ARTICLE 2. ANIMAL CONTROL

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§ 7.2.1 IN GENERAL

(A) SHORT TITLE AND LEGISLATIVE INTENT.

(1) This Article shall be known and may be cited as the "Village of Los Ranchos Animal Control Ordinance."

(2) It is the intent of the Board of Trustees that enactment of this Article will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the Animal Control Officer's functions of housing, enforcement and recovery. It is the intent of the Board of Trustees to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this Article.

NOTE: All definitions are italicized in the body of the ordinance for clarity.

(B) DEFINITIONS. For the purposes of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

Adequate food means access to and the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health; is easily accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a licensed veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species.

Adequate living area means adequate space for exercise suitable to the age, size, species and breed of animal and includes adequate shelter and shade independent of shelter.

Adequate shelter means provision of and access to shelter that is suitable for species, age, condition, size and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species. Shelter for companion animals shall consist of the following:

(1) Inside the residence of the animal's owner.

(2) A shelter that is an enclosed structure of appropriate dimensions for the breed and size of the animal, consisting of four sides, a roof, an entryway, a floor, and suitable insulation protecting the animal from the elements.

(3) A structure, including, but not limited to a garage, barn or shed, that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a shelter as provided in the balance of this paragraph that is accessible to the animal.

Adequate space to prevent overcrowding includes but is not limited to sufficient space to allow animals restrained together to be able to move freely, turn around and lie down without having to come into contact with another animal or the sides of the enclosure.

Adequate space for exercise for confined animals shall include but not be limited to provision within the adequate living area of space that enables the animal to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species or with toys without hitting him/herself against the top of the enclosure.

Adequate water means constant access to a supply of unfrozen, potable water, provided in a sanitary manner suitable for species, in sufficient amounts to maintain good health. Such water will be provided in a manner that prevents the container from being overturned.

Animal means any vertebrate member of the animal kingdom except humans.

Animal Control means the staff, facility, programs, shelter, lot, premises, and buildings maintained and/or contracted by the Village for the implementation of the control and care of animals.

Animal Control Officer means the Village Animal Control Officer or supervisor or his or her designated representative(s).

Animal fighting paraphernalia means equipment that any reasonable person would ascertain is used for animal fighting purposes which includes, but is not limited to:

(1) instruments designed to be attached to the leg of a bird, such as boxing gloves, knife, gaff, or other sharp instrument;

(2) items to train and condition animals to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and;

(3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

Bait animal is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

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

Bona fide animal show includes events sanctioned by organizations such as the American Kennel Club (AKC) or North American Dog Agility Council (NADAC), generally organized by local clubs, and including conformation events or performance events such as obedience, agility, and tracking.

Breeder means a person who keeps, maintains or harbors any intact companion animal for the purposes of breeding.

Breeding means permitting, either intentionally or unintentionally, any animal to produce offspring.

Canine hybrid means:

(1) Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or

(2) An animal represented by its owner to an Animal Control Officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or

(3) Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

Companion animal means, but is not limited to, dogs, cats, ferrets, guinea pigs, domestic rabbits, and pot-bellied pigs.

Confinement means detainment or isolation of an animal.

Dangerous animal means any of the following:

(1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or

(2) An animal which, when unprovoked, injures a person or another animal in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or

(3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

Designee* or *designated representative means the Animal Control Officer or other appropriate staff.

Enclosed means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within. Establishment means a place of business together with its grounds and equipment.

Grooming parlor means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

Guard dog means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

Household means the collection of individuals, related or not, who reside at one street address.

Kennel means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained.

Kennel area is a secure space within which an animal is housed that is of sufficient height and strength to contain the animal within and provide sufficient room for the animal to comfortably move around within the structure.

Licensed veterinarian means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

Livestock means horses, cattle, pigs, sheep, goats, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the Animal Control Officer as agricultural.

Multiple animal site means any property where the number of dogs or cats owned, harbored or kept exceeds the number of animals allowed in § 7.2.5 (B) of this Article and are not otherwise included within the definition of professional animal site or shelter site.

Owner/responsible party means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his or her care, or permits an animal to remain on or about the premises owned or controlled by him or her.

Person means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

Pet shop means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.
Potable water means water that can be consumed without concern for adverse health effects.
Premises means a parcel of land and the structures thereon.
Professional animal site means any kennel, grooming parlor, or pet shops, with the exception of sites solely dedicated to livestock, state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.
Qualified assistance animal means:

(1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or

(2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or

(3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

Quarantine means detention and isolation of an animal in order to observe for rabies.
Rabbit as used in this Article may be either a companion animal or livestock.
Research facility means any school, institution, organization or person as defined in the Animal Welfare Act of 1970, 7 U.S.C. § 2132, and recognized as exempted from the anticruelty provisions contained in NMSA 1978, § 30-18-1.
Shade independent of shelter includes, but is not limited to, trees, shrubs, bushes, patios, awnings or other natural or manmade structures that permit animals to be sheltered from direct sunlight in a manner that provides adequate space to prevent overcrowding.
Shelter facility means a non-profit animal facility operated for the purpose of bringing aid and comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.
Shelter site means a non-profit facility operated for the purpose of bringing aid or comfort to a number of dogs or cats that exceeds the number of animals allowed in § 7.2.5 (B) of this Article.
Show animal means a dog or cat, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the Animal Control Officer, and which is involved in bona fide animal shows.
Sterilized means to be rendered permanently incapable of reproduction.
Stray means an animal found running at large.
To run* or *running at large means any animal free from physical restraint beyond the boundaries of the owner's premises.
Vaccination means protection provided against rabies by inoculation with a vaccine as required by NMSA 1978, § 77-1-3.
Vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal. Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon its owner's premises. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal.
Village means the area within the jurisdictional boundaries of the Village of Los Ranchos de Albuquerque, including privately owned land, excluding the area within the

limits of any incorporated municipality or within the jurisdiction of the United States government or the State of New Mexico.

§ 7.2.2 ADMINISTRATION

(A) RULES AND REGULATIONS. Reasonable rules and regulations may be prescribed by the Board of Trustees to carry out the intent and purpose of this Article, pursuant to standards created by this Article. The Board of Trustees may delegate its powers to the Animal Control Officer as it may deem expedient. An Animal Control officer shall carry appropriate identification. Identification is to be surrendered to the Village upon cessation of employment.

(B) PROCEDURES AND COMPLAINTS. A complaint alleging any violation of this Article may be filed with the Animal Control Officer by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The Animal Control Officer may require the complainant to provide his name and address and swear to and affirm the complaint. It is unlawful for any person to intentionally make a report to the Animal Control Officer, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Village of Los Ranchos Animal Control Ordinance.

(C) PROCEDURES FOR ANIMAL CONTROL OFFICER.

(1) The Animal Control Officer shall have the authority, and is directed to investigate upon probable cause, any alleged violation of this Article or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals.

(2) Animal Control Officer is authorized to inspect premises as necessary to perform his/her duties. If the owner or occupant of the premises objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.

(3) Whenever the Animal Control Officer has probable cause to believe that a person has violated this Article, the Animal Control Officer may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. The citation shall contain the name, address, date of birth and telephone number, if known, of the person violating this Article, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The Animal Control Officer shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The Animal Control Officer shall deliver a copy of the citation to the person promising to appear.

(4) If the alleged violator refuses to give his written promise to appear, the Animal Control Officer shall prepare a criminal complaint with the Village of Los Ranchos Municipal Court.

(D) FEES FOR PERMITS. Fees for permits required pursuant to this Article shall be established and adopted through resolution by the Board of Trustees.

§ 7.2.3 ANIMAL CONTROL IMPOUNDMENT PROCEDURES

(A) IMPOUNDING ANIMALS.

(1) An Animal Control Officer may take up and impound in any Shelter Facility or Shelter Site a stray or any animal kept or maintained contrary to the requirements of this Article.

(a) The animal may be confined in accordance with the facilities regulations.

(b) The owner/responsible party shall be responsible for all impound fees, boarding fees, and other costs whether or not the animal is reclaimed.

(c) An unsterilized animal reclaimed by its owner shall be released without being sterilized upon payment of a $75.00 intact fee for the sterilization deposit and impoundment fees imposed by the shelter, and the owner shall sign an agreement stating he will sterilize the animal within 30 days after release or will obtain a breeder permit, intact permit, or its equivalent.

(d) Any stray which is not reclaimed or adopted may be humanely destroyed in accordance with the impound facility's regulations.

(2) An Animal Control Officer may take up and impound in any designated Animal Control Facility a stray or any livestock kept or maintained contrary to the requirements of this Article.

(a) The owner/responsible party shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.

(b) The Animal Control Officer may require inspection of enclosures for livestock and the living conditions of animals kept outdoors prior to reclaim.

(3) The Animal Control Officer shall maintain, for a reasonable period of time or as required by statute, a record of all animals impounded. At least the following information shall be included:

(a) A complete description of the animal;

(b) The manner and date of its acquisition;

(c) The date, manner, and place of impoundment;

(d) The impoundment number.

(4) Owners requesting removal of an animal shall be required to sign an owner's release at the time of impoundment.

(5) If a stray animal is not wearing a current rabies tag and is deemed critically injured or critically ill an Animal Control Officer may deliver the animal to a licensed veterinarian for euthanization. A report must be filed by the Animal Control Officer.

(6) Whenever the Animal Control Officer finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the Animal Control Officer may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the impound facility. If the animal is unclaimed at the end of the protective custody period, the animal may be humanely destroyed or otherwise disposed of by the impound facility.

(B) SEIZURE OF ANIMALS, EXCLUDING LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of an animal is endangered due to violation of any provision in this Article may apply to the district court or the municipal court for a warrant to seize the animal(s).

(2) If the court finds probable cause that the animal's life or health is endangered as a result of the violation of any provision of this Article, the court shall

issue a warrant for the seizure of the animal. The court shall also schedule a hearing on the matter as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time.

(3) Written notice regarding the time and location of the hearing shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.

(4) If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.

(C) SEIZURE OF LIVESTOCK.

(1) A peace officer or Animal Control Officer who reasonably believes that the life or health of livestock is endangered because of the violation of any provision in this Article may apply to district court or municipal court for a warrant to seize the allegedly endangered livestock.

(2) On a showing of probable cause to believe that the life and health of livestock is endangered as a result of the violations of any provision of this Article, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within 30 days unless the Village demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those livestock allegedly being kept in a manner that their life or health is endangered. The Animal Control Officer shall establish procedures for preserving evidence of violations of this Article.

(3) The court executing the warrant shall notify the Animal Control Officer, have the livestock impounded, and give written notice to the owner of the livestock of the time and place of the court hearing.

(4) After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the livestock by violating any provision contained in the Article, the court shall order the impoundment of the livestock until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this Article, the court shall order the livestock returned to the owner.

(D) RETENTION OF STRAYS OR OWNER-SURRENDERED ANIMALS.

(1) No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of the animal to the Animal Control Officer.

(2) The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.

(3) No person having such an animal in his possession shall refuse to immediately surrender the animal to an Animal Control officer upon demand.

(4) Any stray animal identified by microchip or any other identification must be called into the Animal Control Officer.

§ 7.2.4 PERMITS REQUIRED

(A) GENERAL PROVISIONS.

(1) Valid permits are required to operate a multiple animal site, professional animal site, or shelter site, breed dogs or cats, have a litter of dogs and cats, possess a guard dog or possess an intact dog or cat that has been impounded as a stray. A person may obtain a permit under the following conditions:

(2) Submission of an application which shall include sufficient information to identify the name and address of the permit holder and owner for the property or site

and payment of an annual permit fee at the office of the Animal Control Officer. Failure to renew the permit within 30 days of the expiration date may result in the assessment of a penalty fee in addition to the cost of the permit.

(3) Multiple animal sites, professional animal site and shelter site permits require a demonstration of a certification of zoning and land use from the Village of Los Ranchos Planning and Zoning Department.

(4) Upon presenting proper identification and with notice, an Animal Control Officer shall be allowed access to any multiple animal site, professional animal site or shelter site for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(5) Permits must be posted in a conspicuous place on the permitted premises and are nontransferable.

(6) All permit holders engaging in any commercial activity involving the sale of animals shall comply with the Village of Los Ranchos Business License Ordinance.

(B) SITE PERMIT REQUIREMENTS.

(1) Multiple animal sites, shelter sites and professional animal sites are required to meet all other provisions of the Village of Los Ranchos Animal Control Ordinance and the following standards: Food and unused bedding shall be stored in a location which protects it against excessive moisture, infestation and contamination. Perishable food shall be refrigerated.

(2) The kennel area shall be kept clean and sanitary in a way that protects animals from disease and injury. Animals shall be protected from cleaning agents during cleaning. Provisions shall be made to remove animal and food waste and clean or remove soiled bedding at minimum daily and as often as necessary to maintain the conditions in accordance with this Article. Disposal shall be made so as to minimize vermin infestation, odors and the spread of disease.

(3) Kennel area buildings and fences shall be structurally sound and kept in good repair to keep animals clean and dry, protect them from injury, contain them and keep predators out. Walls and floors shall be constructed of material impervious to moisture and easily sanitized. Adequate drainage shall be maintained and, when required, drains shall be constructed and operated in accordance with state, county and Village regulations and kept in good repair.

(4) Fresh air in kennel area buildings shall be provided by windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation.

(5) Each animal shall be kept in compatible groups and have adequate space to prevent overcrowding. Kennel areas holding cats must contain an adequate number of litter boxes.

(6) All animals housed in the kennel area shall be provided with an adequate living area.

(7) Unsterilized female animals shall be segregated when in estrous except for breeding purposes.

(8) Each animal shall be observed daily by the person named on the permit or his/her designee. Any animal in need of veterinary attention, either due to illness, injury or disease, shall be provided such attention immediately. Ill and injured animals shall be segregated from other animals based on veterinary recommendations to prevent disease spread or further injury.

(9) Insects, parasites and rodents shall be controlled.

(10) A valid rabies certificate signed by a licensed veterinarian shall be present for each dog and cat housed at the kennel facility.

(11) Records of animal inventory, including acquisitions and dispositions, inoculations, and disease control and prevention programs shall be maintained and available for inspection by an Animal Control Officer.

(C) BREEDER PERMIT.

(1) No person shall keep, maintain or harbor any intact companion animal for the purposes of breeding without a breeder permit. Each dog or cat used for the purposes of breeding shall have a breeder permit. The resultant offspring shall not be sold for resale to commercial outlets or for the purpose of research.

(2) A female dog or cat shall have no more than one litter in any consecutive 12-month period.

(3) Upon presenting identification and with notice an Animal Control Officer shall be allowed access to any premises housing any animal with a breeder permit for the purpose of an inspection.

(D) LITTER PERMIT.

(1) The owner of an intact female dog or cat bred intentionally or unintentionally that does not possess a breeder permit is required to obtain a litter permit for each litter.

(2) Subsequent to the issuance of a litter permit, the permitted animal shall be sterilized within 120 days of the issuance of the litter permit.

(E) REQUIREMENTS FOR TRANSFER OF OWNERSHIP.

(1) No person shall advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or breeder permit number to any potential recipient upon request.

(2) Puppies and kittens can only be bartered for, sold, given away or otherwise transferred or conveyed from the residential location listed on the litter permit or breeder permit. Puppies or kittens being bartered for, sold, given away or otherwise transferred or conveyed on public or commercial property, even with the commercial property owner's permission, are in violation of this Article.

(F) INTACT ANIMAL PERMIT.

(1) Any person having a stray unsterilized dog or cat returned to him or reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit or have the animal sterilized within 60 days of return. The permit shall be issued upon payment of the required permit fee and proof of current rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the Animal Control Officer.

(2) Any animal found running at large twice shall be sterilized within 30 days of the second offense.

(3) An intact animal permit is required to keep a dog or cat exempt from being sterilized as mandated by applicable law when released prior to impound from an animal shelter.

§ 7.2.5 OWNER'S DUTIES AND PROHIBITED ACTIVITIES

(A) ANIMALS BITING PERSONS.

(1) The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the Animal Control Officer within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the officer deems it necessary to impound said animal for a period of quarantine no less than ten days from the day of the bite.

(2) A physician who renders professional treatment to a person bitten by an animal shall report to the Animal Control Officer that he has rendered professional

treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall report the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the Animal Control Officer in ascertaining the immunization status of the animal.

(3) An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Animal Control Officer. The owner of the animal shall bear the cost of confinement.

(4) If the owner is unwilling or unable to quarantine the animal, the Animal Control Officer may impound the animal into protective custody for the period of the quarantine and the owner shall pay all related costs of the impoundment prior to reclaiming the animal.

(5) The Animal Control Officer may consent to quarantine the animal on the owner's premises. The premises where the home quarantine is to occur shall be inspected and approved for such purpose by the Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Animal Control Officer for such home quarantine.

(6) If the animal shows signs of sickness, abnormal behavior, or if the animal escapes quarantine, the person having custody of the animal shall immediately notify the Animal Control Officer. The person having custody of an animal that dies during the quarantine period shall notify the Animal Control Officer and surrender the carcass of the animal to an Animal Control Officer.

(7) It is unlawful to violate the conditions of quarantine. If an officer deems it necessary to impound an animal for quarantine for violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the quarantine period is complete. The owner shall bear the cost of the impoundment.

(8) It is unlawful for a person to keep an animal reported to have bitten any person on two unprovoked separate incidents. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization.

(B) NUMBER OF ANIMALS ALLOWED. No person or household shall own, harbor or keep more than a combined total of six dogs, cats or any combination thereof over the age of three months without, a multiple animal site permit, or shelter permit.

(C) RESTRAINT OF ANIMALS. A person owning or having charge, custody, care, or control over a companion animal, shall keep the animal upon his or her own premises within a secure enclosed pen, or in an area containing a fence or wall of sufficient height surrounding the perimeter of the property. It shall be unlawful to tether a companion animal as a form of confinement.

(1) Fixed point tethering of any companion animal to stationary objects is permitted in limited circumstances such as picnics or gatherings in a park or open space, for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner is immediately present.

(2) A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Longer retractable leashes may be used, provided the person with the dog is capable of controlling the dog. All other animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when an animal is participating in a bona fide animal show authorized by the Village or appropriate authorities, nor when a dog is in an off-leash park or other designated off-leash area.

(D) VACCINATIONS.

(1) It is the duty of any person(s) owning or keeping a dog, cat, or domestic ferret over the age of three months to have the animal vaccinated against rabies as prescribed by NMSA 1978, § 77-1-3 as amended. The Animal Control Officer may require that other animals have annual rabies vaccines.

(2) The veterinarian administering anti-rabies vaccines to any animal shall issue the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the date immunity expires and the microchip number.

(3) It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the Animal Control Officer.

(E) ABANDONMENT. It is unlawful for a person to abandon an animal. Abandonment does not apply to the trap, neuter and return (TNR) of feral cats. A person or organization managing un-owned cats by trap, neuter and return is not deemed the owner, harborer, keeper, holder or possessor of such cats.

(F) ADMISSION OF QUALIFIED ASSISTANCE ANIMALS TO PUBLIC PLACES. Notwithstanding any other provision of law, a qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of a person with a disability or a trainer of assistance animals. No person shall be required to pay any additional charges for his qualified assistance animal, but shall be liable for any damage done by his qualified assistance animal.

(G) ANIMALS DISTURBING THE PEACE.

(1) It is unlawful for a person to allow an animal to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the Village.

(2) It is unlawful to keep or maintain an animal in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(H) ANIMALS KILLING OR INJURING LIVESTOCK OR PROTECTED WILDLIFE.

(1) It is unlawful for a person to keep an animal known to have killed or injured livestock or protected wildlife. The owner has a duty to destroy said animal humanely or surrender such an animal to the Animal Control Officer for proper humane euthanization upon the order of the court.

(2) An owner of livestock shall have the right to kill an animal that has injured or killed livestock or protected wildlife while it is upon property controlled by the owner of the livestock.

(I) ANIMAL POISONING.

(1) It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.

(2) This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(J) ANIMALS RUNNING AT LARGE.

(1) It is unlawful for a person to allow or permit any animal to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the Village, or private property without the permission of the property owner.

(2) An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An Animal Control Officer may go upon private property in pursuit

of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.

(3) A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

(4) It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.

(K) INJURY TO ANIMALS BY MOTORISTS. Every operator of a motor or self-propelled vehicle upon the streets and ways of the Village shall immediately upon injuring, striking, maiming or running down any animal provide immediate notification to the Animal Control Officer, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal within the meaning of § 7.2.3(A)(5) of this Article. Emergency vehicles are excluded from this provision.

(L) ANIMAL WASTE. It is unlawful to permit a companion animal to defecate on public or private property other than the property of the owner of the animal unless such animal waste is immediately removed and properly disposed of by the person having custody of the animal.

(M) BREAKING INTO ANIMAL CONTROL FACILITIES OR VEHICLES. It is unlawful for a person to break into any animal center, facility, or vehicle wherein animals are impounded, or to in any manner remove or assist in the removal of any animal or equipment from such.

(N) CARE AND MAINTENANCE (COMPANION ANIMALS). Every person who owns or who has charge, care or custody of an animal shall comply with each of the following requirements:

(1) Each animal shall be supplied adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All animals are to be provided adequate living area and adequate space to prevent overcrowding and sufficient space for adequate exercise. All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be left unattended for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) No owner or custodian shall fail to provide necessary grooming of the coat in order to prevent matting, skin irritation, distress or pain, trapping of fecal matter, and loss of the ability to protect the animal from adverse weather conditions. An animal shall not be so dirty that it becomes matted as to provide a home for parasites and insects. No animal shall be allowed to have a foreign object embedded in its hide, fur or skin other than a microchip or a medical device implanted by a licensed veterinarian.

(6) The owner or custodian shall provide regular basic, necessary, and emergency professional veterinary care when needed. The owner or custodian shall take an animal to a licensed veterinarian within a time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(7) All animals kept outdoors shall be provided with adequate shelter, accessible at all times, to the animal.

(O) CARE AND MAINTENANCE (LIVESTOCK). Every person who owns or who has charge, care or custody of an animal defined under the Article as livestock shall comply with each of the following requirements:

(1) Each animal shall be supplied an adequate living area, adequate food, adequate water accessible and adequate space to prevent overcrowding.

(2) All areas where an animal is confined and all animal buildings or enclosures shall be maintained in a clean and sanitary condition.

(3) No animal shall be without attention for more than 24 hours.

(4) No condition shall be maintained or permitted that is, or could be injurious to the animal.

(5) The owner/responsible party shall provide regular basic, necessary, and emergency professional veterinary care and dental or hoof care when needed. The owner or custodian shall take an animal to a licensed veterinarian within the time frame indicated for an examination and adhere to recommended treatment if the Animal Control Officer or his agent finds this is necessary in order to maintain the health of the animal, and so orders.

(P) CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON.

(1) A person in control of a female dog or cat in mating season shall confine such dog or cat so as to prevent other dogs or cats from attacking or being attracted to such female animal, except for intentional breeding purposes.

(2) It shall be unlawful to maintain a female dog or cat in mating season in any manner that creates a public nuisance.

(Q) CRUELTY TO ANIMALS.

(1) It is unlawful for a person to recklessly, willfully, negligently or maliciously kill, maim, disfigure or torture; beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals.

(2) It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary basic or emergency medical care, maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

(R) FIGHTS.

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

(a) It is unlawful for any person to sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.

(b) It is unlawful for any person to raise, train, condition, sell, receive, possess, transport, loan, or give away animals for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of the Village.

(c) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.

(2) Nothing in this section shall prohibit a person from engaging in legal hunting practices as allowed by state wildlife authorities.

(S) FOWL; IMPOUNDING OR CRATING. It is unlawful for a person to confine any wild or domestic fowl or birds unless provisions are made by such person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours.

No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(T) HOBBLING.

(1) It is unlawful for any person to hobble, tether, or stake livestock or other animals by any means which may cause injury or damage to said animal.

(2) It is unlawful for any person to hobble, tether, or stake livestock or other animals so that they become entangled or are prevented access to any and all care and maintenance items required by § 7.2-8(R) of this Article.

(U) INTERFERENCE WITH THE ANIMAL CONTROL OFFICER IN THE PERFORMANCE OF HIS DUTIES.

(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 Article.

(2) No person shall conceal one's true name or identity or disguise oneself 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.

(3) No person shall interfere with or tamper with any equipment used by Animal Control Officers, including release of animals contained in such equipment.

(4) No person shall engage in conduct that would agitate, obstruct, oppose, or distract an Animal Control Officer in the legal performance of his or her duties.

(V) KEEPING A SERIOUSLY SICK OR INJURED ANIMAL.

(1) It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.

(2) The Animal Control Officer may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The Animal Control Officer may utilize a standard body scoring system to evaluate the condition of an animal.

(3) In the absence of proper veterinary care, the Animal Control Officer may impound such a seriously sick or injured animal in accordance with the provisions of this Article.

(4) Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(W) SALE AND DISPLAY OF ANIMALS.

(1) A person shall only sell, offer for sale, barter, give away or otherwise dispose of an animal at the physical address listed on the appropriate permit issued by the Animal Control Officer. No permit shall be required for any livestock sold for use as food.

(2) No person shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.

(3) No person shall offer an animal as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.

(4) Animal exhibits.

(a) No person shall operate, conduct, or maintain a permanent or temporary commercial animal show, circus, animal exhibition, animal ride, petting zoo or carnival without first having obtained a permit from the Animal Control Officer. Conditions for permit approval include provisions for the humane care and treatment of the animals and the protection of public safety. Permits shall not be issued upon verification that the applicant has been

convicted of charges of animal cruelty, abuse, or neglect, or has violated the Federal Animal Welfare Act.

(b) No person shall operate, conduct or maintain any animal exhibit under conditions that pose a danger to the public or the animals. Specific requirements shall be available upon request to the Animal Control Officer.

(c) The following are exempt from the requirements of this section:

(i) Individuals or groups holding a State of New Mexico regulated permit or a federally regulated permit.

(ii) Events sponsored by a municipal zoo or aquarium facility.

(iii) Competitive sporting events.

(d) Persons involved in these exempt activities shall comply with all other applicable sections of this Article.

(5) Sale of live companion animals at pet shops is prohibited unless the pet shop has an approved professional animal site permit. Sale of cats or dogs in pet shops is prohibited.

(6) The sale of rabbits for purposes other than as a companion animal, which are not otherwise prohibited under this Article, is allowed.

(X) STERILIZATION AGREEMENTS/CONTRACTS. It shall be unlawful for a person to possess any unsterilized animal when such animal is required to be sterilized under the terms of any applicable sterilization agreement or contract.

(Y) UNLAWFUL USE OF RABIES TAG. It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this Article.

(Z) VICIOUS OR DANGEROUS ANIMALS.

(1) It is unlawful for any person to keep or harbor a vicious animal. When an Animal Control Officer has probable cause to believe that an animal is vicious, the Animal Control Officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Article, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the Animal Control Officer for destruction.

(2) It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal. When an Animal Control Officer has probable cause to believe that an animal is dangerous, the officer may take up or impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal, other than a dog, is dangerous, the court having jurisdiction over the enforcement of this Article shall, in addition to any fine or imprisonment imposed for a violation of this section, order appropriate conditions for registration, confinement, and handling of such dangerous animal by the owner. Any violation of the registration, confinement or handling of such animal by the owner as set by the Court may result in the immediate impoundment and humane destruction of such dangerous animal by the Animal Control Officer.

(3) The owner of any dog that is deemed dangerous by court determination or by admission of the owner shall register the dog as a dangerous animal with Animal Control. The owner of such dangerous dog shall further comply with all of the registration and handling requirements as listed in NMSA 1978 § 77-1A-5(A) and 5(C). The Animal Control Officer shall also comply with §77-1A-5(D) in the event that the owner of such dangerous

dog fails to comply with all registration, confinement, or handling requirements contained in such sections.

§ 7.2.6 WILD ANIMALS; CANINE HYBRIDS

(A) WILD ANIMALS.

(1) It shall be unlawful for a person to own, harbor, keep or exhibit on any private or public property in the Village any wild animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:

(a) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.

(b) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.

(c) All bears (ursidae), including grizzly bears, black bears, brown bears, etc.

(d) Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.

(e) Primates (hominidae), including all non-human great apes other than qualified service animals.

(f) Skunks.

(g) Bats.

(h) Non-indigenous poisonous snakes.

(i) Alligators, crocodiles, caimans, or poisonous lizards.

(j) Venomous fish and piranha.

(k) Elephants (elephatidae).

(2) This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals or organizations holding a State of New Mexico regulated permit or a federally regulated permit.

(B) CANINE HYBRIDS.

(1) No person shall purchase, sell, offer for sale, or advertise for sale any animal that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

(2) No person shall possess a canine hybrid without a valid canine hybrid permit. A person may apply for such a permit under the following conditions:

(a) Submission of a permit application.

(b) Submission of written proof from a licensed veterinarian that all animals over the age of six months for which a permit is requested have been spayed or neutered.

(c) All owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the Animal Control Officer shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this Article, as well as for violation of other applicable laws, regulations, and ordinances.

(d) Payment of the annual permit fee.

(3) A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all animals to the property of the owner. An Animal Control Officer shall determine the adequacy of the enclosure. A minimum livable area of 400 square feet must be provided for up to two canine hybrids, with an additional 100 square feet per animal for each additional hybrid. An exception to this subpart may be granted if the animal owner submits a written plan of

adequate housing and exercise to the Animal Control Officer and such plan is approved by the Department.

(4) A canine hybrid permit will not be issued for the ownership of more than four canine hybrids.

(5) Each canine hybrid must be microchipped and wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's premises. While off of the owner's premises the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a person physically capable of controlling and restraining the animal.

(6) Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this Article.

§ 7.2.7 ENFORCEMENT AND PENALTIES

(A) PENALTY ASSESSMENT MISDEMEANORS. Any violation of this Article shall be a penalty assessment misdemeanor. For a first or second offense within any 12 month period for violations of § 7.2.4, § 7.2.5 (B), (C), (D), (F), (G), (I), (K,)(L), (N), (O), (P), (S) or (W), the Animal Control Officer shall offer the alleged violator the option of acknowledging guilt of the offense, foregoing a court hearing, and accepting a penalty assessment as established by resolution of the Board for the first or second offense, or of having the matter set for a court hearing. However, the offer of a penalty assessment in lieu of a court hearing for each additional offense that occurs within one year of the first offense shall be twice the prior penalty assessment.

(1) ACCEPTANCE OF PENALTY ASSESSMENT.

(a) If the alleged violator accepts the penalty assessment, his signature on the penalty assessment notice constitutes an acknowledgment of guilt of the offense stated in the notice.

(b) If the Animal Control Officer contacts the owner of the animal before transporting the animal to the shelter pursuant to § 7.2.3(A), and the owner accepts the penalty assessment, the owner shall have the animal released to his immediate custody.

(c) Payments of penalty assessments must be received in the Village Office within thirty (30) days from the date of citation. If the violation was under § 7.2.5(D) of this Article, payment must be accompanied by proof of rabies vaccination.

(2) REJECTION OF PENALTY ASSESSMENT.

(a) An alleged violator who chooses a court hearing shall be served with a citation requiring him to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person.

(b) The court shall have discretion to impose any penalties up to the maximum permitted by state law upon an alleged violator who chooses a court hearing and is convicted of the offense charged.

(B) APPEARANCE. Any person charged with any violation of any section other than those specified in § 7.2.7(A) of this Article shall be served with a citation requiring the alleged violator to appear before the Municipal Court at a date and time stated in the citation. The citation may be served by mail or in person. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this Article.

(C) MAXIMUM PENALTY. The maximum combined sentence of imprisonment that may be imposed for all offenses shall not be greater than one hundred seventy-nine (179) days and the combined maximum fine shall not exceed five hundred dollars ($500.00).

(D) MINIMUM FINES. Minimum fines may be established by resolution of the Board of Trustees.

Ordinance and State Law References regarding Chapter 7, Article 2 (f/k/a Chapter 3):

Ordinance #105, July 22, 1992;
Ordinance #253, June 8, 2016;
Animals § 3-18-3 NMSA 1978;
Dogs §§ 77-1-12, 77-1-13 NMSA 1978;
Municipal Court Search Warrants SCRA Rule 8-207;
Maximum Penalty for violation of ordinances: § 3-17-1 (C)(1) NMSA 1978.
General authority relative to animals, NMSA 1978, §§ 4-37-1, 3-18-3; animals generally, NMSA 1978, § 77-1-1, et seq