
Animal Services Ordinance #25-03
Amending Las Vegas Municipal Code Chapter 118 Animals
Sections 118-1 through 118-53

Whereas, the present section amends the entirety of the Animal Ordinance:

Now therefore, be it ordained by the governing body of the city of Las Vegas, New Mexico, the Chapter 118 of the Las Vegas Municipal Code be amended as follows:

Chapter 118. ANIMAL SERVICES

§ 118-1. Short Title; Purpose.

- A. This chapter shall be known and may be cited as the "Las Vegas Animal Control Ordinance."
- B. It is the intent of the City Council that enactment of this chapter will protect animals from cruelty, neglect, and abuse, protect residents from annoyance and injury, assist in providing housing for animals in a control center, finance the functions of licensing and recovery and establish a program for sterilization of animals.

§ 118-2. Definitions.

As used in this Chapter:

Administrator means the person responsible for the operations of the animal services division.

Animal means any live vertebrate or invertebrate member of the animal kingdom excluding human beings.

Animal Control officer means an employee of the city, designated as such by the administrator, who has the authority of a peace officer to issue citations for violations of this chapter and performs such other duties relating to animal services as prescribed by the city manager.

Animal Control Shelter means A facility designated by the City of Las Vegas for the humane treatment of animals pursuant to the provisions of this chapter.

Anti-escape provision means any housing, fencing or device which a guard dog cannot go over, under, through or around.

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

Breeder means any person involved in controlled breeding of animals except those complying with subsection 5-9.5 SFCC 1987 for litter fees. Breeders are subject to the professional animal care permit requirements set forth in subsection 5-6.2 SFCC 1987.

City means the City of Las Vegas, New Mexico, a municipal cooperation.

Commercial property means:

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- A. A portion of land, buildings, or land and buildings in the city, zoned for, or utilized for commercial or business uses, including temporary sites; and
 - B. Any vehicle utilized for commercial or business purposes in the city.

Cruelty means an overt act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal's wellbeing, including but not limited to torture, maiming, beating or otherwise committing violence that causes injury or death.

Dangerous animal means:

- A. An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent great bodily harm to a person or domesticated animal provided that the person or the second animal are not on the premises of the owner or person having custody of the first animal; or
- B. An animal which, when unprovoked, injures a person but the injury does not result in great bodily harm; or
- C. An animal which, because of its poisonous bite or sting, constitutes a significant hazard to the public.

Designated area means An area of private land which is determined by a property owner to house animals under the provisions of this chapter.

Great bodily harm means an injury to a person or domesticated animal which:

- A. Creates a high probability of death; or
- B. Results in serious disfigurement; or
- C. Results in loss of any member or organ of the body; or
- D. Results in permanent or prolonged impairment of the use of any member or organ of the body.

Grooming parlor means any establishment, or part thereof, or premises maintained for the purpose of offering animals cosmetic services for profit.

Guard dog means any dog that is utilized to protect commercial property, as defined above.

Guard dog site means any premises utilizing a guard dog that has a current guard dog permit.

Handler means a person who trains dogs for socialization or dog shows or trials or a security person capable of controlling guard dogs or is responsible for and capable of controlling the operations of a dog.

Hobby Breeder means a person involved in showing or controlled breeding of dogs and cats that are registered with a national or international registry or organization, and possess the required permits.

Housing means any location where the guard dog is kept when not conducting security role.

Hybrid means an animal created by breeding animals of different species. For purposes of this article, it includes, but is not limited to, the hybrid offspring of domesticated dogs and wolves, or domesticated dogs and coyotes.

Impound means to take-up and confine an animal in a humane manner.

Inspection officer means an animal services officer authorized by ordinance to conduct inspectorial searches.

Inspection order means an order issued by a municipal or district court judge.

Inspectorial search means an entry into an examination of premises for the purpose of ascertaining the existence or nonexistence of conditions dangerous to health or safety or otherwise relevant to the public interest, in accordance with inspection prescribed by this chapter enacted for the promotion of public well-being.

Kennel means any commercial establishment or premises where ten (10) or more dogs or cats, over three (3) months of age, are boarded, kept, or maintained for any purpose whatsoever, with the exception of state-inspected veterinary hospitals and shelters.

Licensed veterinarian means a person with a doctor of veterinary medicine degree, licensed to practice in the state.

Livestock means cattle, horses, mules, donkeys, swine, sheep or goats.

Neglect means an overt act involving failure to provide for animal health or safety, including but not limited to failure to provide adequate food, water, shelter, exercise, or necessary veterinary care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age and condition.

Nuisance means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offending the well-being of the inhabitants of the city.

Owner of animal means a person who owns, harbors or keeps, or knowingly permits an animal to be harbored or kept, or has an animal in their care, or who permits an animal to remain on or about their premises.

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

Person in charge means, for the purpose of inspection, the individual present in an establishment who is the apparent supervisor of the establishment at the time of inspection. If no individual is the apparent supervisor, then any employee present shall be considered the person in charge.

Pet means any domesticated creature (non-livestock) kept for pleasure rather than commercial use.

Pet shop means any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange of animals of any type, except that the term shall not include livestock auctions.

Playground means an area where outdoor equipment is placed for children to play on, athletic fields such as baseball, football, soccer fields, handball courts, tennis courts, skateboard parks, etc.

Police dog means any dog owned by a public agency and used in law enforcement activities under the direction of a trained and certified handler.

Premises means a parcel of land and the structures thereon.

Professional animal care business means a business operated by a person or persons that involves live animals, and includes, but is not limited to, animal rescue, animal shelter, boarding kennel, breeder, grooming parlor, grooming service, commercial kennel, pet day care facility, pet day care, pet sitting, pet store, training facility, dog walking, and circus acts.

Professional animal care permit means a permit issued by the City of Las Vegas animal services administrator to a professional animal care business.

Quarantine means to detain or isolate an animal suspected of having a contagious disease.

Refuge means an establishment owned or operated by a nonprofit organization, approved by the City, whose function is to aid and comfort more than four (4) but no more than twelve (12) animals.

Restraint means:

- A. Confinement within the real property limits of an animal owner where the animal is secured by a fence or kennel and is otherwise under the control of a responsible person; or
- B. Reasonable and safe confinement within a vehicle in a manner that prevents an animal from escaping.

Running at large means not to be confined within a building, shelter, walled or fenced area or secured by a leash, unless under the direct control of the owner/handler or keeper.

Service animal means a dog or miniature horse that is individually trained to do work or perform tasks for a person with a disability.

Shelter means:

- A. Any establishment owned and operated by a non-profit humane organization licensed to do business in the state; or
- B. A structure that is moisture-proof, wind-proof, and of suitable size to accommodate an animal, allowing for freedom of movement to make normal postural adjustments, including the ability to stand, turn around, and lie down with limbs outstretched including, but not limited to, a dog house, shed, barn, private residence, or similar structure.

Stray animal means any animal found running at large beyond the boundaries of the premises of the owner.

Unaltered means not neutered or spayed.

Vaccination means protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the state.

Vicious animal means an animal which kills, bites and/or causes great bodily harm. It does not include an animal that bites, attacks or injures a person or second animal unlawfully upon the premises of the owner or person having custody of the first animal. Any animal that has previously been found to be a dangerous animal may thereafter be deemed vicious upon a second or subsequent offense.

Wild or exotic animal means any animal not normally considered domesticated and shall include, but not be limited to, the following:

- A. Class Reptilia; Order Phidia, such as racers, boas, water snakes, and pythons, and order loricata, such as alligators, caymans and crocodiles;
- B. The following members of the class Aves; order falconiforms, such as hawks, eagles, and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries, and emus;
- C. Class mammalia; order carnivora; family felidae, such as ocelots, margays, tigers, jaguars, leopards, and cougars, except commonly accepted domesticated cats; family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted domesticated dogs; family mustelidae, such as weasels, martins, mink, badgers, except ferrets, family procynnidae, such as raccoons; family ursidae, such as bears; family pinnipedia such as seals, sea lions and walruses; order marsupialia, such as kangaroos, and common opossums; order edentata, such as sloths, anteaters, and armadillos; order proboscidea, such as elephants; order primata, such as monkeys, chimpanzees, and gorillas; order rodenta, such as porcupines; order ungulata, such as hippopotamuses, giraffes, llamas, antelope, deer, bison and camels but excluding cattle, swine, sheep, and goats; and order euungulata such as rhinoceroses, tapirs, and zebras but excluding horses, ponies, donkeys, burros and mules; and
- D. Hybrids, which includes the offspring of two (2) animals of different races, breeds, species, varieties or genera involving any one or more of the animals mentioned in Subsections A—D above.

ARTICLE II. ADMINISTRATION

§118-3. Powers and Duties of City Manager

The City Manager and administrator are responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the city manager to carry out the intent and purpose of this chapter pursuant to the standard created by this chapter. The City Manager may delegate authority to the administrator and other duly appointed animal control officers as he/she deems appropriate to carry out the provisions of this chapter.

§118-4. Animal Control Officers to Issue Citations.

The city police, the administrator and animal control officers have the authority to issue citations for violations of this chapter and to perform such other duties as are prescribed by the city manager. An animal services officer shall wear a uniform, and a badge, and a name tag identifying him/her as an animal services officer. The badge shall be returned to the administrator upon the termination of their employment.

§118-5. Right of Entry of animal control officers for apprehending at large or stray animals.

Animal Service officers, in the performance of their duties, may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals.

§118-6. Resisting or obstructing an animal control officer.

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- A. Whoever commits resisting or obstructing an animal services officer is guilty of a petty misdemeanor.
- B. Resisting or obstructing any animal services officer consists of the following:
- (1) Knowingly obstructing, resisting or opposing any animal services officer of the city or any other duly authorized person serving or attempting to serve or execute any process or any rule or order of any of the courts of this state or any other judicial writ or process regarding the enforcement of this chapter; or
 - (2) Resisting or abusing any animal services officer in the lawful discharge of his/her duties.

Article III. Animal Control Shelter

§118-7. Established.

There is an established one (1) animal control shelter as designated by the City of Las Vegas.

§118-8. Hours of business.

The animal services center shall be kept open to the public for the transaction of business during the hours set by the administrator.

§118-9. Possession, Confinement and Impoundment of Animals

It is the duty of the animal control officers to take-up and impound in the animal shelter any stray, dangerous, vicious or any animal kept or maintained contrary to this chapter.

118-9.1. A stray animal may be confined at the animal control shelter for a period of at least three (3) days during which time the City will make reasonable attempts to notify the owner, if the owner can be reasonably ascertained by a license, rabies tag or other reasonable means. If identification of an owner is not possible within three (3) days, the stray animal will become property of the city and shall be placed for adoption.

118-9.2. The animal services officers may impound animals that are destroying public or private property or endangering the welfare of any person or animal that is lawfully on public or private rights-of-way. Any animal in violation of this subsection is declared to be a nuisance, a menace to the public health and safety, and shall be impounded. A notice of impoundment shall be left when an animal is impounded from private property. An attempt shall be made by the animal services officers to contact the owner.

118-9.3 Upon intake into the animal control shelter, all dogs and cats shall be vaccinated. The rabies vaccine shall not be given to an animal less than three (3) months of age or to any animal in which the vaccination history can be traced. It shall be the responsibility of an animal owner redeeming an animal legally impounded to pay for animal boarding per day, the costs of all medical treatment, including vaccinations, and other expenses incurred as deemed necessary by the animal control shelter, and all other reasonable costs. The City of Las Vegas shall establish, by resolution, appropriate fees. In addition, the owner shall pay any license fees due, cost of inoculations or other costs incurred in the care and maintenance of said animal.

118-9.4. No animal that has been impounded by the City will be adopted out for the purpose of breeding or sale. Every dog and cat adopted from the Animal Control Shelter shall be

neutered or spayed by a licensed veterinarian and vaccinated in compliance with state statutes. The cost of these activities shall be paid to the City by the person adopting the dog or cat prior to release of the animal. Neutering, spaying and vaccinations will not apply to animals which are less than five months old. If the animal is retrieved by the owner, the owner shall pay all fees and costs associated with housing the animal, including any vaccination fees.

118-9.5. If the identification of the owner is not made, and the stray animal becomes property of the city, the Administrator shall determine if the animal is deemed by the administrator vicious or dangerous, at which time the administrator shall have the option to terminate the animal's natural life and have the animal humanely euthanized. A report shall be completed by the administrator and kept for records of each animal terminated under these sections.

118-9.6 If the administrator determines that an animal is a threat to public safety or that an animal's safety is in jeopardy, the administrator may impound the animal, at the owner's expense, for the time necessary to seek a court order to hold the animal until the case against the owner or caretaker of the animal is heard in municipal court. Any attempt to obtain such a court order shall be made expeditiously. The owner or caretaker of the animal shall be responsible for any and all boarding and medical costs that accrue as a result of such impoundment.

118-9.7. In the event of sickness or injury of an animal, and upon the advice of a licensed veterinarian, the administrator may take such action as called for to prevent undue pain and suffering including immediate humane euthanasia of the animal.

118-9.8. Animal service officers, in the performance of their general duties, may enter upon private property to take-up and impound any animal that is kept or maintained contrary to this chapter and is in imminent danger of harm, except that animal service officers may not enter a private residence without approval of the occupant or the appropriate authority. Prior to entering private property, an animal services officer shall first attempt to make contact with the owner of the animal.

118-9.9. The City shall maintain, for a reasonable period of time as determined by the City Manager, records of all animals impounded in the shelter. The record shall contain at least the following information:

1. A complete description of the animal;
2. The manner and date of its acquisition by the center;
3. A description of all reasonable attempts at locating the owner;
4. The date and manner of its disposal;
5. The name and address of the purchaser or adoptee of any animal; and
6. All fees received.

§118-10. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he/she is not the owner, for more than 24 hours without first reporting the possession of an animal to the Police Department, giving his/her name and address,

a true and complete statement of the circumstances under which he/she took up the animal, a description of the animal and the precise location where such an animal is confined.

§118-11. It is unlawful for a person taking up an animal to fail to give the notice required above and for any person having such animal in his/her possession to fail or refuse to immediately surrender such animal to the City or his/her designee upon demand thereof.

§118-12. It shall be the responsibility of the City of Las Vegas to dispose of any animal by the use of an incinerating device. This is to assure a humane disposal procedure and assure a healthy environment. The City of Las Vegas shall establish, by resolution, appropriate fees. Payment for disposal through cremation, whether at the owner's personal request, or through enforcement of §§118-9 and 118-9.4. and will be the responsibility of the owner per the following fee schedule:

A. If an individual, laboratory, or business has a small animal (0 to 30lbs) which belongs to it which has been impounded and desires to have the same disposed of by cremation, the fee shall be \$50.

B. If an individual, laboratory, or business has a large animal (30lbs and greater) which belongs to it which has been impounded and desires to have the same disposed of by cremation, the fee shall be \$100.

ARTICLE IV. OWNERS DUTIES.

§118-13. Rabies Vaccinations.

- a. It is the duty of all persons owning or keeping a dog or cat over the age of five months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The City may require other animals to receive annual rabies vaccination. The veterinarian administering anti rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity.
- b. It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the City, an animal control officer or police officer.

§118-14. Rabid Animals

An animal that has rabies or shows signs of having rabies and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or who has reason to know that an animal is infected with rabies or has been exposed to rabies shall immediately upon learning of the infection notify the City via city police, animal shelter administrator and/or animal control officer and the State Health Department as to the place where the animal is confined and shall surrender said animal to the Animal Control Officer upon demand. The City shall then deal with the rabid animal pursuant to state law.

§118-15. Biting Dogs or other biting animals.

- A. The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the City and the State Health Department within 24 hours. The owner of an animal that bites a person shall surrender said animal to the Animal Control Officer if the City deems it necessary to impound said animal for a period of observation.

- B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the City and the State Health Department within 24 hours of his first professional attendance. The physician shall give 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 City in ascertaining the immunization status of the animal.

- C. Home confinement.
 - 1. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the City. The owner of the animal shall bear the cost of confinement. The City may consent to confinement on the owner's premises but only if the animal had 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 an 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 City before consent may be given for such home confinement.

 - 2. A person who has custody of an animal that has bitten a person shall immediately notify the City if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the City or an animal control official and relinquish any claims to said animal.

§118-16. Restraint of animals.

- A. Voice command is not an acceptable form of restraint.

- B. Except for city permitted events that allow for animals to be present, animals which are not service animals shall not be allowed upon playgrounds or upon the grounds of swimming pools, or within a building, any of which are owned, operated or maintained by the city, nor shall they be allowed upon the premises of public schools, preschool through high school unless permission is obtained from the school official. All animals which are not service animals shall be prohibited in any city park.

- C. Animals shall not be allowed upon a public street, alley, easement, city property or other place open to the public or upon any property other than that of the owner of the animal unless properly restrained. Dogs shall be on a secure leash no longer than six (6) feet in length and under the immediate effective physical control of the person having custody thereof. 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. The

person having custody shall be a person of such age and maturity to be reasonably responsible therefore and shall be capable of controlling and restraining the animal. A person inside an enclosed structure shall not be considered to be in the physical control of a dog not in the enclosed structure. The provisions of this paragraph do not apply when an animal is participating in a bona fide animal show or training program which has been authorized by the animal services division or is in a city park designated by the governing body as an off-leash exercise ground for dogs. The provisions also do not apply to police canine units unleashed while on public property while acting in a law enforcement activity.

- D. Animals located upon the property of the owner of the animal shall be restrained in such a manner as to secure the animal, using devices such as a kennel, invisible fencing, or inescapable walled or fenced area. Voice command is not an acceptable form of restraint. The animal shall be restrained in such a way as to prevent the animal from reaching outside the perimeter of the property.
- E. Animals shall not be carried in or upon any vehicle in a cruel, inhumane or unsafe manner. An animal carried in the bed of a truck shall be crated or restrained upon a non-metal mat so it cannot fall or jump from the truck or be strangled.
- F. It is unlawful to confine a domestic animal by the use of a tether, chain, trolley, or similar restraint. Fixed point tethering of any domestic 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 other animal, and only when the owner is immediately present.

§118-17. Confinement of Animals during estrus (heat)

Any female animal in the stage of estrus (heat) shall be confined to a well-ventilated building, escape-proof kennel or a boarding facility so that contact with a male animal will be prevented except for intentional breeding purpose, with required permits. Owners who do not comply with this section may be required upon direction of an animal services officer to place such animal in a boarding kennel or veterinary hospital at the owner's expense.

§118-18. Licenses for Dogs and Cats

- A. Any person owning, possessing or harboring any dog five months of age or over shall obtain a license and micro-chip for such animal. Written application for such license shall be made on such forms as supplied by the City and shall state any information deemed necessary by the City. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee (tag, micro-chip and certificate) for this section shall be twenty (\$20) dollars for a neutered animal and twenty five (\$25) dollars for an unneutered animal. In the event a tag is lost, replacement tags costing \$1 shall be purchased. The license shall expire one year from the date of issuance and may be renewed for one (1), three (3) or five (5) years.
- B. A current license tag shall be affixed to the licensed dog at all times in a reasonable manner unless the licensed dog is being kept in an approved kennel,

veterinary hospital, is appearing in an approved show or is being trained; provided that the person who is training a dog shall have in his personal possession the valid license tag for each dog and shall immediately display such upon request by an animal control officer, animal shelter personnel or other law enforcement officer.

- C. Animals belonging to nonresidents who do not keep said animals within the corporate limits of the City of Las Vegas for 30 consecutive days shall be exempt from this section; provided, however, that all the other provisions of this chapter must be complied with.
- D. The license fees shall not apply to service animals.

§118-19. Care and maintenance of dogs.

For any dog kept outside, all of the following must be provided:

- A. A shelter accessible to the dog at its will. The shelter shall be made of durable material with a solid, moisture-proof floor that does not permit rain to enter it. The shelter shall not be constructed of metal or any material that readily conducts heat or cold. The shelter must contain a sufficient quantity of suitable, clean bedding material appropriate to local climate conditions and sufficient to protect against cold and dampness. Materials that retain moisture shall not be utilized for bedding.
- B. One or more areas of shade by natural or artificial means large enough to accommodate the entire body of the dog at one time to provide protection from the direct rays of the sun. The shaded area must be separate and outside of the shelter.
- C. Easy and constant access to clean water.
- D. A confined area free of garbage and other debris that might endanger the dog's health and safety. The confined area shall be kept free of feces and vermin and insect infestations such as ant hills, wasp nests, or flea, tick, and maggot infestations.

§118-20. Space requirements.

Animals shall be allowed in designated areas in the following ratios.

- A. Maximum of:
 - Cow(s): one cow per ½ acre
 - Horse(s): one horse per ½ acre
 - Sheep: one sheep per 1/3 acre
 - Goat(s): one goat per 1/3 acre
 - Pig(s): one pig per ¼ acre
 - Chicken(s): one chicken per 200 square feet
 - Duck(s): one duck per 200 square feet
 - Geese: one goose per 200 square feet

- Rabbit(s): one rabbit per 200 square feet

B. The areas housing these animals must be fenced with appropriate fencing for the type of animal. Including but not limited to five (5) strand barbed wire, chicken wire, or other appropriate fencing to keep the animal enclosed.

C. The designated enclosed area must be at least fifty (50) feet from a residential structure or commercial business not owned and inhabited by the owner of the animals.

D. The designated area must be kept clean of animal waste or other material which may attract flies or emit obnoxious odors.

E. Failure to abide by this section, specifically subsection D, can result in citation for nuisance by animal control officers and imposition of fines and set forth below in this chapter.

§118-21. Permitted number of Animals

A. No household or member thereof is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than four animals, consisting of animals subject to the licensing requirements of §118-18; provided that any household owning dogs or cats or any combination thereof totaling more than four animals, which animals are licensed before the effective date of this section, shall be allowed to retain more than four animals only as long as the particular animals owned on the effective date remain in the possession of said household; provided, further, that the head of any household shall be held responsible for any violation of this section by the household or any of its members.

B. Any household or member thereof owning, harboring or keeping more than four dogs or cats on the date that this provision becomes effective shall be permitted to own, harbor or keep such number of animals upon the following conditions:

1. That the owner, within 30 days after the effective date hereof, report in person to the Animal Control Shelter a description of such animals;
2. That all such owners, upon reporting in person to the Animal Control Shelter, provide proof of compliance with §118-13 and §118-18;
3. That the Animal Control Officer conduct an inspection of the premises to ensure proper care and maintenance; and
4. The owner wishing to own more than four (4) dogs or cats pay a fee of \$25 and upon completion of all requirements the animal control officer submit an approved permit and record of the approval be kept by the administrator.

§118-22. Professional Animal permit required for kennels, pet shops, hobby breeders, certain shelters and related businesses.

The city declares it to be conducive to the promotion of the health and general welfare of the inhabitants of the city to require a professional animal care permit to operate a kennel, grooming parlor, pet shop, refuge or shelter or to be a hobby breeder and impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, refuge or shelter or pet shop, or being a hobby breeder.

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- A. Kennels, grooming parlors, pet shops, refuges, hobby breeders and shelters shall be allowed only in zones designated by Chapter 450, Zoning.
- B. Procedures for obtaining a professional animal permit; fees and renewals.
1. Persons operating kennels, grooming parlors or pet shops or hobby breeders shall obtain a professional animal permit approved by the Administrator.
 2. An application for a professional animal permit shall be filed on forms provided by the City Manager or Administrator.
 3. Each application for a professional animal permit must include a petition on forms provided by the City signed by the residents and owners of all property, abutting the property for which the permit has been requested, not including public right-of-way, stating that said residents and property owners have no objection to the permit being issued. The person applying for the permit is responsible for obtaining the signatures. Provided, however, that the applicant may submit a petition not signed by all abutting resident and property owners if he is unable to obtain their signatures, and said petition must give the names and addresses of the residents and property owner who have not signed. The City Manager may contact any of the abutting residents or property owners to discuss the application.
 4. Within 30 working days of receipt of an application for any professional animal permit, the administrator or animal control officer shall inspect the premises to determine whether they comply with the standards established by this chapter.
 5. The City Manager shall conduct a public hearing on each application for a professional animal permit for a refuge. At least 15 days before the date of this hearing, the applicant must post and maintain one or more signs as provided and where instructed by the City Manager. It is unlawful for any person to remove or tamper with any such required sign during the period it is required to remain under this subsection. The City Manager shall notify the applicant by mail of the date, time, and place of hearing and shall also mail written notices not less than six days prior to the date of the hearing to all owners of property within 100 feet of the exterior boundaries of the property which is the subject of the application, using for this purpose the last known name and address of the owners shown in the records of the San Miguel County Assessor.
 6. Within 30 working days after the inspection required for any professional animal permit or the public hearing on an application for a refuge, the City Manager shall approve, approve with conditions, or deny the professional animal permit application. The City Manager shall approve an application if he determines that:
 - a. The standards established by this chapter, by Chapter 450, Zoning, and other applicable laws and regulations are met.
 - b. The activity would not be detrimental to the public welfare.

c. The professional animal permit would not be injurious to the neighborhood. In making his decision, the City Manager shall assess neighborhood input from public hearing for refuges, the petition for hobby breeders or any complaints which have been made against the refuge or hobby breeder to determine the seriousness of any objections, but neighborhood input shall not be the sole determinant of his decision.

7. Should the applicant for any professional animal permit, any party in the public hearing required for a permit for refuge, or any resident or property owner residing or owning property which abuts the premises of a hobby breeder wish to appeal the City Manager's decision, such appeal must be made to the City Council.

8. If the professional animal permit application is approved by the City Manager, the applicant shall pay a permit fee of \$25 and the permit shall be issued; provided, however, that shelters shall be exempt from this fee and applicants for hobby breeder may either purchase a regular license as provided in §118-18 or pay a fee of \$25 for the professional animal permit. New professional animal permits for kennels, grooming parlors, pet shops or animal shelters, but not a renewal, shall be issued with permit fees prorated on a semiannual basis. Except for refuges, professional animal permittees who keep their animals confined shall, at the option of the permittee, be exempt from the animal license requirements of this chapter, and will not be issued any license tags unless the required animal license fee is paid; provided that hobby breeders who are professional animal permittees will be issued license tags when the required fee for the professional animal permit is paid, but will be exempt from the animal license requirements as provided in §118-18 for each animal on the premises.

9. Professional animal permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop, refuge and shelter.

10. A professional animal permit holder shall notify the animal care administrator of any change in his operation which may affect the status of his permit and shall keep the administrator apprised of any changes in name or location of the activities covered by the permit.

11. Persons in charge of any kennel, grooming parlor, pet shop, refuge or shelter and any hobby breeder shall be responsible for complying with this chapter. There shall be kept at each kennel, grooming parlor, pet shop, refuge or shelter, and hobby breeder's premises a record of all animals received and of their final disposition.

12. The professional animal permit for kennels, grooming parlors, pet shops, and animal shelters shall expire December 31 of each calendar year, and an application for renewal shall be filed by February 1 of the following year. The professional animal permit for hobby breeders and refuges shall expire one year after the date of issuance, and an application for renewal shall be filed within 30 days after the date of expiration. Procedures and fees for permit renewals shall be the same as those for new applications, except the public hearing for professional animal permits for refuges shall not be required.

C. Facilities and care applicable to professional animal permit.

1. Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. Interior floors shall be smooth, easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.
2. Housing requirements.
 - a. Animals maintained in pens, cages or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.
 - b. Indoor housing shall be provided for in all pet shops, grooming parlors, refuges, shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.
 - c. Sufficient lighting shall be provided by either artificial or natural means.
 - d. Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.

Provisions shall be made for the removal and proper disposal of animals and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

3. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purpose, and any vicious or quarantined animals shall be removed and caged by themselves. Provided, however, that hobby breeders shall not be required to segregate the animals by sex.
4. Except as indicated for health or welfare, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
5. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop, refuge, or shelter who observes an animal which he suspects of being rabid shall at once notify the City Manager and the State Department of Health and Social Service and segregate such animal(s) for a period of 10 days unless examined and released by written statement of a veterinarian and then only at the discretion of the City Manager.
6. Persons operating kennels, grooming parlors, pet shops, refuges and shelters as well as hobby breeders shall comply with all applicable requirements under this chapter.
7. Refuges shall be required to have all their dogs and cats spayed or neutered; provided, however, that this requirement does not apply to the four dogs or cats permitted per household by § **118-14** of this chapter.

- D. Inspection under a professional animal permit. The City Manager or his designee, after proper identification, shall be permitted to enter, at any reasonable time, any kennel, grooming parlor, pet shop, refuge, or shelter, or hobby breeder premises for the purpose of making inspections to determine compliance with this chapter. The City Manager, or his designee, shall make as many inspections and re-inspections as are necessary for the enforcement of this chapter.
- E. Number of animals permitted holders of a professional animal permit for hobby breeders.
1. The number of adult dogs or cats, or any combination thereof, which any holder of a professional animal permit for hobby breeder may keep shall be limited on the basis of the allowable kennel area which he has and an area requirement per dog or cat. "Allowable kennel area" is defined as 10% of the total area of the lot on which the hobby breeding is to be conducted. The area requirement per dog or cat is established from the following table:
- | Animal Size (Pounds) | Area Required (Square Feet) |
|---------------------------|-----------------------------|
| Small (under 30 pounds) | 75 |
| Medium (30 to 59 pounds) | 100 |
| Large (60 pounds or more) | 200 |
2. "Animal size" is defined by the weight specified in the standard for the breed, either average or maximum allowable. If no breed standard for weight exists, the City Manager shall set a weight standard for the purposes of this subsection. The sum of the area requirement for each dog or cat which the hobby breeder keeps cannot exceed the allowable kennel area.

ARTICLE V. Animal Control

§118-23. Animals running at large.

It is unlawful for any person to allow or permit any animal to run at large in or upon any street, alley, sidewalk, vacant lot, and public property, other enclosed place in the City or private property not belonging to owner of animal. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety and shall be taken up and impounded as provided in §118-18.

§ 118-24. Animals on unenclosed premises.

It is unlawful for any person to chain, stake out, graze or herd any animal on any unenclosed premises in such a manner that such an animal may go beyond the designated area.

§ 118-25. Vicious animals.

No person shall keep or harbor a vicious animal. An animal whose bite or attack results in or causes great bodily harm to a person or an animal may be deemed vicious by a court of law. Any person attacked by a vicious animal while on public property may use reasonable force to repel the attack. An animal deemed vicious by a court of law shall be surrendered to the animal

services center for humane euthanasia, at the owner's expense, or the owner shall provide acceptable proof to the animal services center that the animal has been destroyed.

§ 118-26. Dangerous Animals.

No person shall keep or harbor a dangerous animal in a manner that constitutes a threat to a person or other domesticated animal. An animal deemed dangerous by a court of law shall be muzzled, on a leash no longer than three (3) feet, and under the immediate physical control of the owner or person having custody whenever the animal is not on the premises of the owner or person having custody. If an animal is found to be dangerous and the owner or person having custody of the animal has been found to not be in compliance with this section, then the animal may be deemed vicious by a court of law.

§ 118-27. Animals disturbing the peace.

A. It is unlawful for anyone to own, keep, or harbor any animal that habitually howls, yelps, whines, barks, or makes other noises in a manner which tends to disturb the public peace unreasonably.

B. Any person who violates the provisions of this section shall be punished in accordance with the fines and fees used in this chapter.

C. All complaints filed pursuant to this section shall be made at the animal control center Monday through Friday, 8:00 a.m. to 5:00 p.m. or to an animal control officer in the field. Complaints shall be in writing on forms provided by administrator or animal control officer, including the complainant's name, address, phone number, and signature as well as the animal owner's name and address. All complainants shall be willing to testify and/or provide documentation regarding the complaint or an animal control officer must have first-hand knowledge of the violation(s) and be able to provide testimony before a hearing officer.

D. Upon receipt of the complaint, animal services shall notify the owner in person and/or in writing of the complaint filed. If the complainant observes a violation of this section again, the complainant may contact animal services a second time and animal services shall notify the owner again. If no progress is made in resolving the complaint and the complainant contacts animal services a third time for a third violation, animal services shall issue a civil citation pursuant to the table set forth in this chapter. A fourth complaint shall result in a second civil citation. A fifth complaint shall result in a third civil citation and the city may deem the animal a nuisance and file a lawsuit in district court.

§118-28. Animal Nuisances.

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 create any nuisance upon a sidewalk, public park, alley or other place open to the public or upon any property other than that of the owner of the animal. The term nuisance shall include any defecation, destruction of property, or disturbing the property of another, including the rubbish or trash of a resident. When an animal defecates in such place, the owner shall remove the feces and dispose of it in a sanitary manner. Anyone walking an animal in a public area shall have in

his or her possession a sanitary and disposable means of removing the animal's feces, which must be placed in a refuse container for sanitary removal. Persons walking in public shall be able to present such means upon request of an animal services officer. The provisions of this paragraph shall not apply to a service animal accompanying any person with a disability.

B. Any person keeping animals shall provide adequate and sanitary housing facilities for such animals, and no stagnant water shall be permitted to accumulate. All structures used for the housing of such animals and all yards, cages, and runs provided for them shall be cleaned in a timely manner so as not to cause noxious or offensive odors and to prevent the breeding of insects. Such areas shall be cleaned often enough so as not to cause a health hazard for the animal or interfere with the animal's well-being. Failure to so keep any such animal is hereby declared to be a nuisance and unlawful.

C. Violations of this section shall constitute a nuisance and shall subject the owner or person having care or control of the animal to the penalties set forth in table as provided in this chapter.

§118-29. Unlawful use of license tags.

It is unlawful for any person to remove any license tag from one animal to another or to remove a license tag from a stray without lawful permission. It is unlawful for any person to manufacture or cause to be manufactured or to have in their possession or under their control, a stolen, counterfeit or forged animal license tag, rabies vaccination certificate or other form of animal or premises license.

§118-30. Service animals in public places.

It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any purpose to debar or exclude there from any dog or miniature horse designated as a service animal that has been individually trained to work or perform tasks for an individual with a disability whom it was trained to assist in conformance with the law.

§118-31. Confining animals in or upon motor vehicles.

No person shall confine any animal in or upon a motor vehicle that would place the animal in a life or health threatening situation because of exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from the heat or cold. In order to protect the health and safety of an animal, an animal services officer or law enforcement officer who has probable cause to believe that this section is being violated shall have the authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner of the motor vehicle.

§118-32. Transportation of animals.

Nothing in this chapter shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose.

§118-33. Removal of animals from motor vehicle by animal control officer or peace officer.

An animal services or peace officer who finds an animal in a motor vehicle in violation of this chapter may enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal services center or other place of safe keeping. If a vehicle is entered, left unsecured and cannot be re-secured, an animal services or peace officer shall stay with the vehicle until the owner arrives. In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing their name and office and the address where the animal may be claimed by the owner. The animal will be surrendered to the owner if the owner claims the animal within five (5) days from the time the animal was impounded. The owner shall pay all charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the animal services center will make reasonable effort to contact the owner and give notice that the animal is in their custody. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal within five (5) days after contact or efforts to contact, the animal services center may dispose of the animal in any reasonably humane manner.

§118-34. Spaying and neutering.

A. No person shall own or harbor within the city municipal boundaries any dog or cat over the age of six (6) months that has not been spayed or neutered unless that person obtains an annual permit from the animal services division to keep an unaltered dog or cat or obtains written verification from a licensed veterinarian that the dog or cat should not be neutered for health reasons.

B. Proof of neutering, if not apparent upon visual inspection, may be made by certificate or receipt from a licensed veterinarian.

C. Proof of unaltered dog or cat permit shall be available upon reasonable demand of an animal services officer or the owner of said animal will be cited for violation of the ordinance and the animal may be impounded.

D. A vasectomy is not an acceptable form of neutering.

ARTICLE VI. Cruelty to Animals Prohibited.

§118-35. Generally.

It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

§118-36. Physical Abuse.

A. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object; mutilate, burn or scald with any substance, any animal, except that reasonable force may be employed to drive off vicious or trespassing animals.

B. 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 pickup 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 when the vehicle is stationary and to prevent the animal from falling off while the vehicle is in motion. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal.

§118-36. Work Cruelty.

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

§118-37. Neglect.

No person shall fail, refuse or neglect to provide an animal in his or her charge or custody with proper food, clean water, shade, ventilation, necessary medical care, basic grooming which is necessary for the health of the animal, or shelter which shall be a weatherproof and structurally sound enclosure large enough to accommodate the animal.

§118-38 Abandonment.

It is unlawful for any person having charge, custody or ownership to abandon any animal. All animals which are to be abandoned may be turned over to the animal services center or the animal shelter for adoption.

§118-39 Poisoning.

It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this subsection to prohibit the use of poisonous substances for the control of vermin of significance to the public health.

§118-40. Anti-tethering of canines.

A. As used in this section, "tether" means to restrain a canine by tying the canine to any object or structure, including without limitation a house, tree, fence, post, garage, or shed, by any means, including without limitation a chain, rope, cord, leash, or running line. Tethering shall not include using a leash to walk a canine.

B. It shall be unlawful for a responsible party to tether a canine while outdoors, except when all the following conditions are met:

1. The canine is in visual range of the responsible party, and the responsible party is located outside with the canine.
2. The tether is connected to the canine by a buckle-type collar or a body harness made of nylon or leather, not less than one inch in width.
3. The tether has the following properties: it is at least five times the length of the canine's body, as measured from the tip of the nose to the base of the tail; it terminates at both ends with a swivel; it does not weigh more than 1/8 of the canine's weight; and it is free of tangles.
4. The canine is tethered in such a manner as to prevent injury, strangulation, or entanglement.
5. The canine is not outside during a period of extreme weather, including without limitation extreme heat or subfreezing temperatures, thunderstorms, hail storms, tornadoes, tropical storms, or other extreme weather events.
6. The canine has access to water, shelter, and dry ground.
7. The canine is at least six months of age. Puppies shall not be tethered.
8. The canine is not sick or injured.
9. Pulley, running line, or trolley systems are at least 15 feet in length and are less than seven feet above the ground.
10. If there are multiple canines, each canine is tethered separately.
 - a. This section shall not apply to the transportation of canines.
11. For a first-time violation, the Code Enforcement Officer shall issue a warning notice to the responsible party and shall wait at least 10 days before taking any further enforcement action against the responsible party. Thereafter, each violation of this

section shall be subject to enforcement in accordance with § 118-27.2 of this chapter or Article VIII, § 118-42, of the Animal Ordinance. For all civil penalties for violations of this section collected pursuant to Chapter 118, Article V, § 118-27.2, 50% of the amount collected shall be paid to City of Las Vegas, New Mexico, Animal Shelter.

§118-40.1. Schedule of penalties for unlawful tethering.

First Offense the animal control officer shall give a written warning and allow ten (10) days to correct;

Second Offense shall result in a fine of one hundred (\$100) dollars and a ten day correction period;

Third Offense shall result in a two hundred and fifty (\$250) dollar fine;

Fourth Offense and each subsequent offense thereafter shall result in a five hundred dollar (\$500) for each additional offense, and one criminal charge of one count of animal cruelty will be filed.

§118-41. Injury by Motorists.

- A. Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any animal, give aid as is reasonably able to be rendered. In the absence of the owner, they shall immediately notify city police, animal control officer or administrator, furnishing sufficient facts relative to the injury.
- B. Every such operator shall remain at or near the scene until the appropriate authorities arrive, and upon the arrival of the appropriate authorities, the operator shall immediately identify themselves to them. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal services center and notifying the administrator. The animal shall be deemed an abandoned animal within the meaning of subsection 5-8.4 of this chapter. This provision does not apply to operators of emergency vehicles.

§118-42. Hobbling livestock.

It is unlawful to hobble livestock or other animals by any means which may cause injury or damage to any animal.

§118-43. Keeping of diseased or painfully crippled animals.

It is unlawful to have, keep or harbor any animal which is infected with any dangerous or incurable or painfully crippling condition except as provided in this chapter. The administrator may impound the diseased or painfully crippled animal in accordance with the provisions of this chapter. All such animals impounded, following examination and approval by a veterinarian may be destroyed humanely as soon thereafter as is conveniently possible. In the case of humane euthanasia of an animal, the administrator shall not be required to give any of the notices provided in this chapter. This subsection shall not be construed to include veterinary hospitals or animals under active veterinary care.

§118-44. Animal Fights.

It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one (1) or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal. No person shall provoke or entice an animal from the property of its owners for the purpose of engaging the animal in an animal fight.

§118-45. Confining or crating of fowl.

It is unlawful for any person to confine any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to the fowl or bird at intervals not longer than twelve (12) hours; and unless provisions are made that the crate, box or other enclosure in which the fowl or bird is confined or impounded permits the fowl or bird to stand in a naturally erect position.

§118-46. Birds.

It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird.

ARTICLE VII. SALE OF ANIMALS.

§118-47. Use of Public Property.

It is unlawful to display, sell or offer for sale, barter, give away or otherwise dispose of any animal upon any street, sidewalk or public park.

§118-47.1. Litter Permit Required.

The owner who unintentionally breeds dogs or cats and does not have a current professional animal care permit for breeding shall pay a litter fee for each litter. An owner shall not advertise, sell, barter, exchange or give away any dog or cat within the municipal boundaries unless the litter fee is paid. Any advertisement for the sale, barter, exchange or give away shall include the litter fee receipt number. An owner shall furnish the litter fee receipt number to any prospective recipient requesting the number. If the owner purchases a breeder permit or provides proof of sterilization of the female animal within thirty (30) days of being cited for violation of this section, such charge shall be dropped. If the owner takes all or part of the litter to the animal control shelter to surrender, a litter permit shall not be required provided that the animal that produced the litter is neutered.

§118-47.2. Sale on Private Property.

It is unlawful to sell or allow the sale of any animal on private property without proper litter permits granted by the city. If a private owner allows for the sale of animals on private property, and the seller does not have litter permits as required by the city, the property owner shall be held liable and fined as set forth in the chapter.

§118.47.3. Animal Control Officer entry on public property.

An animal control officer may enter onto private property if a sale of animals is apparent to request inspection of permits and types on animals. Multiple violations will result in fines of sellers and private property owners.

§118-48. Rabbits or fowl.

It is unlawful to sell, offer for sale, barter or give away any unweaned baby rabbits or fowl under four (4) weeks of age. Raising of such rabbits and fowl by an individual for their personal use and consumption is not prohibited provided that they shall maintain proper brooders and other facilities for the care and containment of the animals and fowl while they are in their possession. The sale of young fowl by commercial breeders is not prohibited.

§118-49. Turtles.

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

ARTICLE VIII. Exotic Animals and Guard Dogs.

§118-50. Wild or Exotic Animals.

It is unlawful to be in charge of, possess or own:

- (1) Any wild or exotic animal or species prohibited by federal or state law;
- (2) Any wild or exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance;
- (3) Bats; or
- (4) Skunks

§118-51. Permits and Housing of guard dogs.

- A. It is conducive to the promotion of the health and general welfare of the inhabitants of this city to require permits for guard dogs, used on commercial property, and to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.
- B. Permits:
 - (1) Unless a guard dog permit is in effect for each commercial property where guard dogs are to be used, they shall not be used. Procedures for permit application, inspection of guard dog facilities, and issuance of dog identification tags will be established by the administrator. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business firm during the license year. However, such transfers shall not be effective until the administrator or their designee has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded. Applicants must provide five (5) working days' advance notice to the animal services center for permit transfers.
 - (2) Permit applications shall include the following information:
 - (a) The business name, address and telephone number of the commercial property where guard dogs are to be used;
 - (b) The name, address and telephone number of the handler who can be reached at any time during the day or night;
 - (c) The number of dogs to be used and a general description of their use;
 - (d) The location where dogs are to be housed; and

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- (e) Any other information that the administrator deems necessary by rule and regulation. Permit holders shall notify the animal services center if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.
 - (3) The administrator or their designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.
 - (4) If the inspection reveals that all the requirements of law and regulation are met, a guard dog permit for the approved commercial property shall be issued by the animal services center. The permit shall be displayed at the approved commercial property and an identification tag shall be affixed to the collar of each dog used. Holders of the guard dog permits shall be exempt for the guard dogs from the license fee requirements of subsection of this chapter.
 - (5) The guard dog permit shall be valid for one (1) year and shall be renewed annually within thirty (30) days after the renewal date.
 - (6) The guard dog permit must be obtained prior to housing or utilizing guard dogs at the commercial property; provided that for those commercial properties where guard dogs were in use when this regulation became effective, there shall be a ninety-day period in which to obtain the permit without penalty.
- C. Whenever there is a guard dog on the premises, the standards of this subsection, in addition to the other requirements of law and regulations, shall be complied with, as follows:
- (1) Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house guard dogs.
 - (2) All gates and entrances to the area where the guard dog is housed, used or trained shall be locked when not in use.
 - (3) Additional measures found necessary by the administrator shall be taken to protect the public from accidental contact with any guard dog.
 - (4) Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the administrator.
 - (5) In order to control noise, the administrator may require a sight barrier which breaks the dog's line-of-sight.
 - (6) In buildings where guard dogs are housed, exterior glass shall be adequate, or additional protective measures shall be taken by the owner, as required by the administrator, to prevent the dog from jumping through it.
 - (7) The building and yard in which a guard dog is housed shall be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the administrator that shall not be more than two hundred (200) feet apart, and shall be at all property corners and at every entrance into the area.

(8) For guard dogs either transported or used in vehicles, measures prescribed by rule and regulation of the administrator must be taken to protect the public from accidental contact with a guard dog.

(9) A handler is required to be physically present while guard dogs are being used at temporary sites which do not comply with this subsection.

D. Dogs which are used as private guard dogs on the property of their owner's private residence shall be excluded from the provisions of this subsection unless the residence is located on premises used for commercial purposes. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.

Article IX. Licenses and Permit Fees; Fines and Penalties; Other Charges; and Administrative Hearings.

§118-52.

A. Any violation of this chapter shall be punished as provided in Table 118-52.1. below or as provided in other section of this Code. If any person is cited for or convicted of cruelty or mistreatment of an animal, the animal shall be removed from the owner's custody and placed with the administrator. The administrator shall develop an alternative payment program for those residents who receive first-time civil citations and who have affirmed their inability to pay the associated fine.

TABLE 118-51.2.	
Type	Fee/Fine¹
Licensing	
Altered dogs and cats	Licenses shall be obtained pursuant to Section 118-12.
Unaltered dogs and cats	
Duplicate tags	
Permits Fees²	
Kennels	\$150 annually
Grooming service/parlors	\$150 annually
Pet shops	\$150 annually

Shelters	\$150 annually	
Guard dog	\$150 annually	
Exotic animals	\$150 annually	
Breeder ³	\$100 annually per breeding animal	
Circus and animal acts	\$250 per occurrence	
All other professional animal care businesses	\$100 annually	
Litter	\$50 per litter	
Impoundment Fees		
1 st impoundment in 36 th month period	\$10	
2 nd impoundment in 36 th month period	\$20	
3 rd impoundment in 36 th month period	\$40	
4 th impoundment in 36 th month period	\$80	
Subsequent impoundments	The fee shall be double the previous impoundment	
Fines for Violations⁴		
Resisting or obstructing an Animal Services Officer (Section 118-6)	Up to \$500 and/or 90 days in jail	
No rabies vaccination (Section 118-13)		
1 st civil citation in 36 month period	\$75 and proof of vaccination	
2 nd civil citation in 36 month period	\$150 and proof of vaccination	
3 rd civil citation in 36 month period	\$500 and proof of vaccination	
Harboring an animal that has bitten (Section 118-)	\$500 and/or up to 90 days in jail	
Restraint of animals (Section 118-)		
	Unaltered animal	Altered animal
1 st civil citation in 36 month period	\$50	\$25
2 nd civil citation in 36 month period	\$100	\$50
3 rd civil citation in 36 month period	\$250	\$125
4 th civil citation in 12 month period	\$500	\$250
No animal license (Section 118-)		
1 st civil citation in 36 month period	\$100	\$25
2 nd civil citation in 36 month period	\$200	\$50
3 rd civil citation in 36 month period	\$300	\$100
4 th civil citation in 36 month period	\$500	\$250
Permit violations (Sections 118-)		
1 st civil citation in 48 month period	\$100	
2 nd civil citation in 48 month period	\$250	
3 rd civil citation in 48 month period	\$400	
Animals disturbing the peace (Section 118-)		
1 st civil citation in 48 month period	\$25	
2 nd civil citation in 48 month period	\$50	
3 rd civil citation in 48 month period	\$100. Upon a third citation, the city may deem a nuisance and file a lawsuit in district court	
Nuisance (Section 118-)		
1 st civil citation in 48 month period	\$100	
2 nd civil citation in 48 month period	\$150	
3 rd civil citation in 48 month period	\$300	
4 th civil citation in 48 month period and subsequent citations	\$500	
Confining animals in or upon a motor vehicle (Section 118-)		
1 st conviction in 48 month period	\$100	

2 nd conviction in 48 month period	\$200
3 rd conviction in 48 month period	\$500 and/or up to ninety (90) days in jail and surrender of animal
Cruelty (physical abuse) (Section 118-	\$500 and/or up to ninety (90) days in jail and surrender of animal
Neglect (Sections 118-	
1 st criminal conviction in 48 month period	\$150
2 nd criminal conviction in 48 month period	\$250
3 rd criminal conviction in 48 month period	\$500 and/or up to ninety (90) days in jail and surrender of animal
Abandonment (Section 118-	\$200
Poisoning (Section 118-	\$500 and/or up to ninety (90) days in jail and surrender of animal
Animal fights (Section 118-	\$500 and/or up to ninety (90) days in jail and surrender of animal
Notes:	
<p>¹ In addition to the fees and fines due to the city, the pet owner shall also be responsible for any and all boarding fees accrued at a shelter and the state spay/neuter deposit, if applicable.</p> <p>² Any combination of kennel, grooming parlor, pet shop, or shelter operating as a single business at one location is only required to obtain a single permit. Multiple locations require a permit for each location.</p> <p>³ Any person who breeds animals shall obtain a breeder permit for each animal, an unaltered license for each animal, and a litter permit for each animal from each litter.</p> <p>⁴ Each day a violation occurs after the initial citation shall be considered a separate citation or crime. Failure to pay or contest a citation as specified below within fifteen (15) days of the date of the citation shall result in a late fee equal to the original citation.</p>	

- B. Civil citations shall be posted on the properties where violations occur in a conspicuous place; delivered in person; or mailed by certified mail, return receipt requested, to the last-known address of the person or persons responsible for the violation, as applicable.
- C. Form and Contents. Civil citations shall contain the following information:
 - (1) The address where the violation occurred;
 - (2) A description of the specific violation;
 - (3) A statement of whether this is the first, second, third, or subsequent offense;
 - (4) Instructions for submitting payment of the civil fine;
 - (5) A statement that within fifteen (15) days of issuance of the civil citation the cited person must either pay the civil fine or submit a written request for hearing;
 - (6) The name and phone number of the administrator; and
 - (7) A copy of this subsection §118-52.1.
- D. Request for administrative hearing. If the administrator receives a request for an administrative hearing within fifteen (15) days following the mailing of the notice of citation or surrender of the animal, animal services staff shall schedule a hearing with a hearing officer within five (5) business days from date of receipt of the request. The city manager shall appoint a hearing officer. An amount equal to the civil fine assessed, if

applicable, must accompany a request for hearing. The city shall hold the payment as a deposit until the hearing officer makes a decision. The administrative hearing date will be selected based on the hearing officer's schedule and availability. Resident's availability will be accommodated based upon the hearing officer's availability. If the decision of the hearing officer is in favor of the hearing requestor, the administrator will return the animal to the owner of the animal within twenty-four (24) hours. In the event the hearing officer decides to uphold the surrender of the animal and/or the civil citation, then the administrator shall retain custody of the animal and the city shall apply the deposit toward the civil citation. If the hearing officer decides in favor of the requestor, the city shall return the animal and the deposit to the requestor.


- E. If an appeal is denied by the hearing officer, the appellant may file an appeal in the fourth judicial district court, county of San Miguel, under Rule 1-074 NMRA. If the court rules in favor of the appellant, the administrator will return the animal to the owner of the animal within twenty-four (24) hours and return the deposit, if applicable.
- F. Revenue. The revenue generated through civil fines shall be retained by the police department and shall be used exclusively for enforcement of the animal services chapter of the city's code.

§118-53. Repeal.


PASSED, ADOPTED and ENACTED this 19th day of March, 2025.


Mayor David Romero

ATTEST:


Casandra Fresquez, City Clerk

Reviewed and approved as to legal sufficiency only:


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Ambrosio Castellano, City Attorney