal off the premises of the keeper and under the direct control of a competent person. Direct control means connected by a secure leash not over six feet in length or some other equivalent means of direct control.
- (m) **STRAY OR ESTRAY:** Any animal that has no identifiable keeper.
- (n) **VACCINATION:** The vaccination of an animal with an anti-rabies vaccine approved by the Secretary of the Health and Environment Department and administered under the supervision of a veterinarian.
- (o) **VETERINARIAN:** Any veterinarian licensed in the State of New Mexico.
- (p) **VICIOUS ANIMAL:** Any animal which commits an unprovoked attack upon a person on private property, or which terrorizes or attacks a person on public property or in a public place.
- (q) **WILD ANIMAL:** Any animal which is wild by nature and cannot normally be domesticated or controlled.

7-1-2 ADMINISTRATION OF ORDINANCE.

(a) RESPONSIBILITY: The chief of police is responsible for the administration of this ordinance. Reasonable rules and regulations shall be prescribed by the Governing Body to carry out the intent and purpose of this ordinance.

(b) ENFORCEMENT: The chief of police or his or her designated agent shall have the authority to issue citations for violation of this ordinance and to perform such other duties as are prescribed herein.

7-1-3 RABIES CONTROL.

(a) ANNUAL VACCINATION: It is the duty of every person keeping a dog or cat over the age of three months to have such animal vaccinated against rabies. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat here under shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of the period of immunity.

(b) VACCINATION CERTIFICATE: Every person who keeps a vaccinated dog or cat must exhibit his copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this ordinance.

(c) HARBORING UNVACCINATED ANIMALS. It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.

(d) REPORTING RABIES SUSPECTS: Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to the Local District Health Office of the Health Services Division of the Health and Environment Department stating precisely when and where such animal was seen and if possible where it may be found.

(e) HUMAN EXPOSURE TO RABIES: Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the Local District Health Office. Every physician or other health care professional who treats a person for such bite shall report such treatment to the Local District Health Office within twelve hours of such treatment. Such treatment must specify the name and precise location of the person bitten.

(f) QUARANTINE OF RABIES SUSPECTS: Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital, or an approved kennel; provided, however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the animal control officer may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.

(g) ENFORCEMENT OF THE QUARANTINE: It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without consent of the responsible animal control officer.

(h) WILD ANIMAL BITES: Bites inflicted by animals other than dogs and cats must be reported to and discussed with the Local District Health Office for proper disposition.

7-1-4 LICENSE REQUIRED.

(a) LICENSE: Every keeper of any dog or cat three months of age or older shall procure a license. License fees shall be paid annually not later than March 1 of each year and the full amount shall be paid for any fraction of the

Licensing year. Upon collection of the license fee by the municipality, a dated and numbered certificate shall be issued stating the name address of the owner, rabies tag number, and the animal's description.

(b) PROOF OF RABIES VACCINATION: No dog or cat shall be licensed without proof of rabies vaccination as provided in this ordinance.

(c) CERTIFICATES AND TAGS: The current municipality's license and rabies tags shall be affixed to the licensed dog at all times except when the dog is being kept in an approved kennel, veterinary hospital or training class. The original license and tag and the rabies certificate and tag of all dogs and cats shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this ordinance.

(d) LOSS OF LICENSE TAG: In the event the original license tag is lost, the keeper shall obtain a duplicate tag from the municipality at the cost of 1-.

(e) FEE: The annual license fee shall be \$ 1- for a neutered dog or cat and shall be \$ 2- for an unneutered dog or cat. Guide dogs free,

7-1-5 PROHIBITED ACTIVITIES.

(a) FALSE AND STOLEN DOCUMENTS: It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit, or forged license, certificate or tag.

(b) ANIMALS RUNNING AT LARGE: It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.

(c) NUISANCE: It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.

(d) CONFINEMENT DURING ESTRUS: Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.

(e) PHYSICAL ABUSE: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn, or to cruelly drive or work any animal.

(f) ABANDONMENT OF ANIMALS: It is unlawful to abandon any animal within the municipality.

(g) POISONING: It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.

(h) CARE AND MAINTENANCE: it is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

(i) ANIMAL FIGHTS: It is unlawful to cause, instigate, or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming, or destroying themselves or another animal.

(j) PREMIUMS AND NOVELTIES: It is unlawful to color, stain or dye any chicken, duckling, or fowl.

(k) TURTLES: It is unlawful to offer for sale, barter or give away turtles except in conformance with appropriate federal regulations.

(i) VICIOUS ANIMAL: It is unlawful for any person to keep or harbor any vicious animal.

7-1-6 IMPOUNDMENT.

(a) ANIMAL SHELTER: A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provision of this ordinance.

(b) IMPOUNDING ANIMALS: animals kept in violation of this ordinance and stray animals shall be taken into custody by an animal control officer or other designated official and thereupon impounded.

(c) RIGHT OF ENTRY: Animal control officers, in performance of their duties may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals.

(d) REGISTER: The animal control officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.

(e) NOTICE TO OWNER: If the keeper of an impounded animal is known, he or she must immediately be notified. If the keeper of the animal is not known, notice of the impoundment shall be posted in a conspicuous place at the animal shelter for a period of 10 days..

(f) RIGHT TO REDEEM: The keeper of any animal which has been impounded under the provisions of this ordinance shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges, and such other costs as set by the Governing Body.

(g) TIME FOR REDEMPTION: All impounded animals shall be redeemed within 30 days after impoundment. Any animal not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption upon payment to the license fee, impoundment fees, care and feeding charges, veterinary charges, and such other costs as set by the chief of police or the animal may be humanely destroyed.

(h) DISPOSITION OF IMPOUNDED ANIMALS BEING HELD ON COMPLAINT: If a complaint has been filed in the municipal court of the municipality against the keeper of an impounded animal for a violation of this ordinance the animal shall not be released except upon order of the court which also may direct the owner to pay any penalties for violation of this ordinance in addition to all impounding fees, care and feeding charges and veterinary fees.

7-1-7 KENNELS.

(a) RESTRICTIONS: No person, group of persons, or business entity in the municipality may own, keep or harbor more than three dogs of three month of age or older, more than three cats of three months of age or older, or more than a total of five dogs and cats in any combination more than three months of age or older without obtaining a kennel license.

(b) LICENSE REQUIRED: Persons operating a kennel must obtain a non-transferable kennel license, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31 of each year and shall be renewed by February 1 of the following year. No kennel license may be issued without an inspection certificate issued by the chief of police. The annual kennel license fee shall be \$ 2.00.

(c) FACILITIES AND CARE APPLICABLE TO KENNEL LICENSE: Animal housing facilities must be structurally sound and shall be constructed of non-toxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages, or runs for period exceeding 24 hours must be provided with adequate space to prevent overcrowding and to permit an adequate exercise according to the requirements of the

species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow, or cold weather detrimental to the animal's health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards. Except where indicated for health, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care.

(d) INSPECTION: The chief of police or his agent shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspectng any kennel or pet shop to determine compliance with this ordinance.

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

(f) EXCEPTIONS: This section shall not apply to and shall not be construed to require a kennel license for:

- (1) A venterinary hospital or clinic operated by a licensed veterinarian.
- (2) A bona fide research institution using animals for scientific research.
- (3) A publically owned animal control center or shelter.
- (4) A bona fide animal shelter operated by an organized humane society.

7-1-8 WILD AND EXOTIC ANIMALS.

(a) KEEPING THE FOLLOWING ANIMALS PROHIBITED:

- (1) Wild animals kept in such numbers or in such a manner as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or to the property of human beings, or which constitute a public or private nuisance.
- (2) Exotic or wild animals prohibited by federal or New Mexico law or regulation.

(b) PERMIT REQUIRED: No person shall receive, purchase, own, or keep wild or exotic animals without first applying for and receiving from the Governing Body and from the State of New Mexico Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The chief of police is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this ordinance. The Governing Body of the Department of Game and Fish may deny, revoke, or suspend a permit for failure to comply with this ordinance. The fee for such a permit shall be \$ 2.00 and shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal.

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