

ANIMAL CONTROL ORDINANCE

(adopted May 4, 1995)

**ALBUQUERQUE ENVIRONMENTAL HEALTH DEPARTMENT
ANIMAL CONTROL DIVISION**
Animal Control Centers:

East Location

8920 Lomas Blvd., N.E.
Albuquerque, NM 87112
(505) 768-1975

West Location

11800 Sunset Gardens, S.W.
Albuquerque, NM 87121
(505) 768-1975

TABLE OF CONTENTS

PART 1: GENERAL PROVISIONS

- 9-2-1-1 Short title and legislative intent
- 9-2-1-2 Definitions
- 9-2-1-3 Administration
- 9-2-1-4 Animal control center; impounding procedures
- 9-2-1-5 Perjury
- 9-2-1-99 Penalty

PART 2: OWNER'S DUTIES

- 9-2-2-1 Anti-rabies vaccinations
- 9-2-2-2 Rabid animal or animal biting a person
- 9-2-2-3 Restraint of animals
- 9-2-2-4 Female dogs or cats in heat to be confined
- 9-2-2-5 Licensing; anti-rabies vaccinations and licensing by veterinarians
- 9-2-2-6 Litter fee; display of hobby breeder permit

PART 3: PROHIBITED ACTIVITIES

- 9-2-3-1 Number of dogs, cats, wolves and coyotes allowed
- 9-2-3-2 Animals running at large
- 9-2-3-3 Animals on unenclosed premises
- 9-2-3-4 Enclosure for breeding animals
- 9-2-3-5 Vicious animals
- 9-2-3-6 Dangerous animal
- 9-2-3-7 Animals disturbing the peace
- 9-2-3-8 Animal nuisance; defecation; cleanup
- 9-2-3-9 Unlawful use of rabies vaccination certificate or license tags
- 9-2-3-10 Unlawful retention of stray animals
- 9-2-3-11 Interference with the mayor in the performance of his duties
- 9-2-3-12 Unauthorised removal of animals by individuals
- 9-2-3-13 Cruelty to animals prohibited
- 9-2-3-14 Care and maintenance
- 9-2-3-15 Restraint devices
- 9-2-3-16 Abandonment of animals

- 9-2-3-17 Animal poisoning and trapping
- 9-2-3-18 Uncared for animals; protective custody
- 9-2-3-19 Injury to animals by motorists
- 9-2-3-20 Hobbling livestock
- 9-2-3-21 Keeping sick or diseased animals
- 9-2-3-22 Animal fights
- 9-2-3-23 Bird impounding; crating
- 9-2-3-24 Song birds; killing and robbing of nest prohibited
- 9-2-3-25 Sale or gift of animals

PART 4: PERMITTED PREMISES; REGULATIONS; LICENSES

- 9-2-4-1 Permit required
- 9-2-4-2 Permit applications
- 9-2-4-3 Permit approval
- 9-2-4-4 Permit requirements; expiration; renewal
- 9-2-4-5 Facilities and care standards
- 9-2-4-6 Access to permitted premises
- 9-2-4-7 Exotic or wild animals
- 9-2-4-8 Animal exhibits
- 9-2-4-9 Guard dog facilities
- 9-2-4-10 Suspensions, revocations of permits
- 9-2-4-11 Appeal procedures for permit denial, suspension or revocation
- 9-2-4-12 License and permit fees
- 9-2-4-13 Annual fee adjustment

PART 1: GENERAL PROVISIONS

§ 9-2-1-1 SHORT TITLE AND LEGISLATIVE INTENT

- A) This article shall be known and may be cited as the "Albuquerque Animal Control Ordinance."
- B) It is the intent of the City Council that enactment of this article will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the Animal Control Center's functions of housing, licensing, enforcement, and recovery.
(‘74 Code, § 6-2-1) (Ord. 40-1987; Am. Ord. 33-1992)

§ 9-2-1-2 DEFINITIONS

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. A vertebrate member of the animal kingdom other than humans.

ANIMAL EXHIBIT. A travelling animal show, petting zoo, circus, pony ride, animal act or any premises or activity operated for the purposes of showing any animal.

ANIMAL CONTROL CENTER or CENTER. A pound, lot, premises or building maintained by the city for the care



and custody of animals.

ANTI-ESCAPE DEVICE. Housing, fencing or other device which prevents a guard dog from leaving protected property.

BITE. A puncture or tear of the skin of a human or animal inflicted by the teeth of an animal.

COLLECTION. The specific animals listed on the exotic animal permit.

COMMERCIAL PROPERTY.

- (1) Land or buildings zoned for or used for business purposes including temporary sites; or
- (2) Vehicles used for business purposes within the city.

DANGEROUS ANIMAL. Any of the following:

- (1) Any animal which, when unprovoked, engages in behaviour that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of the animal; or
- (2) An animal which, when unprovoked, injures a person but the injury does not result in muscle tears or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
- (3) An animal which, because of its poisonous bite or sting, would constitute a significant hazard to the public.

ENCLOSED LOT. Land surrounded by a wall, fence or barrier.

ESTABLISHMENT. A place of business together with its grounds and equipment.

EXOTIC or WILD ANIMALS. Animals not normally considered domesticated, and shall include, but not be limited to:

- (1) Class *Reptilia*. Order *Phidia* (such as, but not limited to, racers, boas, water snakes and pythons) and Order *Loricata* (such as, but not limited to, alligators, caymans and crocodiles).
- (2) Class *Aves*. Order *Falconiforms* (such as, but not limited to, hawks, eagles and vultures) and Subdivision *Ratitae* (such as, but not limited to, ostriches, rheas, cassowaries and emus). Not included are small caged birds such as parakeets, canaries, love birds and finches.
- (3) Class *Mammalia*. Order *Carnivora*; Family *Felidae* (such as, but not limited to, ocelots, lions, tigers, jaguars, leopards and cougars), except commonly accepted domesticated cats; the Family *Canidae* (such as, but not limited to, wolves, dingos, coyotes, jackals and hybrids produced by breeding these canids with domesticated dogs), except domesticated dogs; Family *Mustelidae* (such as, but not limited to, weasels, martins, minks, badgers and ferrets); Family *Procyonidae* (such as, but not limited to, raccoon); Family *Ursidae* (such as, but not limited to, bears); and Order *Marsupialia* (such as, but not limited to, kangaroos and common opossums); Order *Edentata* (such as, but not limited to, sloths, anteaters and armadillos); Order

Proscocidae (elephants); Order *Primata* (such as, but not limited to, monkeys, chimpanzees and gorillas); Order *Rodenta* (such as, but not limited to, porcupines); and Order *Ungulata* (such as, but not limited to, antelope, deer, bison, camels and hybrids produced by breeding these ungulate animals).

FECES. Excrement and other waste matter discharged from the bowels of an animal.

GROOMING PARLOR. An establishment maintained for the purposes of performing cosmetological services for animals.

GUARD DOG. A dog that is used to protect commercial property.

GUARD DOG SITE. A premises utilizing a guard dog, and which has a current guard dog permit.

HANDLER. A person who is responsible for controlling the actions of a guard dog.

HEAT or SEASON. A regularly recurring state of estrus during which the female animal is capable of attracting or accepting the male for breeding or is capable of conceiving.

HOBBY BREEDER. A person involved in showing or controlled breeding of dogs and cats which are registered with a nationally or internationally recognized animal registry organization.

HOUSEHOLD. A social or family unit comprised of those living in the same dwelling or on the same premises.

HYBRID. 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.

INTACT ANIMAL. An animal that has not been neutered or spayed.

KENNEL. An establishment where animals are boarded, kept or maintained, except guard dog sites, state inspected veterinary hospitals, pet shops, grooming parlors, refuges and shelters.

LICENSED VETERINARIAN or VETERINARIAN. A Doctor of Veterinary Medicine licensed to practice in the State of New Mexico.

LIVESTOCK. Cattle, horses, mules, donkeys, swine, sheep or goats.

MAYOR. The Mayor of the city or his or her designated representative(s).

MULTIPLE ANIMAL SITE. A premises at which more than four neutered or spayed dogs or cats, in any combination, are kept, and which has a current multiple animal permit.

NUISANCE. This term 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. An owner of an animal is a person who, for more than 14 days, owns, harbors, keeps, knowingly causes or knowingly allows an animal to be harbored or kept, has an animal in his care, has assumed ownership



responsibility or who represents the owner, or has allowed a stray animal to remain on property owned, leased or controlled by him.

PERMITTED PREMISES. The establishment, household, property or site for which a valid permit has been issued by the Mayor for use as a kennel, grooming parlor, pet shop, refuge, shelter, hobby breeder site, animal exhibit site, exotic or wild animal site, multiple animal site or premises where guard dogs are on duty.

PERSON. An individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

PERSON IN CHARGE. For the purpose of inspections, means 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 SHOP. An establishment or premises maintained for the purchase, sale, exchange or hire of animals except livestock.

QUARANTINE. The detaining and isolation of an animal suspected of contagion.

RABIES TAG. The tag supplied solely by Albuquerque Animal Control which documents anti-rabies vaccination number and year and city license number and year, if any.

REFUGE. An establishment owned or operated by a non-profit organization whose sole function is to aid and comfort more than four but no more than 12 animals.

SERVICE ANIMAL. An animal trained by a certified guide dog school to lead blind persons; an animal trained by a certified hearing ear dog school to aid hearing impaired persons, or an animal approved by an institution or program approved by the Mayor, including the Vocational Rehabilitation Division of the New Mexico Department of Public Education to assist a mobility-impaired person.

SHELTER. The Center and an establishment owned and operated by a non-profit organization whose sole function is to aid and comfort more than 12 animals.

STRAY. An animal which is not physically restrained or controlled and is beyond the boundaries of the premises of the owner.

VACCINATION. Inoculation with an anti-rabies vaccine recognized and approved by the State of New Mexico, given in an amount sufficient to provide immunity from rabies for a minimum of one year.

VICIOUS ANIMAL. Any animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or corrective or cosmetic surgery) a person or domesticated animal, but it does not include an animal which bites, attacks or injures a person or animal which is unlawfully upon its owner's premise, or which is provoked.

ZOO. The City Rio Grande Zoological Park.

(‘74 Code, § 6-2-2) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992; Am. Ord. 43-1992; Am. Ord. 49-1993)

§ 9-2-1-3 ADMINISTRATION

(A) *Rules and Regulations.* Reasonable rules and regulations may be prescribed by the Mayor to carry out the intent and purpose of this article, pursuant to standards created by this article.

(B) *Procedure for Complaints.* A complaint alleging any violation of this article must be filed with the Center by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The Mayor may require the complainant to provide his name and address and swear to and affirm the complaint.

(C) *Procedure for Mayor or his Agents.*

(1) Whenever the Mayor has probable cause to believe that a person has violated this article, the Mayor may prepare in triplicate, using the ordinance [i.e., code] violation citation form (“citation”) provided by the city, written notice to appear in court. The citation shall contain the name, address and telephone number, if known, of the person violating this article, the driver’s license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The Mayor shall present the citation to the person he has probable cause to believe violated the code [or ordinance] section in order to secure the alleged violator’s written promise to appear in court by having the alleged violator sign at least one copy of the citation. The Mayor shall deliver a copy of the citation to the person promising to appear.

(2) If the alleged violator refuses to give his written promise to appear, the Mayor or his designated agent shall prepare a written complaint against the alleged violator and file the complaint with the Bernalillo County Metropolitan Court requesting the court to issue a summons for the alleged violator.

(‘74 Code, § 6-2-3) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-1-4 ANIMAL CONTROL CENTER; IMPOUNDING PROCEDURES

(A) *Establishment of an Animal Control Center.* There are established one or more Animal Control Centers, which shall be located in such numbers and locations as shall be designated by the Mayor. These centers shall be kept open to the general public for transaction of business during the hours set by the Mayor.

(B) *Impounding Strays; Records to be Kept; Redemption Fees; Notice Required.*

(1) All strays may be impounded.



- (2) If a stray animal is wearing a license or anti-rabies tab, or has an identifying tattoo or other identification, the animal shall be confined at the Center for a period of at least seven days, during which time an attempt shall be made to locate and notify the owner. If a stray animal is not wearing a license, tag or other identification, the animal shall be impounded at the Center for at least four days. The Mayor may dispose of an impounded stray animal the day following the required impoundment period in the following manner:
- (a) The animal may be adopted;
 - (b) Sold for biochemical research; or
 - (c) Destroyed in humane fashion, as the Mayor deems proper.
- 3) Stray animals to be sold for biomedical research or medical training shall have been impounded at the Center for at least five days prior to sale. Only animals designated for this purpose by their owners or stray animals without owner identification impounded by the Mayor may be sold for biomedical research. Only animals delivered to the Center by the Mayor or the animal's owner will be sold for biomedical research. The research center shall pay \$35 per animal. Animals may be used only under the control of the research center originally purchasing the stray animal.
- (4) The Center will not allow any dog or cat that has been impounded at the Center to be adopted if the Center knows the purpose is breeding or resale. No dog or cat adopted from the Center will be sold, leased or rented to another party. Every dog and cat adopted from the Center shall be spayed or neutered by a licensed veterinarian at the expense of the adopting party. The Center may make arrangements to have all or part of the cost of spaying or neutering the dog or cat paid to the city by the adopting party in order to ensure compliance with this section.
- (5) Stray livestock which remains unclaimed for ten days after impoundment may be sold or disposed of at the Mayor's discretion.
- (6) The Mayor is hereby authorized to sell or donate unclaimed livestock that has been impounded by the city and to execute a bill of sale or donation agreement to the purchaser or non-profit organization donee.
- (7) An owner reclaiming a dog or cat shall pay the city a reclaim fee of \$25 upon the first impoundment within a 12-month period, \$35 upon a second impoundment within the time period, \$45 upon the third impoundment within the time period and \$60 upon every impoundment after the third impoundment within the preceding 12-month period. In addition, the owner shall pay a \$25 sterilization deposit and sign an agreement stating that within 30 days after release, the owner either will sterilize the animal or will obtain a hobby breeder or intact animal permit. The sterilization deposit shall be reimbursed upon presentation by the owner of a receipt from a veterinarian documenting that the animal has been sterilized. An owner reclaiming for a second time a dog or cat for which an intact animal permit has been issued shall be required to either obtain a hobby breeder permit or, if the animal does not qualify for a hobby breeder permit, sterilize the animal. The owner also shall reimburse the city for all boarding, medical and maintenance costs incurred by the city during the impoundment. An owner reclaiming an animal other than a dog or cat shall pay a reclaim fee established by the Mayor, and shall reimburse the city for all boarding, medical and maintenance costs incurred by the city during the impoundment.
- (8) A record of all animals impounded at the Center shall be maintained for a period of one year. The record shall contain at least the following information:
- (a) A detailed description of the animal;
 - (b) The manner and date of its acquisition by the Center;
 - (c) The date and manner of its disposal;
 - (d) The name, address and telephone number, if any, of the party adopting or purchasing the animal;
 - (e) All fees received; and
 - (f) A record of all "dead on arrivals," including any identification information found on the animal and a description of the animal when possible.
- (9) The amount of money used for enforcing this article shall not be less than the total fees collected under this article.
- ('74 Code, § 6-2-4) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993)

§ 9-2-1-5 PERJURY

It is unlawful for any person to make any false affidavit, or knowingly swear or affirm falsely to any document, matter or thing required to be sworn to or affirmed by the terms of this article. ('74 Code, § 6-2-18) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-1-99 PENALTY

Any person who violates a provision of this article shall be deemed guilty of a petty misdemeanor, and upon conviction thereof, shall be subject to the penalty provisions set forth in § 1-1-99. Each day this article is violated shall be considered a separate offense. ('74 Code, § 6-2-17) (Ord. 40-1987; Am. Ord. 33-1992)

PART 2: OWNER'S DUTIES

§ 9-2-2-1 ANTI-RABIES VACCINATIONS

- (A) All owners of dogs or cats over the age of three months shall have such animals vaccinated annually against rabies. The anti-rabies vaccination shall be administered by a licensed veterinarian who also shall issue an anti-rabies vaccination certificate. The Mayor may require animals other than dogs and cats to receive



annual anti-rabies vaccinations.

- (B) The veterinarian administering anti-rabies vaccine to an animal shall issue to the owner or keeper of the animal an anti-rabies vaccination certificate and tag, each bearing the same number. The vaccination certificate and tag will be supplied without charge to the veterinarian by the city. Any veterinarian not using both a city-approved vaccination certificate in written form or a computer format which is approved by the city and rabies tags supplied by the city will be in violation of this section and subject to the fines and penalties established in this article. The veterinarian shall legibly record on the approved certificate in the appropriate areas the name and address of the owner of the animal, a description of the animal, the date of vaccination and the expiration date of the period of immunity, sterilization status, and veterinary practice name in the appropriate areas. This information shall be delivered by the veterinarian to the Mayor in accordance with § 9-2-2-5.
- (C) The owner of a dog or cat shall exhibit its certificate of anti-rabies vaccination upon demand by the Mayor and shall attach the anti-rabies vaccination tag securely to the animal's collar or harness. This division (C) does not apply to animals in the control of shelters or the zoo.

(‘74 Code, § 6-2-5A) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-2-2 RABID ANIMAL OR ANIMAL BITING A PERSON

- (A) The owner of an animal having rabies or showing signs of rabies, an animal bitten by a rabid animal or an animal exposed to rabies shall immediately confine the animal in a secure place. Any person who has knowledge of an animal infected by or exposed to rabies shall immediately notify the Mayor of the location of the affected animal. The animal shall be surrendered by its owner to the Mayor upon demand. The animal shall be dealt with in accordance with state law.
- (B) It is the duty of the owner of an animal that bites a person and of the person bitten by an animal to report the bite to the Mayor within 24 hours after the bite occurs. If deemed necessary by the Mayor, the owner shall surrender the animal to the Mayor for impoundment, quarantine, observation or destruction and rabies testing at the Mayor's discretion.
- (C) A physician who renders medical treatment to a person bitten by an animal shall report the bite to the Mayor within 24 hours of such treatment. The physician shall report the name, sex, and address of the person bitten, as well as the type and location of the bite on the body. The physician shall give the name and address of the owner of the animal, if known, and any other facts that may assist the Mayor in locating the biting animal and in ascertaining the immunization status of the animal.
- (D) An animal that has bitten or is suspected of biting a person shall be confined securely at a place and for a

period of time deemed necessary by the Mayor. The owner of the animal shall be responsible for and bear the cost of confinement. If the owner does not confine the animal as required by the Mayor, the Mayor may seize and impound the animal and will keep it under protective care for no longer than 15 days and the owner shall pay all related costs before reclaiming the animal. After 15 days of protective care the animal will become the property of the Mayor and may be disposed of at the Mayor's discretion. The Mayor may consent to confinement, on the owner's premises only if the owner can prove to the city's satisfaction that the animal has a current anti-rabies vaccination. Before the owner's premises can be used for animal confinement, the premises shall be inspected and must be approved for such purpose by the Mayor. The owner of the animal shall agree to indemnify the city for any damages which may arise as a result of the animal's confinement or escape, and shall enter into an indemnity agreement on a form approved and required by the Mayor before the Mayor will allow confinement on the owner's premises.

- (E) A person who has custody of an animal that has bitten a person shall immediately notify the Mayor if the animal shows any signs of sickness, abnormal behaviour or if the animal escapes confinement. If the animal dies while in confinement, the person having custody of the animal shall notify the Mayor immediately and surrender the carcass of the animal to the Mayor.

(‘74 Code, § 6-2-5B) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-2-3 RESTRAINT OF ANIMALS

- (A) Dogs and cats which are not service animals shall not be allowed upon playgrounds or upon the grounds of swimming pools, any of which are owned, operated or maintained by the city, nor shall they be allowed upon the premises of schools, preschool through high school, or upon the Civic Plaza or Crossroads Park.
- (B) Dogs and cats shall not be allowed upon the streets or other city property unless they are on a secure leash not exceeding eight feet in length, and under the immediate physical control of the owner. The provisions of this division (B) do not apply when an animal is participating in a *bona fide* animal show which has been authorized by the Mayor or is in a city park designated by the Mayor as an exercise ground for dogs.

(‘74 Code, § 6-2-5C) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-2-4 FEMALE DOGS OR CATS IN HEAT TO BE CONFINED

Owners shall confine their female dogs and cats in heat so that other dogs or cats are not attracted to the animal in heat and can only come into contact with dogs or cats intended to be bred with the animal in heat. (‘74 Code, § 6-2-5D) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99



§ 9.2-2-5 LICENSING; ANTI-RABIES VACCINATIONS AND LICENSING BY VETERINARIANS

- (A) The owner of a dog or cat over the age of three months shall obtain a license for the animal. Persons who are not city residents and who keep dogs or cats in the city for less than 30 consecutive days shall be exempt from this licensing requirement.
- (B) The city license fee shall be paid at locations designated by the Mayor. The locations shall include Animal Control Centers and may include veterinary practice locations. Veterinarians who administer anti-rabies vaccinations may only issue city licenses and accept city license fee payment at the time of pet vaccination if the veterinary practice has paid for and delivered to the city either a \$500 continuing surety bond acceptable to the city or \$500 cash to be held by the city in lieu of the \$500 bond. The bond shall be held in the name of the city and shall be kept in effect by the veterinary practice. A separate bond is required for each city or county business license issued to a veterinary practice. If no business license is issued by the jurisdiction in which the veterinary practices, a separate bond is required for each New Mexico tax identification number (tax ID #) issued to the veterinary practice. If the veterinary practice ceases to collect city license fees, the city will either release the surety bond, if no money is due to the city, or the city will pay any balance due to the veterinary practice from the \$500 held by the city.
- (C) Each veterinary practice shall deliver to the city information regarding all anti-rabies vaccinations administered by the veterinary practice during the immediately preceding month. At the same time each veterinary practice shall deliver to the city information regarding city licenses sold during the immediately preceding month. The information for any particular month shall be delivered to the city by the 15th day of the immediately following month either in the form of a paper copy of the city-approved vaccination certificate which includes any city license information or in an electronic format approved by the city.
- (D) If the format or form is approved by the city, the veterinary practice issuing city licenses shall receive a credit of \$.50 for each vaccination certificate submitted in paper form or \$1 for each vaccination certificate submitted electronically. The credits will only be granted if the information is received by the 15th day of the month immediately following the month in which the vaccination certificate was issued and if the information is complete and accurate as determined by the city. The credits will be doubled if the veterinary practice also collects the annual city license fee from the pet owner at the time of vaccination and includes all city license information.
- (E) The veterinary practice will be billed monthly by the city for the difference between annual license fees collected by the veterinary practice and any credits accrued for information supplied to the city as required in division (D) above. The veterinary practice will pay the city the full amount of the invoice within 30 days of the date of the invoice. If the computation results in a credit balance for the veterinary practice, the city will issue a check in that amount and send it to the veterinary practice.
- (F) If a veterinary practice's receivable account for licenses sold on behalf of the city is delinquent 30 days or more the city may, in addition to other legal remedies available to the city, refuse to supply the veterinary practices with additional vaccination certificates and tags until the account is paid in full.
- (G) Veterinarians who administer anti-rabies vaccinations, grooming parlors, pet stores, kennels, shelters and refuges within the city shall post and maintain a notice informing the public that dogs and cats must have annual anti-rabies vaccinations and city licenses. The center will provide one sign free to each location. Each location shall post a notice in a location which is clearly visible to the public. Replacement notices must be purchased from the center or approved by the Mayor.
- (H) Licenses, including lifetime licenses, shall remain in effect during the term of the animal's anti-rabies certificate and shall expire on the annual expiration, date of the anti-rabies vaccination certificate. Failure to renew license within 30 days after the expiration of the anti-rabies vaccination certificate shall result in assessment of a late fee in addition to the cost of the license.
- (I) A current rabies tag shall be securely affixed to the collar or harness of all dogs and cats and shall be worn by all dogs and cats except when the dog or cat is confined in a permitted kennel or veterinary hospital, is appearing in a dog or cat show approved by the Mayor, or is being trained and the person who is training the dog or cat shall have readily available in his personal possession the valid license tag for each dog or cat being trained and shall immediately display such upon request by the Mayor.
- (J) The owner of a dog or cat which is sterilized and who obtained a lifetime license for the animal before December, 1987 may renew the lifetime license of the animal annually without charge if the owner provides proof to the Mayor of a current anti-rabies vaccination. ('74 Code, § 6-2-5E.1-5, 7) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-2.6 LITTER FEE; DISPLAY OF HOBBY BREEDER PERMIT

The owner who intentionally or unintentionally breeds dogs or cats and does not have a current hobby breeders permit shall pay a litter fee of \$25 for each litter. The \$25 fee may be refunded at the time proof of sterilization of the female animal is submitted and verified by the Mayor no later than two months from the time the female dog or cat delivers a litter. An owner shall not advertise, sell, barter, exchange or give away any dog or cat within municipal boundaries unless



the litter fee or hobby breeder permit number is displayed legibly. An owner shall furnish the litter fee or hobby breeder permit number to any prospective recipient requesting the number. ('74 Code, § 6-2-5E.6) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

PART 3: PROHIBITED ACTIVITIES

§ 9-2-3-1 NUMBER OF DOGS, CATS, WOLVES AND COYOTES ALLOWED

No person or household shall own, harbor or keep more than a combined total of four dogs, cats, wolves, wolf hybrids, coyotes or coyote hybrids in any combination thereof over the age of three months. This limit shall not apply to a permitted premises, except no person or household will be issued a permit for more than four wolves, wolf hybrids, coyotes, coyote hybrids or any combination thereof. ('74 Code, § 6-2-6A) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-2 ANIMALS RUNNING AT LARGE

It is unlawful for the owner of an animal to cause or allow the animal to run at large in or on any public property or any other property without the permission of the owner of the property. Any animal running at large in violation of this subsection may be taken up and impounded by the Mayor. A citation may be issued to the owner whether or not the animal is impounded. ('74 Code, § 6-2-6B) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-3 ANIMALS ON UNENCLOSED PREMISES

It is unlawful for any person to chain, stake out, graze or herd any animal, including, but not limited to, a dog or cat, on any unenclosed premises so any part of the animal extends onto or over a sidewalk, alley, street, or other city property or beyond the owner's property line or in a commonly held area accessible to the public. ('74 Code, § 6-2-6C) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-3-4 ENCLOSURE FOR BREEDING ANIMALS

Animals brought together for breeding purposes shall be confined within an enclosure that obstructs such animals from public view. This requirement does not apply to the zoo. ('74 Code, § 6-2-6D) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-5 VICIOUS ANIMALS

No person shall keep or harbor a vicious animal. The Mayor shall humanely destroy a vicious animal or require the owner either to provide proof acceptable to the Mayor that the animal has been destroyed or surrender the animal to the Mayor for humane destruction. ('74 Code, § 6-2-6E) (Ord. 40-1987; Am. Ord. 71-1989-1 Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-6 DANGEROUS ANIMAL

No person shall maintain a dangerous animal in a manner which constitutes a threat to any person or other animal. ('74 Code, § 6-2-6F) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3.7 ANIMALS DISTURBING THE PEACE

No person shall allow an animal in his possession or control to persistently or continuously bark, howl or make noise common to its species, or otherwise to disturb the peace and quiet of the inhabitants of the city or keep or maintain an animal in a manner which produces noxious or offensive odors or otherwise endangers the health and welfare of the inhabitants of the city. ('74 Code, § 6-2-6G) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9.2-3-8 ANIMAL NUISANCE; DEFECATION; CLEANUP

No person shall allow an animal to defecate upon public property or upon any private property other than the property of the owner of the animal without thoroughly removing and disposing of the feces. ('74 Code, § 6-2-6H) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-9 UNLAWFUL USE OF RABIES VACCINATION CERTIFICATE OR LICENSE TAGS

No person shall affix an anti-rabies or a license tag to the collar or harness of any animal other than the animal for which the anti-rabies or license tag was issued. No person shall keep, manufacture or use a stolen, counterfeit or forged animal anti-rabies vaccination certificate or rabies tag. ('74 Code, § 6-2-6I) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-3-10 UNLAWFUL RETENTION OF STRAY ANIMALS

If a person does not have the knowledge and consent of the owner of an animal, then that person shall report the possession of the animal to the Center no later than an 24 hours after first coming into possession of the animal. The person shall give his name and address, a description of the animal, the circumstances under which he came into possession of the animal and the current location of the animal. He shall immediately surrender the animal to the Mayor upon demand. ('74 Code, § 6-2-6J) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-11 INTERFERENCE WITH THE MAYOR IN THE PERFORMANCE OF HIS DUTIES

No person shall attack, assault or in any way threaten or interfere with the Mayor or the performance of the duties required by this article. ('74 Code, § 6-2-6K) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99



§ 9-2-3-12 UNAUTHORISED REMOVAL OF ANIMALS BY INDIVIDUALS

No person shall remove an impounded animal from a Center employee, Center vehicle or the Center premises.

('74 Code, § 6-2-6L) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-13 CRUELTY TO ANIMALS PROHIBITED

(A) *Physical Abuse.* No person shall willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, burn, scald or otherwise cruelly set upon any animal, except that reasonable force may be employed to drive off vicious or trespassing animals

(B) *Work Cruelty.* No person shall drive or work an animal cruelty.

('74 Code, § 6-2-7A,B) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-14 CARE AND MAINTENANCE

No person shall:

(A) Fail, refuse or neglect to provide an animal in his charge or custody with proper food, drink, 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; or

(B) Leave an animal in an enclosed or upon a vehicle for a length of time which could result in danger to or death of the animal. If the Mayor determines that an animal in an enclosed vehicle is in immediate danger the Mayor may enter the vehicle by whatever means is necessary, without being liable to the owner of the vehicle, and take the animal into protective custody.

(C) Carry an animal in or upon any vehicle in a cruel, inhumane or unsafe manner. An animal carried in the bed of a truck must be crated or restrained upon a non-metal mat so it cannot fall or jump from the truck or be strangled.

('74 Code, § 6-2-7C) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-15 RESTRAINT DEVICES

A rope, chain, or other device may be used to restrain an animal, provided the following criteria are met:

(A) The device must be affixed to the animal by use of a non-abrasive, comfortably fitted collar or harness.

(B) The device must be at least 12 feet long unless such length would violate § 9-2-3-3, in which case it shall be no less than eight feet long. The device must be fastened so the animal can sit, walk and lie down comfortably; and must be unobstructed by objects that may cause the device or animal to become entangled or strangled.

(C) The animal must have easy access to adequate shade, shelter, food and potable water.

(D) The area where the animal is confined must be kept free of garbage and other debris that might endanger

the animal's health or safety. Feces will be cleaned up regularly, but no less frequently than once a day.

(E) The area where the animal is confined must be kept free of insect infestation, such as ant hills, wasps nests, flea, tick and maggot infestations.

(Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-3-16 ABANDONMENT OF ANIMALS

No person shall abandon an animal within the city. An owner of an unwanted animal may turn over the animal to the Mayor without charge for adoption, sale or destruction in a humane fashion in compliance with this article.

('74 Code, § 6-2-7D) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-17 ANIMAL POISONING AND TRAPPING

(A) No person shall make accessible to an animal a substance which contains, or has been treated or prepared with a harmful or poisonous material with the intent of harming or killing an animal.

(B) No person shall use or set a steel leg-hold trap.

(C) This section does not prohibit the eradication of vermin which are a threat to public health.

('74 Code, § 6-2-7E) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-18 UNCARED FOR ANIMALS; PROTECTIVE CUSTODY

Whenever the Mayor finds that an animal is or will be without proper care because of injury, illness, incarceration or absence of the owner of such animal, the Mayor may take up such animal for protective care for a period not to exceed 15 days. While the animal is in protective custody, and upon the advice of a licensed veterinarian, the Mayor may take any action necessary to prevent undue pain and suffering to the animal, including the humane destruction of the animal. At the expiration of the period of protective custody, and following mailing or other delivery of written notice to the owner, the animal shall be deemed to be the property of the city, and the Mayor may place the animal for adoption, or otherwise dispose of it in accordance with the provisions of this article. ('74 Code, § 6-2-717) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-19 INJURY TO ANIMALS BY MOTORISTS

A motor vehicle operator who strikes or runs down an animal shall immediately notify the Mayor of the injury and shall provide the facts regarding the accident, and the injuries sustained by the animal. The operator shall remain at or near the scene until such time as the owner or the Mayor arrives. In case of severe emergency to the animal, the operator may give aid by taking the animal to a veterinary hospital or the Center. Emergency vehicles are excluded from this provision. ('74 Code, § 6-2-7G) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-20 HOBBLING LIVESTOCK

No person shall hobble livestock or other animals by any



means which may cause injury or harm to the animal. ('74 Code, § 6-2-7H) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-21 KEEPING SICK OR DISEASED ANIMALS

No person shall own an animal which is seriously sick or injured without providing proper veterinary care to the animal. The Mayor may require a letter of health evaluation from a licensed veterinarian describing the condition of the animal. The Mayor may impound and humanely destroy abandoned or stray, sick or injured animals in accordance with the provisions of this article without giving notice to an animal's owner, as provided in the impoundment section of this article (i.e., § 9-2-1-4(B)(2)). This section shall not be construed to apply to veterinary hospitals or animals under active veterinary care. ('74 Code, § 6-2-7I) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-22 ANIMAL FIGHTS

(A) No person shall promote, stage, hold, manage, conduct, carry on, train for or attend a game, exhibition, contest or fight in which one or more animals are injuring, killing, maiming or destroying themselves or other animals.

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

('74 Code, § 6-2-7J) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-23 BIRD IMPOUNDING, CRATING

No person shall confine wild or domestic birds unless the birds are fed and watered at least once every 12 hours. The birds must be able to stand in a naturally erect position.

('74 Code, § 6-2-7K) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-24 SONG BIRDS; KILLING AND ROBBING OF NEST PROHIBITED

No person shall willfully kill a song bird or destroy or rob the nest of such bird. ('74 Code, § 6-2-7L) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-3-25 SALE OR GIFT OF ANIMALS

(A) *Use of Public Property.* No person shall display, sell, offer for sale, barter, auction, give away, or otherwise dispose of an animal upon a street, sidewalk, public park, public right of way or other public property.

(B) *Use of Private Property.* No person shall sell, offer for sale, barter or auction a dog or cat upon private property without first obtaining a valid permit or paying a litter fee. No person shall give away a dog or cat upon private property without first obtaining the written permission of the owner or manager of the property.

(C) *Rabbits or Fowl.* No person shall sell, offer for sale, barter or give away to any individual or household

fewer than six rabbits or fowl under four weeks of age. Nothing in this section shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use or consumption, provided that he shall maintain proper care and housing for the animals while they are in his possession.

(D) *Premiums and Novelties.* No person shall offer a live animal as an incentive to purchase merchandise or as a premium, prize, award, or novelty.

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

('74 Code, § 6-2-8) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

PART 4: PERMITTED PREMISES; REGULATIONS; LICENSES

§ 9-2-4-1 PERMIT REQUIRED

(A) No person shall operate a kennel, grooming parlor, pet shop, refuge, shelter, hobby breeder, multiple animal site or guard dog site without a valid permit issued by the Mayor. No person shall breed or allow to be bred a dog or cat for which an intact animal permit has been issued.

(B) No person shall receive, purchase, own, or keep an exotic or wild animal without first obtaining an exotic or wild animal permit issued by the Mayor.

(C) No person shall keep, conduct or operate an animal exhibit without first obtaining an animal exhibit permit issued by the Mayor.

(D) The Mayor may collect fees for inspections related to the issuance, renewal and maintenance of permits.

(E) On a monthly basis, permitted premises will provide to the Mayor, in writing, the names, addresses, and types of exotic animals sold during the preceding month.

(F) An owner advertising for sale the litter from a hobby breeder shall list a hobby breeder permit number in all ads.

('74 Code, § 6-2-9A) (Ord. 40-1987; Am. Ord. 33-1992; Am- Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-4-2 PERMIT APPLICATIONS

(A) Individuals who wish to apply for a permit shall file on forms provided by the Mayor. The application shall require information sufficient to assure the Mayor that the applicant has knowledge and facilities adequate to care for the animals in a manner that protects the public and the animals.

(B) An application for a permit for a premises within a noncommercial area:

(1) Shall include a petition on a form provided by the Mayor, signed by one person over the age of 18 who occupies each residence located on property within 100 feet of the property lines of the premises proposed to be permitted affirming that the resi-



dents and property owners have no objection to the issuance of the permit; or

- (2) If the petition is not signed by all residents and private property owners within 100 feet, the application shall include a list of the names and address of all known residents within 100 feet who have not signed.
 - (C) With the application, applicant shall file a certificate of compliance, signed by the Mayor, showing all applicable city zoning requirements have been met.
 - (D) The applicant shall file with the Mayor proof of compliance with all applicable city, state and federal requirements to the satisfaction of the Mayor.
 - (E) A multiple animal permit will not be issued for any animal other than a dog or cat. The applicant shall submit sterilization proof to the Mayor on all animals listed on the permit before final approval of the permit.
- ('74 Code, § 6-2-9B) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-3 PERMIT APPROVAL

- (A) Within 30 working days of receipt of an application for a permit, the Mayor shall review the application and inspect the premises to determine whether they comply with the standards established in this article.
 - (B) Within 30 working days of the inspection required for a permit, the Mayor shall approve, conditionally approve or deny the permit application and shall notify the applicant in writing of his decision. The Mayor shall approve an application only if he determines that:
 - (1) The standards established by this article and other applicable laws and regulations have been met; and
 - (2) The issuance of a permit will not result in activity which presents a danger to the public health, safety or welfare or a danger or nuisance to the neighborhood.
 - (C) If any affected party wishes to appeal the Mayor's decision regarding a permit application, the party may request a hearing. A written request for hearing must be filed at the Center within five days of receipt of the Mayor's decision. If an applicant wishes to appeal the Mayor's decision regarding issuance of a permit, the applicant must use the procedures established in § 9-2-4-11.
 - (D) Notices given pursuant to this section shall be deemed served when delivered in person to the applicant or sent by certified mail to the last known address of the applicant.
- ('74 Code, § 6-2-9C) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-4 PERMIT REQUIREMENTS; EXPIRATION; RENEWAL

- (A) No permit except a guard dog permit is transferable from one person or place to another person or place. A guard dog permit may be transferred to a new location operated by the same person during the permit year,

provided that advance notice of at least five working days shall be given to the Mayor for each transfer of a guard dog permit. Permit transfers shall not be effective until the Mayor has inspected and approved the facilities at the new location and recorded the information required on the permit application.

- (B) A valid permit shall be posted in a conspicuous place at each permitted premises.
- (C) A permit holder shall notify the Mayor of any changes in operations which may affect the status of the permit and shall keep the Mayor informed of all changes in name, location, address, home and business telephone number, of the site and activities covered by the permit.
- (D) Both the person in charge of a permitted premises and the owner of the permitted premises shall be responsible for complying with this article.
- (E) At each permitted premises a current record shall be kept which describes all animals owned, purchased or received, and the final disposition of each animal.
- (F) Permits shall expire one year after the date of issuance of the permit. An application for renewal shall be filed at the Center 30 days before the date of expiration. Application and inspection procedures and fees for permit renewals shall be the same as those for new applications, except the petition process required in division (B) of this section shall not be required. Failure to renew permits as specified shall result in the expiration of the permit or in the assessment of a late fee in addition to the cost of renewing the permit, as deemed appropriate by the Mayor.

('74 Code, § 6-2-9D) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-5 FACILITIES AND CARE STANDARDS

- (A) Specific housing and other facility requirements will be established by Animal Control for different kinds of animals. The requirements will be made available, in writing without charge upon request.
- (B) Animal housing facilities shall be structurally sound and constructed of nontoxic materials. Interior floors shall be of smooth, easily cleanable construction and impervious to water. The premises shall be kept clean, sanitary and in good repair in a manner which will protect animals from disease and injury.
- (C) 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.
- (D) Adequate weatherproof housing shall be provided in all permitted premises with proper ventilation and temperature, and sufficient lighting and shade provided by either natural or artificial means.
- (E) Outside housing shall protect animals from weather that may be detrimental to the health of the animals.
- (F) Provisions shall be made for the removal and proper disposal of animal and food waste, soiled bedding, dead animals and debris. Disposal facilities shall be



operated in a manner which will minimize vermin infestation, odors and disease.

- (G) Unneutered adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purposes. This division (G) does not apply to hobby breeder, multiple animal and guard dog sites.
 - (H) Vicious, diseased or injured animals and animals that have bitten a person shall be individually caged when on the premises of a kennel, grooming parlor, pet shop or refuge.
 - (I) Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
 - (J) Each animal shall be observed daily by the person in charge. Sick, diseased, injured, lame or blind animals shall be provided with appropriate veterinary care. The person in charge who suspects an animal of being rabid shall immediately notify the Mayor and segregate the animal.
 - (K) Refuges shall be required to have all their dogs and cats spayed or neutered. This requirement does not apply to the four dogs or cats allowed per household by this article.
 - (L) The number of adult dogs or cats, or any combination thereof, which a hobby breeder permit or multiple animal permit holder may keep is limited by the following factors:
 - (1) In a residential zone, the area of the permitted hobby breeder site or multiple animal site shall be limited to 10% of the total area of the premises.
 - (2) Within the kennel area of a hobby breeder site or multiple animal site, 75 square feet of area shall be provided for each animal weighing under 30 pounds, 100 square feet for each animal weighing between 30 and 49 pounds and 125 square feet for each animal weighing 50 pounds or more.
- (‘74 Code, § 6-2-9E) (Ord. 40-1987; Am. Ord. 33-1992; Am. Ord. 49-1993) Penalty, see § 9-2-1-99

§ 9-2-4-6 ACCESS TO PERMITTED PREMISES

- (A) Upon presentation of proper identification, and at any reasonable time, the Mayor shall be allowed to enter any permitted premises for the purpose of making inspections to determine compliance with this article. The person in charge of the permitted premises shall be allowed to accompany the Mayor on his inspection. The Mayor shall be allowed to examine all records pertinent to the origin and care of any animals located at, or emanating from any permitted premises.
- (B) Whenever the Mayor inspects a permitted premises, the Mayor shall prepare a written inspection report which shall state whether or not the permitted premises is in compliance with and in violation of the requirements of this article; if the premises is found not to be in compliance, the report shall specify the nature of the non-compliance. The Mayor and the person in charge of the permitted premises shall sign the inspection

report. A copy of the inspection report shall be furnished to the person in charge.

(‘74 Code, § 6-2-9F) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-7 EXOTIC OR WILD ANIMALS

- (A) *Exotic or Wild Animal Permit.* A person who wishes to receive, purchase, own or keep either an exotic or a wild animal shall first obtain an exotic or wild animal permit from the Mayor.
- (B) *Prohibited Exotic or Wild Animals.* No person shall own, harbor or keep any species in violation of Federal or New Mexico law, including, but not limited to bats and skunks.
- (C) *New Animal Addition.* If the number of exotic or wild animals in a collection increases as a result of the reproduction of members of the collection or as a result of replacement of the same number and zoological species as the permitted animals replaced, an additional permit is not required during the permit year, provided the Mayor is notified in writing within 30 days of the addition of the new animals.
- (D) *Consolidation of the Exotic or Wild Animal Permit.* If during the preceding year more than one exotic or wild animal permit has been issued to an applicant for an exotic or wild animal, the exotic or wild animal permits may be consolidated so only one permit is required. However, the renewal date for the consolidated permit shall be the date of issuance of the first-issued permit for an exotic or wild animal.
- (E) *Health Requirements.* Exotic or wild animal owners must submit a health certificate from a veterinarian to the Mayor within 14 days of acquisition of the animal. The health certificate must certify that the animal is in good health and has been vaccinated as appropriate for the species.
- (F) *Exotic or Wild Animal Permit Requirements.*
 - (1) In addition to the facilities and care standard requirements for permitted premises required by this article, exotic or wild animals shall be kept and cared for in a manner which does not constitute a nuisance or endanger the safety of any person or property.
 - (2) The holder of a permit for an exotic or wild animal must notify the Mayor within 30 days if the owner changes his residence or the location of the exotic or wild animal, or sells or otherwise disposes of the animal for which the permit was issued.
- (G) *Impoundment.* The Mayor may impound an exotic or wild animal for its owner’s failure to comply with this article and shall use the impound procedure set out in this article or, if the exotic animal may be a danger to the public, use a procedure which protects the public.
- (H) *Exclusion.* Notwithstanding the above, zoological parks, veterinary hospitals, humane society, shelters, public laboratories, circuses, sideshows, and educational and scientific facilities are excluded from the provi-



sions of this section, provided that the excluded facilities use protective devices adequate to prevent the exotic or wild animals from escaping or injuring the public. ('74 Code, § 6-2-10) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99 Cross-reference: Information regarding sale of exotic animals to be provided to Mayor, see § 9-2-4-1 (E)

§ 9-2-4-8 ANIMAL EXHIBITS

- (A) A person wishing to keep, conduct or operate an animal exhibit shall first obtain an animal exhibit permit from the Mayor.
 - (B) All animal exhibit permits shall be issued by the Mayor for a specific period of time, not to exceed one year.
 - (C) When a person files an application for an animal exhibit permit or a renewal, the Mayor shall make such investigation as he deems proper. The Mayor shall only issue a permit to the applicant when the Mayor determines that:
 - (1) The animal or the conduct or operation of the animal exhibit for which the permit is requested will not constitute a menace to the health, peace or safety of the public.
 - (2) The animal exhibit site and the premises where the animals are to be kept are maintained in a clean and sanitary condition, the animals will not be subject to suffering, cruelty or abuse, and the applicant has not had an animal permit revoked within one year prior to the date of application. No animal in the exhibit is to be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a manner that will cause or is likely to cause significant physical injury to the animal. All equipment located on or used in the exhibit shall fit properly and be in good working condition.
- ('74 Code, § 6-2-11) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-9 GUARD DOG FACILITIES

- (A) *Guard Dog Permit.* A person who wishes to use a guard dog shall first obtain a guard dog permit from the Mayor.
- (B) *Guard Dog Housing and Facilities.*
 - (1) In addition to the facilities and care standard requirements for permitted premises set forth elsewhere in this article, the area where the guard dog is housed while not on duty shall be secured in a manner which will prevent the escape of the guard dog. The off duty housing area shall be kept locked when not in use.
 - (2) When a dog is on duty outside a building, the premises must be enclosed by a secure fence at least six feet high, to which anti-escape devices have been added.
 - (3) If the Mayor determines it is necessary to control noise at the site, the Mayor may require the owner

or permit holder to construct a barrier which breaks the dog's line of sight at the owner's or permit holder's expense.

- (4) The doors, windows and all other openings to the outside of a building where a guard dog is on duty must be secured to prevent its escape.
- (5) Guard dog premises shall be posted with warning signs at least 12 inches long on each side. The warning signs shall state "Guard Dog" and "Guardia" and shall show a picture of an aggressive dog. The warning signs shall be posted not more than 200 feet apart on the exterior of the fences or walls surrounding the site, and shall be posted at all exterior corners of the site and at every entrance to the site.
- (6) Vehicles used to transport a guard dog(s) and vehicles being protected by a guard dog(s) shall be secured so the public is protected from injury, shall be constructed or modified to ensure that the guard dog is transported in a safe, humane manner, and shall be posted with warning signs. At a minimum, the signs shall be posted conspicuously on both sides of the vehicle.

§ 9-2-4-10 SUSPENSIONS, REVOCATIONS OF PERMITS

- (A) When the Mayor discovers that a permitted premises is in violation of this article, he shall give notice of the violations to the permit holder, operator or person in charge by means of an inspection report or other written notice. The notification shall:
 - (1) Set forth each specific violation.
 - (2) Establish a specific and reasonable period of time for the correction of
 - (3) State that failure to comply with a notice issued in accordance with the provisions of this article may result in immediate suspension or revocation of the permit.
 - (4) State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the Mayor within five days of receipt of the notice.
- (B) Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the person in charge, or sent by registered or certified mail to the last known address of the permit holder.
- (C) Permits may be suspended for failure of the holder to comply with the requirements of this article or other applicable laws, ordinances or regulations. The suspension may be lifted when the Mayor determines the violations have been corrected.
- (D) Permits may be revoked for serious or repeated violations of the requirements of this article, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the Mayor upon suspension or revo-



cation.

- (1) A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit by filing an additional application for a permit at the Center on the form required by the Mayor. Within five working days after the Center receive the application, the Mayor shall make an inspection. If the applicant and the site are in compliance with the requirements of this article and all other applicable laws, regulations, and ordinances, the permit shall be reinstated. The reinstated permit will expire on the date of expiration of the previously-suspended permit.
- (2) If an exotic or wild animal permit is suspended or revoked, all animals received, purchased, owned or kept under the authority of the permit shall be surrendered to the Mayor for impoundment as provided in the impoundment section of this article. After a period of at least seven days, if the violations of the ordinance which resulted in suspension or revocation of the permit have not been corrected, the Mayor may sell or dispose of the animal(s) as provided in this article. The applicant may appeal the suspension or revocation in the manner established in § 9-2-4-11.

(‘74 Code, § 6-2-13) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99

§ 9-2-4-11 APPEAL PROCEDURES FOR PERMIT DENIAL, SUSPENSION OR REVOCATION

- (A) A person whose application for a permit or permit renewal has been approved on condition or denied and a permit holder whose permit has been suspended or revoked, may submit to the Mayor a written request for a hearing, provided that the written request is received at the Center within five days of the applicant’s receipt of the written notice from the Center. The hearing shall be conducted within a reasonable time after the Center receives the request for a hearing.
- (B) Hearings shall be conducted by the Mayor at a time and a place designated by the Mayor and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time, and place of the hearing shall be mailed to the applicant and the Mayor.
- (C) The applicant shall be afforded a fair hearing which provides the basic safeguards of due process which shall include:
 - (1) The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the Mayor that are relevant to the hearing. Any document not made available by the Mayor, after written request by the applicant, may not be relied upon by the Mayor at the hearing.
 - (2) The right to be represented by counsel or other persons chosen as his representative.
 - (3) The right to present evidence and arguments in sup-

port of his appeal to controvert evidence relied on by the Mayor, and to confront and cross-examine all witnesses on whose testimony or information the Mayor relies.

- (4) A decision based solely and exclusively upon the facts presented at the hearing.
- (D) The hearing officer may render a decision without proceeding with the hearing if the hearing officer determines that the issue has been previously decided in another proceeding which provided due process. If the applicant or the Mayor fails to appear at a scheduled hearing, the hearing officer may postpone the hearing for a period of no more than five business days or may determine that the absent party has waived his right to a hearing. Both parties shall be notified of such determination.
- (E) At the hearing, the applicant shall first show an entitlement to the relief sought, and the Center manager or the manager’s representative shall then justify its act or failure to act. The hearing shall be conducted informally, but all persons present shall be orderly. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings, or other appropriate action. Oral or documentary evidence pertinent to the facts and issues raised by the appeal may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
- (F) The hearing shall be recorded by audio method, but need not be transcribed unless a written transcript is requested, in which case the cost of transcription shall be borne by the party requesting transcription. If one party prefers to have the hearing transcribed by a court reporter, that party shall pay all directly related costs, and the party requesting transcription shall pay the cost of transcription.
- (G) The hearing officer shall prepare a written report of his findings and decision within 10 days after the hearing and shall provide copies to the parties.

(‘74 Code, § 6-2-14) (Ord. 40-1987; Am. Ord. 33-1992) Penalty, see § 9-2-1-99.

§ 9-2-4-12 LICENSE AND PERMIT FEES

- (A) License Fees.
 - (1) The annual license fee for each unneutered or unspayed dog or cat shall be \$11.
 - (2) The annual license fee for no more than one unneutered or unspayed dog or cat owned by a person 62 years of age or older or owned by a person receiving welfare, social security benefits or other similar public assistance shall be \$6.
 - (3) For each neutered or spayed dog or cat, and for each dog or cat for which neutering or spaying has been certified as a surgical risk, the annual license fee shall be \$4. Proof of qualification for the license can be made only with a written certificate from a licensed veterinarian certifying that the animal has



been neutered or spayed or that neutering or spaying would be a surgical risk for the animal, due to the animal's age or condition.

- (4) No license fee shall be required for service animals owned, harbored or kept for the purpose of assisting blind, deaf, or mobility impaired people. However, the service animal must comply with anti-rabies vaccination requirements of this article as appropriate for the type of animal used. No license fee shall be required for animals listed in the Center's records for a permitted premises.
- (5) Replacement license tags shall be sold by the Center at a cost of \$2 each.
- (6) The fee for late license renewal shall be \$5.

(B) *Permit fees.*

- (1) The fee for issuing a new permit (for permitted premises) is \$50. Shelters shall be exempt from this fee.
- (2) The fee for annual renewal of a permit (for permitted premises) is \$50.
- (3) Whenever a new zoological species or collection is acquired by an exotic or wild animal permit holder, the permit holder shall pay a fee of \$35 and the Center will update the existing permit.
- (4) The fee for later permit renewal shall be \$5.

('74 Code, § 6-2-16) (Ord. 40-1987; Am. Ord. 71-1989; Am. Ord. 33-1992)

§ 9-2-4-13 ANNUAL FEE ADJUSTMENT

All fees included in this article will be reviewed annually, effective January 1, to consider changes in the cost of providing services and related increases or decreases in fees.

('74 Code, § 6-2-16) (Ord. 40-1987; Am. Ord. 33-1992)

