

SANTA FE COUNTY

ORDINANCE NO. 1991-6
ANIMAL CONTROL

ARTICLE 1: GENERAL PROVISIONS

1-1 TITLE AND LEGISLATIVE INTENT

A. This Ordinance shall be known and may be cited as the "Santa Fe County Animal Control Ordinance". The short title to this Ordinance shall be "Animal Control Ordinance." It is the intent of the Board of County Commissioners that enactment of this Ordinance will protect animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety, and welfare of the residents and animals, assist in providing control of animals, and finance the functions of licensing and recovery of said animals.

1-2 DEFINITIONS

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

- A. "Abandonment" means to desert deliberately and/or to relinquish the supervision or care of an animal.
- B. "Alteration" means to render an animal permanently sterile and incapable of reproduction.
- C. "Animal" means any dog, cat or any vertebrate (excluding man).
- D. "Animal Control Division" means that division of the County, or the County's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.
- E. "Animal Control Officer" or "A.C.O." means that person duly appointed to the position by the County Manager or the Sheriff of the County of Santa Fe.
- F. "Animal control shelter" or "shelter" means any pound, lot, premises, kennel or building maintained or utilized by the County for the care and custody of animals.
- G. "Bite" means a puncture or tear of the skin inflicted by the teeth of any animal.
- H. "Domestic livestock" means any of the large or small livestock, including, but not limited to horses, cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens, guinea hens, ducks, turkeys, geese, quail, or pigeons.
- I. "Enclosed lot" means any parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected.
- J. "Estray" means any animal which is off and away from

its home unattended and running at large within the County of Santa Fe.

- K. "Exotic animal" means rare or different from ordinary domestic animals and not indigenous to the State of New Mexico, including skunks, llamas, birds of prey, wolf hybrids and the offspring or wild animals cross-bred with domestic dogs and cats but not including parrots, toucans, or other tame and domesticated bird.
- L. "Impound" means the act, by an A.C.O., or Sheriff's deputy, of taking up and confining an animal within a shelter or other facility used by the County for the confinement of said animal.
- M. "Kennel" means any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed or trained for a fee.
- N. "Leash" means any chain, leather strap, or cord sufficient to hold under control the animal attached thereto, and shall be no longer than eight (8) feet, or twelve (12) feet for training purposes.
- O. "Neuter" means to render a male animal permanently sterile and incapable of reproduction.
- P. "Owner" means a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about his premises.
- Q. "Premises" means a parcel of land owned, leased, rented, or controlled by any person, legal or natural. Such parcel of land may include a structure, and includes such items as kennels, houses, mobile homes, apartments, condominiums, and townhouses which are located on a parcel of land.
- R. "Run at large" means to be free of control beyond an enclosed lot or the premises or vehicle of the owner.
- S. "Spay" means to render a female animal permanently sterile and incapable of reproduction.
- T. "Vaccination" means the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and State of New Mexico Rabies Act of 1959, given in amounts sufficient for one year of immunization.
- U. "Vicious animal" means any animal which bites, has bitten, or in any manner attacks or attempts to attack or bite any person within the County, except that any animal that bites, attacks, or attempts to attack or bite when provoked by any person trespassing upon its owner's premises, shall not be deemed a vicious animal. "Vicious animal" also means any animal which, unprovoked, kills or maims any animal owned by a person.
- V. "Wild animal" means any animal or species that in its natural life is wild, dangerous or ferocious and though it may be trained and domesticated, is yet considered by this Ordinance to be dangerous to others and has the potential to injure or kill a person or other animals.

Those animals, however domesticated, shall include but are not limited to:

1. dog family (Canidae), all except domestic dogs, including wolves, foxes, and coyotes;
2. cat family (Felidae) all except the commonly accepted domesticated cats, including lions, pumas, panthers, mountain lions, bobcats and ocelots;
3. bears (Ursidae), including grizzly bears and brown bears;
4. weasels (Mustelidae) all except the commonly accepted domesticated ferrets, including the weasel, marten, mink, wolverine, badger, otter, ermine, and mongoose;
5. raccoon (Procyonidae), including eastern raccoon, desert raccoon and ring-tailed cat;
6. primates (Homidae);
7. porcupines (Erthizontidae);
8. venomous snakes;
9. venomous lizards, alligators and crocodiles;
10. venomous fish and piranha.

ARTICLE: ADMINISTRATION OF ORDINANCE

2-1. ANIMAL CONTROL OFFICERS

- A. The Sheriff of Santa Fe County is responsible for the administration of the provisions of this Ordinance. Powers delegated to the Sheriff may be delegated by the Sheriff to the duly appointed Animal Control Officers as he may deem expedient.
- B. The Sheriff of Santa Fe County shall appoint Animal Control Officers. The Animal Control Officers shall be concerned primarily with the health and safety of the citizens of the County as affected by animals and with the health and safety of animals within the County limits.

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

- A. Santa Fe County Sheriff deputies and Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and state statutes regarding the care and control of animals, whenever there is probable cause to believe there exists a violation of this Ordinance and/or animal care and control statutes, and to perform such other duties as prescribed by the Sheriff of Santa Fe County.
- B. Animal control Officers shall have the authority to investigate upon probable cause any alleged violation of this Ordinance or any law of the State of New Mexico which relates to the care, treatment, and control of animals and to the prevention of cruelty to animals.
- C. Animal Control Officers are authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform their 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, unless there appears to the A.C.O. that probable cause exists of an emergency requiring such inspection. An A.C.O. shall not enter onto the premises of the known owner for the sole purpose of taking up an animal which has been alleged to be running at large by a person who is not an A.C.O. or Sheriff’s deputy.

ARTICLE 3: CONTROL AND IMPOUNDING PROCEDURES

3-1 IMPOUNDING OF ANIMALS; NOTICE REQUIRED

- A. The A.C.O. or Sheriff’s deputy may take up and impound or cause to be impounded any stray animal found in the County, and any other animal found in violation of this Ordinance or state statute.
- B. As soon as practicable after the date of impoundment the Animal Control Officer shall notify the owner of such impoundment, if the owner of such animal is not already so informed. If the owner is not known or if his address cannot be reasonably determined the A.C.O. has no duty to give notice to the owner.
- C. All violations and fine amounts shall be reported to the shelter custodian upon the animal’s impoundment.
- D. No animal that has been impounded may be adopted out for purposes of breeding or sale.

3-2 IMPOUNDING ESTRAYS; NOTICE REQUIRED; REDEEMING ANIMALS

- A. Notice
 1. No person shall, without knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours, excluding Saturdays, Sundays, and holidays, when such person has knowledge of or could reasonably discover the owner of such animal, without first reporting the possession of such animal to the owner or, if this cannot be done, to an A.C.O. This provision shall not preempt N.M.S.A. Section 77-14-1, et. seq.
 2. Any person taking up an animal shall give notice of such animal retention to the owner if his identity can be reasonably determined and shall not refuse to immediately surrender such animal to the owner or to an Animal Control Officer upon demand thereof.
- B. If an impounded stray is wearing a license, or bears other identification tags, the animal shall be confined at an appropriate animal shelter pending notification of the owner or authorized agent, for a period of five (5) working days. The day the stray animal is impounded constitutes day one.
- C. Upon notification, an owner or his notarized agent

must. redeem his animal within twenty-four (24) hours. Any animal not claimed by an owner within twenty-four (24) hours following notification shall become the property of Santa Fe County and may be destroyed, impounded or adopted out at the discretion of the Animal Control Division.

- D. Any owner who claims an unlicensed animal from the appropriate Animal Control Center must show proof of rabies shots and proof of neutering (when applicable) upon claiming said animal. Such owner may be cited by the A.C.O. and will be required to buy a license from the County before the impounded animal shall be released. If proof of current rabies vaccination cannot be produced, the owner or the impounded animal must purchase a license from the County, must vaccinate the animal within three (3) working days and furnish proof of to the A.C.O.
- E. It shall be the responsibility of an owner to reimburse the county for animal boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or a shelter a incurred by the under the provisions for any animal legally impounded the animal is of this ordinance, whether or not the animal is redeemed.
- F. The owner of an impounded animal may claim his animal by paying the scheduled fines and impounding fees to the custodian of the shelter, to an A.C.O. or Sheriff's deputy. An owner may elect to pay the fine under protest, request a hearing on the matter by accepting a citation from an A.C.O., appear at an arraignment at Magistrate Court, and participate in a trial on the matter.
- G. If an stray is not wearing a license and bears no other identification tags, the animal shall be impound at an appropriate animal control shelter for four (4) working days. Any animal not claimed or adopted out within four (4) working days, commencing from the first date of impoundment, shall become the property of Santa Fe County and may be destroyed, impounded for an additional period or adopted out, at the discretion of the Animal Control Division.
- H. If an impounded animal is certified by a licensed veterinarian as suffering because of sickness, injury or age, then it may be destroyed, pursuant to Section 3-4 of this Ordinance, after the A.C.O. gives notice or attempts to give notice to the owner.

3-3 IMPOUNDMENT FEES

Impoundment fees, fees required for adoption of an impounded animal, boarding costs and additional fees for the redemption of impounded animals are described in Appendix A.

- A. Impoundment fees are described and set forth in Appendix A.
- B. Fees required for adoption of an impounded animal are described in Appendix A.
- C. Additional fees for impounded animals are described in Appendix A.

3-4 DESTRUCTION OF ANIMALS

- A. If an animal which is impounded under this Section is not redeemed within the specified time period, adopted out, or if it is suffering because of sickness, injury or age as certified by a licensed veterinarian, then it shall be painlessly destroyed under the supervision of a licensed veterinarian by an intravenous or intercardial injection of a dose of barbiturates (sodium pentobarbital), or any other method deemed humane and painless by the Animal Control Division.
- B. Any animal which cannot be brought to an animal shelter because of the inability of an Animal Control Officer to extricate or capture an animal which is, in the opinion of the A.C.O., vicious or infected with any dangerous or incurable disease or in any painfully crippled condition, shall be destroyed by shooting by a Public Safety Officer at the direction of the Animal Control Officer.

3-5 IMPOUNDMENT OF HORSES

- A. If an A.C.O. finds that a horse has been abused by being untreated for serious medical or health problems, or by being seriously underfed to such an extent that its backbone is visible through its skin, then an A.C.O. shall cite the owner under Article 6 of this Ordinance and may, in his discretion, allow a responsible person who is knowledgeable in horse care and able to provide suitable food, water and veterinary care (hereinafter, "caretaker"), while in the presence of the A.C.O., to temporarily take custody of the horse, in order to provide care and maintenance for the horse, provided:
 - 1. The caretaker shall provide transportation for the horse from the site where the horse is found to the caretaker's premises; and
 - 2. The caretaker shall provide adequate food, shelter and veterinary care for the horse; and
 - 3. The caretaker agrees to abide by any court order regarding the custody and ownership of the horse.
- B. The owner of such an abused horse who has been temporarily deprived of the custody of his horse may, at the hearing on the issue of his citation for abuse, petition the Court for the return of his horse. Until such a judicial determination, the horse shall remain in the custody of the caretaker, and the owner be assessed a reasonable fee for the transportation of the horse to the caretaker's premises, plus \$10 per day boarding charge, for each day or part thereof that the horse remains on the caretaker's premises. Such amount can be awarded by a court to the caretaker.
- C. If the owner does not pay all fines and charges, including those imposed by a Court under this Section 3-5, within five (5) days of imposition, then the horse shall be deemed forfeited by the owner, and title and ownership shall vest in the caretaker.

ARTICLE 4: OWNER'S DUTIES

4-1 RABIES VACCINATION

- A. It is the duty of all persons owning a cat or dog or any members of the canine or feline family which an employee of an animal control shelter or the animal control division is permitted to vaccinate over the age of three, (3) months to have such animal vaccinated against rabies. The rabies vaccination shall be given in amounts sufficient to provide immunity from rabies for one (1) year and be administered by a licensed veterinarian. A certificate or tag from a licensed veterinarian shall be evidence of vaccination. A graduate veterinarian may vaccinate his own dog or cat.
- B. A veterinarian administering any rabies vaccine to any animal shall issue to the owner of the animal a numbered vaccination certificate or tag which shall contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of the vaccination and the expiration date of the period of immunity.
- C. It is unlawful for the owner of any dog, cat, or other members of the canine or feline family to fail to exhibit a certificate or tag of vaccination, upon demand, to any Sheriff's deputy or Animal Control Officer.

4-2 RABID ANIMAL

Any animal that has rabies or shows signs of having rabies, and any animal bitten by another animal afflicted by rabies, or that has been exposed to such a rabid animal, shall be confined at once in a secure place by the owner. A person who knows or has reason to know that any animal is infected with rabies or an unvaccinated animal has been exposed to rabies shall immediately notify an Animal Control Officer of the place where the animal is confined or can be found. The owner of said animal shall surrender said animal to the Animal Control Officer upon demand. The A.C.O. shall then deal with the rabid animal pursuant to state law. A vaccinated animal exposed to rabies may be required to be confined on the owner's premises for a minimum of fourteen (14) days, until it is determined by an A.C.O. that there are no symptoms of rabies.

4-3 ANIMAL BITING A PERSON

- A. The owner of an animal that bites a person and the person bitten by an animal shall both report that occurrence to an Animal Control Officer within twenty-four (24) hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer to impound said animal for a period of observation deemed reasonably necessary by the Animal Control Officer. A vaccinated animal may be confined on its owner's premises during this time of observation.
- B. The owner of the animal shall bear the cost of confinement. The A.C.O. may consent to confinement on the owner's premises, but only if the owner can produce

evidence of a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by the A.C.O. A person who has custody of an animal that has bitten a person shall immediately notify the Animal Control Officer, if the animal shows signs of sickness, or abnormal behavior.

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

4-4 RESTRAINT OF ANIMALS

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

4-5 LICENSE REQUIREMENTS

- A. Licensing Required: Any person keeping, harboring, or maintaining any dog over three (3) months of age within the County shall obtain a license from the Animal Control Division for each such dog. The A.C.O. shall keep a record of all licenses issued and shall issue a tag for each license granted. A current rabies vaccination certificate shall be presented at the time of the application for the license. Licenses shall be issued annually, and shall be renewable during the anniversary month of the originally issued license, and shall expire on the last day of the anniversary month.
- B. To encourage the alteration of dogs, the licensing fee for unaltered animals shall be higher than for altered animals.

- C. Affixing Tags: A current license tag or number shall be affixed to the licensed dog at all times and in a reasonable manner.
- D. License Fee Schedule: See Appendix A.
- E. Duplicate (replacement) tag fee: See Appendix A.
- F. Exemptions:
 - (1) Dogs belonging to non-residents, who keep dogs within the confines or the boundaries of the County for less than ninety (90) consecutive days shall be exempt from this Section, provided, however, that all other provisions of this Ordinance are complied with.
 - (2) Guide dogs will be licensed by the County at no charge to the legally blind and/or deaf, or to a handicapped or disabled person who has a current prescription from a licensed physician prescribing such animal use.
- G. Penalty: Any person violating any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be punished by incarceration and/or by a fine as set forth in Appendix A.

ARTICLE 5: PROHIBITED ACTIVITIES

5-1 DOGS RUNNING AT LARGE

It is unlawful for any owner to allow or permit any dog to run at large. Any dog permitted to run at large in violation of this Section is declared to be a nuisance, a menace to the public health and safety, and may be taken up and impounded as provided in Section 3-1, et seq. In addition, its owner shall be subject, to the penalties set forth in Appendix A.

5-2 ANIMALS ON UNENCLOSED PREMISES; CHAINED ANIMALS

- A. It is unlawful for any person to chain or stake any animal in a cruel or inhumane manner. Where circumstances warrant and no other alternative exits for confining an animal on its owner’s property, a rope, cable, or chain may be used to restrain the animal, provided the following criteria are met:
 - 1. The rope, chain, or cable must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.
 - 2. The rope, chain or cable must be at least twelve (12) feet in length unless such length allows the animal to enter onto another’s property, in which case the chain shall be no less than eight (8) feet in length. The chain must be unobstructed by objects which might cause the animal to become entangled.
 - 3. The animal must have easy and constant access to adequate shelter, food and potable water.
 - 4. The area where the animal is confined must be kept free of garbage, feces, or other debris which may endanger the animal’s health and safety.
 - 5. The area where the animal is confined must be kept

free of insect infestation such as ant hills, wasp nests, flea, tick, and maggot infestations.

- 6. The animal must be tied reasonably near the owner’s residence or workplace and must not be left unattended for longer than a twelve (12) hour period.
- B. Invisible fencing. Where an owner maintains an invisible fence, i.e., an electrical device designed to contain animals wearing an appropriate collar within a confined area, which is in operation at all times that a dog is outdoors on the owner’s premises, and within the invisible fencing, and where each owner’s dog on the premises wears the applicable collar, then the provisions of Section 5-2A shall not apply, provided that the invisible fence does, in fact, retain the dog on the owner’s premises.
- C. Violations of these requirements will constitute an act of neglect/cruelty and will subject the animal to immediate impoundment and penalties to the owner as set forth in Appendix A.

5-3 ANIMALS TRANSPORTED OR LEFT IN VEHICLES

It is unlawful for any person to carry any animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. No person shall keep or transport an animal in the bed of a pick-up truck unless the animal is properly restrained in a humane and safe manner to prevent the animal from leaving the confines of the bed of the truck. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety the animal. During hot weather conditions, an A.C.O. or Sheriff’s deputy may immediately remove an animal from a vehicle and take it into protective custody, at the cost assessed to the owner. Violations of this Section will constitute an act of cruelty/neglect and will subject the owner to the penalties set forth in Appendix A.

5-4 VICIOUS ANIMALS

It is unlawful for any person to keep or harbor a known vicious animal in the County. Any attack by a vicious animal or any animal displaying traits of a vicious animal may be repelled by the use of reasonable force. After a judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this Ordinance, upon hearing of such complaint, may, in addition to any fine or imprisonment which may be imposed for violation hereof, order the Animal Control Officer to have such animal destroyed as set forth in Section 3-4 or this Ordinance.

5-5 ANIMAL DISTURBING THE PEACE

- A. It is unlawful for any owner to allow any of his animals to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of the inhabitants of the County, or to keep or maintain on his premises any animal in such a manner as to disturb others by noxious or offensive odors, or

otherwise endanger the health, safety, and welfare of the inhabitants of the County.

- B. Violations of this Section shall constitute a nuisance and shall a subject the owner to the penalties set forth in Appendix A.

5-6 ANIMAL NUISANCES ON SIDEWALKS, PUBLIC PARKS, ALLEYS, AND OTHER PLACES OPEN TO THE PUBLIC

- A. It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon a sidewalk, or in a public park; or upon the floor or wall or any common wall or any common hall in any multiple dwelling, entryway, stairway, or wall immediately abutting on a public sidewalk; or upon the floor or wall of any theater, shop, store, office building, or other building used in common by the public; or upon any private property other than that of the animal owner. When an animal defecates in a public place, the owner must remove the feces and dispose of it in a sanitary manner. The term nuisance shall include any defecation or urination, destruction of property or disturbing the property of another, including the rubbish or trash of a resident of Santa Fe county.
- B. Violations of this Section shall constitute a nuisance and shall objection the owner to the penalties set forth in Appendix A.

5-7 UNLAWFUL USE OF LICENSE TAG

It is unlawful for any person to remove any license tag from an animal and attach it to another animal. It shall be 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 vaccination certificate or other form of licensing as required under this Ordinance.

5-8 ANIMALS TRAINED TO ASSIST THE HANDICAPPED ALLOWED IN PUBLIC PLACES

Animals trained to assist the handicapped, including blind or deaf persons, shall be allowed in public places and it shall be unlawful for any person who owns, operates, or maintains any public place of business or conveyance into which the general public is invited to debar or exclude therefrom any animal which has been trained to assist the handicapped, provided such animal, accompanies the handicapped person it was trained to assist.

5-9 WRITTEN COMPLAINT REQUIREMENT

For any alleged violations of this Section 5, an A.C.O. may, require before further action or investigation, complaint to submit, on a form provided by the A.C.O., a written complaint of the alleged Ordinance violation, giving the name and address of the complainant and, if available, or the owner who is in such violation.

ARTICLE 6: CRUELTY TO ANIMALS PROHIBITED

6-1 PHYSICAL ABUSE

It is unlawful for any person to willfully or maliciously kill, beat, sexually abuse, maim, poison, disfigure, burn, or scald any animal, or to attempt to kill or poison any animal that is not a wild animal, except that reasonable force may be employed only to drive off vicious or trespassing animals.

6-2 MOLESTING ANIMALS

It is unlawful for any person to tease, annoy, disturb or molest any animal which is on the property of its owner, or under the control of its owner.

6-3 WORK CRUELTY

It is unlawful for any person to drive or work any animal cruelly.

6-4 CARE AND MAINTENANCE

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

6-5 Uncared-for Animals; Abandonment

- A. Whenever an Animal Control Officer finds that any animal is or will be without proper care because of injury, illness, and/or incarceration or as a result of the absence of the owner or person responsible for the care of such animal, the A.C.O. may enter onto the property or premises where said animal is located and (I may take up such animal for protective care; and in the event of sickness or injury of the animal, upon the instruction of a licensed veterinarian, the Animal Control Officer may take such action as called for to prevent undue pain and suffering, including immediate destruction of the animal.
- B. It is unlawful for any person to abandon any animal in the County of Santa Fe.

6-6 INJURY TO ANIMAL BY MOTORISTS

- A. Every operator of a motor vehicle or other self pro-

pelled vehicle upon the streets and ways of the County shall immediately upon hitting, striking, maiming, or running down any animal, give aid as is reasonable to render. In the absence of the owner, said operator shall immediately notify the A.C.O., furnishing sufficient facts relative to the incident to identify the location of the injury, type of animal injured, and name and address of the motorist striking the animal. It is the duty of such operator to remain at or near the scene for a reasonable length or time or until such time as the appropriate authorities arrive, unless permission is granted from those authorities to leave the scene after providing his name, address, and other relevant information as requested by the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a licensed veterinarian or to an animal control shelter and notifying an A.C.O.

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

6-7 KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS

It is unlawful for any person to have, keep, or harbor any animal which is afflicted with any incurable, or infectious disease or is in any painfully crippling condition, except as hereinafter provided. The Animal Control Officer may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be destroyed humanely as soon thereafter as is practicable. In the case of destruction of such animal, the Animal Control Officer shall be required to give any of the aforesaid notices provided in this Ordinance. This Section shall not be construed to include animals receiving veterinary care.

6-8 ANIMAL FIGHTS

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

6-9 BIRDS

It is unlawful for any person to confine any bird unless provisions are made for the proper feeding and the furnishing of water to such bird at intervals not longer than forty-eight (48) hours. No person shall confine any bird in a crate, box, or other enclosure which does not permit each bird confined therein to stand in a naturally erect position.

6-10 FALSE REPORTS PROHIBITED

It is unlawful for any person to make a false report to a Sheriff’s deputy or an A.C.O. regarding any animal in dan-

ger or stray or regarding any supposed violation of this Ordinance.

6-11 SCOPE OF SECTION; VIOLATIONS

- A. It is expressly provided that Section 6-1 through 6-8 shall apply equally to domestic livestock, exotic animals, and wild animals in addition to dogs and cats.
- B. Violations of Section 6-1 through 6-11 of this Ordinance are punishable by fines and/or imprisonments as set forth in Appendix A.

6-12 REPEAT OFFENSES

- A. Three or more violations of any one or any combination of Section 6 offenses shall constitute an act of cruelty. A repeat offender shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500.00 and/or imprisonment for period not exceeding six (6) months.
- B. In cases of repeat offenses under this Section 6, an A.C.O. shall have the authority to impound any animal subjected to cruelty, neglect or abandonment. The animal may, not be returned to its owner before a hearing in Magistrate Court if, in the opinion on of the A.C.O., the harm to the animal is severe and likely to recur.
- C. In cases of repeat offenses for animals subjected to cruelty, neglect or abandonment, the A.C.O. may have such animal adopted to another owner, thereby extinguishing all property rights of the existing owner, provided the A.C.O. serves written notice upon the existing owner, informing him of the A.C.O.’s intent to have said animal adopted by another owner, and giving the existing owner three (3) business days to 1) declare his intent to maintain ownership of the animal and to object to the adoption, and 2) pay all impoundment, boarding, and veterinary costs, up to the date of the owner’s declaration of intent to maintain his ownership of his animal. This intent must be stated in writing, signed by the animal’s owner, and delivered to the Animal shelter keeping the animal. The statement of intent and payment of fees and costs will serve to stop any animal adoption proceedings.

ARTICLE 7: WILD OR EXOTIC ANIMALS; GUARD DOGS

7-1 KEEPING OF WILD OR EXOTIC ANIMALS

- A. No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations, or by the State of New Mexico, 17-3-22 NMSA 1978, as amended.
- B. No person shall keep an animal which is wild, vicious dangerous, noxious, or naturally inclined to do harm, except in a zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, educational facility, for which adequate protection devices shall be provided to prevent any animals from escaping

or injuring the public.

- C. Any provisions of this Ordinance to the contrary notwithstanding, no person shall keep a wild or exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to human beings, to the property of human beings, or which constitutes a public or private nuisance.

7-2 LICENSING WILD OR EXOTIC ANIMALS

Any provision of this Ordinance to the contrary notwithstanding, no person shall receive, own, or keep a wild or exotic animal within the limits of the County, without first applying for and receiving from the A.C.O. an annual permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved. The Animal Control Officer is permitted to enter the premises of the permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this ordinance. The A.C.O. may deny, revoke, or suspend a permit [or failure to comply with this Section. This permit shall be renewed annually, at a cost set forth in Appendix A.

7-3 ANIMALS USED FOR ENTERTAINMENT

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

7-4 GUARD DOGS

Anyone using or keeping a dog for the sole purpose of guarding a property, and neither as a pet nor for hunting uses, must follow the restrictions set forth in Section 7-4, in addition to all other applicable provisions of this Ordinance:

- A. The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large, unless the owner complies with Section 5-2A.
- B. If chained, the animal must be located within 10 feet of the entrance of the building to be guarded and chained in such manner as set forth in Sections 5-2A 1 through 6. (Chained Animals).
- C. The owner of the guard dog shall post warning signs prominently on all sides of the premises and on the entryway to the premises, stating that a guard dog is on the premises.

ARTICLE 8: DEAD ANIMALS

8-1 DISPOSAL

- A. Within twenty-four (24) hours of death of an animal, the owner shall dispose of the carcass by burial at least three (3) feet underground in a suitable location, or by other means approved by an A.C.O.
- B. At his discretion, the A.C.O. is authorized to pick up and dispose of all dead animals immediately upon dis-

covery or notification.

- C. The A.C.O. is not responsible for pick up or disposal of domestic livestock or wild animals, or animals killed on interstate highways, state, or county roads.
- D. At the request of the owner, an A.C.O. may, at his own discretion, given the constraints of County resources, pick up the carcass of dogs and cats weighing less than twenty (20) pounds from the homes of the owners who are residents of the County. The fee for this service is set forth in Appendix A.
- E. An animal carcass picked up under this Section of the Ordinance shall be disposed of by the County in whatever way is determined to be the most feasible to protect the health, safety, and welfare of the residents of the County and in such a manner as to minimize expense to the Animal Control Division and the County.

ARTICLE 9: TAMPERING

9-1 BREAKING INTO ENCLOSURE

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

9-2 HINDERING AN A.C.O.

Any person who shall willfully or intentionally hinder or obstruct any Animal Control Officer in the discharge of his official duty under the provisions of this Ordinance shall be guilty of a petty misdemeanor.

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

10-1 PERMITS; STANDARDS; REVOCATION OF PERMITS

- A. It shall be unlawful to keep, maintain, harbor or possess upon the premises of any one household or upon the premises of any one business property more than ten (10) dogs of licensing age or ten (10) cats unless the owner or person in charge thereof has obtained a permit to operate a kennel from the Animal Control Division.
- B. The cost of obtaining a kennel permit is set forth in Appendix A. Each kennel license must be renewed annually and a new permit fee paid.
- C. No kennel permit shall be issued until an inspection of the kennel by an A.C.O. finds compliance with this Ordinance has been completed.
- D. The A.C.O. is authorized to inspect, at any reasonable hour, any kennel holding a permit to operate. By accepting a kennel permit, the permittee is agreeing to surrender the kennel for inspection at a reasonable time upon

the request of an A.C.O.

- E. All kennels, as defined herein, shall, in addition to the other provisions of this Ordinance, comply with the minimum standards of this Section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. The following standards must be met:
 - 1. animal enclosures must be provided which allow adequate protection against all weather extremes. Floors of buildings, runs and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.
 - 2. building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
 - 3. each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
 - 4. cages are to be of material construction that permit adequate cleaning and sanitizing.
 - 5. cages are to be of an impervious, washable material, radiantly heated, and shall have a resting board or some kind of bedding.
 - 6. rooms shall provide an adequate exercise area and protection from the weather. Runs shall have an impervious surface.
 - 7. all animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
 - 8. animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
 - 9. all animals shall have fresh, potable. water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- F. Any permit issued pursuant to this Section may be revoked if an A.C.O. has reasonable cause to believe that the standards set forth in this Section are not being met, or if the permittee or the person caring for or having control of the kenneled animals has violated any Section of this Ordinance or is in violation of any zoning, health and safety, or building ordinance relating to the keeping, care or use of any animal.

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

11-1 PENALTY CLAUSE

Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction of violating the Ordinance, shall be punished by a fine not exceeding \$500.00 and/or imprisonment for a period not exceeding six (6) months. A person may, in addition to any other penalty, be required to attend an animal

training or care school/classes in the discretion of the Court. Each day this Ordinance is violated shall be considered a separate offense.

11-2 GRACE PERIOD

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

11-3 RESTITUTION

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

11-4 SAVINGS CLAUSE AND REPEAL PROVISION

If any of these Sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the Board of County Commissioners to pass each section, phrase, paragraph, and word separately. Santa Fe County Resolution 1990-8 is hereby unaffected by this Ordinance. Santa Fe County Ordinances 1981-7, 1982-7, 1990-8 and Santa Fe County Resolution 1982-28 are hereby repealed.

11-5 EFFECTIVE DATE

This Ordinance will take effect on April 12, 1991.

APPENDIX A

SCHEDULE OF FEES, FINES AND CHARGES

A. LICENSING

- 1. Unaltered Male \$10.00
- 2. Unaltered Female 10.00
- 3. Altered Male 3.00
- 4. Altered Female 3.00
- 5. Late Penalty/No License and/or Registration 10.00
- 6. Duplicate Tags 5.00

B. IMPOUNDMENT FEES

- 1. DOGS
 - a. Per offense \$15.00
 - b. Boarding cost (per day) as set by Animal Shelter
- 2. CATS
 - a. Per offense \$10.00
 - b. Boarding cost (per day) as set by Animal Shelter
- 3. OTHER ANIMALS: reasonable impoundment and boarding fees as determined by the A.C.O., depending on the type of animal and care required.

C. PERMIT FEES

- 1. To operate a cat Kennel (per year) \$50.00
- 2. To operate a Kennel able to house 20

- dogs or less50.00
- 3. To operate all other Kennels200.00
- 4. To keep an exotic animal
(per year, up to)200.00
- D. CARCASS REMOVAL
 - 1. Removal of the carcass of a dog or cat, at the request of the animal's owner.50.00
- E. FINES for VIOLATIONS
 - 1. Running at Large, Trespassing, Nuisance, Non-Restraint, Disturbing the Peace
 - a. First offense (in a calendar year) . \$25.00
 - b. Second offense (in a calendar year) .60.00
 - c. Third offense or more
(in a calendar year)100.00
 - 2. Neglect, Care and Maintenance
 - a. First offense50.00
 - b. Second offense (up to)200.00
 - c. Third offense or more (up to)500.00
 - 3. Cruelty
 - a. First offense50.00
 - b. Second offense200.00
 - c. Third offense or more (up to) ...500.00
 - 4. No Rabies Vaccine15.00
 - 5. All Other Fines (up to)200.00