

CITY OF FARMINGTON

CHAPTER 4: ANIMAL CONTROL

ARTICLE 1: RABIES CONTROL

SEC. 4-1-1. DISPOSITION OF ANIMAL BITTEN BY RABID ANIMAL. Unvaccinated dogs, cats or other animals bitten by a known rabid animal should be destroyed immediately. If the owner is unwilling to have this done, the unvaccinated animal shall be vaccinated immediately with an approved rabies vaccine and placed in strict confinement and isolation at the owner’s expense, in a manner directed by the animal control supervisor or the animal control officer and in accordance with regulations of the New Mexico Health and Environment Department, for a six-month period. It shall be re-vaccinated with an approved rabies vaccine one (1) month before being released. If the animal has been previously vaccinated with an approved rabies vaccine and is within the recognized period of immunity for the vaccine, it shall be re-vaccinated immediately and confined and isolated at the owner’s expense for at least sixty (60) days in a manner directed by the animal control supervisor or animal control officer and approved by the district health officer. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-2. NOTICE TO DISTRICT HEALTH DIRECTOR OF AFFECTED, ETC., ANIMAL OR AN ANIMAL BITTEN BY A RABID ANIMAL.

Whenever a dog, cat or other animal is affected by rabies or is suspected of being affected by rabies, or has been bitten by an animal known or suspected to be affected by rabies, the owner of the animal or any person having knowledge thereof shall forthwith notify the animal control supervisor or district health director, or other person designated by regulations of the health and environment department, giving a description of the animal and stating precisely where the animal may be found. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-3. CONFINING ANIMAL WHICH HAS BITTEN SOME PERSON. The city shall serve notice upon the owner of a dog, cat or other animal which has bitten a person so as to cause penetration of the skin to confine the animal at the owner’s home or, upon orders of the animal control supervisor, at the city animal shelter, a veterinary hospital, or at some other place designated in the order, for at least ten (10) days after the animal has bitten a person. The costs of such confinement, regardless of location, shall be borne by the owner under all circumstances; and no animal shall be released from confinement until such costs are paid in full. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-4. EXAMINATION OF ANIMAL WHICH HAS BITTEN A PERSON

(a) The animal control supervisor or other duly author-

ized agent of the city shall be permitted, by the owner of the dog, cat or other animal which has bitten a person, to examine the animal at any time during the ten-day confinement period to determine whether the animal shows signs of rabies.

- (b) No person shall refuse, obstruct or interfere with the animal control supervisor or his duly authorized agent in making the examination.
- (c) Any animal which has bitten a person- shall be examined by the animal control supervisor or his duly authorized agent at least twice, once at the beginning and once at the end of the ten-day observation. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-5. SUSPECTED RABID ANIMAL MAY BE KILLED; SUBMISSION OF ANIMAL HEAD TO LABORATORY. During the ten-day confinement period, the owner may elect to have the animal killed. If the animal is killed or dies while confined, the animal control supervisor shall immediately send the head of the animal, under suitable refrigeration, to the scientific laboratory division of the New Mexico Health and Environment Department in Albuquerque for pathological examination and shall notify the New Mexico District Health Office of the diagnosis made of the suspected animal. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-6. PERMIT TO RELEASE CONFINED OR IMPOUNDED ANIMAL

An animal confined for observation under order of the city shall not be released until a certificate of release has been issued by the animal control supervisor, or by order of the court. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-1-7. QUARANTINE.

When a quarantine order has been issued by the district health officer or animal control supervisor, or the supervisor’s designee, and animals continue to run at large, uncontrolled by owners or persons responsible for their control, any law enforcement officer shall have the right, after reasonable effort has been made on the part of the animal control supervisor or his agents to apprehend and impound such dogs running at large, to kill such dogs and properly dispose of their bodies. (Ord. No. 87-872, § 2, 5-26-87)

ARTICLE 2: ANIMAL SHELTER, IMPOUNDMENT AND DISPOSITION

SEC. 4-2-1. ANIMAL SHELTER.

There is hereby created a municipal animal shelter for the purpose of carrying out and enforcing the provisions of this chapter. Such animal shelter shall provide the following services and facilities:

- (a) Adequate pickup and impounding of all stray, ownerless and at-large animals, cruelly treated animals, vicious animals, and animals otherwise in violation of the provisions of this chapter.
 - (b) Individual isolation facilities for sick, vicious, rabid and suspected rabid animals.
 - (c) Facilities for the humane destruction of unclaimed animals, rabid animals and animals which are so ill or injured as to be beyond reasonable medical assistance.
 - (d) Records and facilities for adoption and other disposition of animals.
 - (e) Adequate facilities and personnel for the proper housing, feeding, watering and other care of animals.
- (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-2-2. IMPOUNDMENT.

The animal control supervisor or animal control officers shall pick up and impound every animal found running at large, suspected of rabies, obviously injured or diseased, believed to have been cruelly treated, or known to be vicious. The animal control officer may, in his or her discretion, return an animal found running at large, may give a warning or may cite such owner for allowing his or her animal to run at large, rather than impounding the animal. Diseased animals may be humanely and immediately destroyed if, in the discretion of the animal control supervisor, the animal's condition is a threat to other animals or the public welfare. Domestic cats are expressly excluded from the prohibition against animals running at large but are included in other categories stated above, and may be impounded if suspected of rabies, believed to have been cruelly treated or known to be vicious. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-2-3. NOTIFICATION OF OWNER OF IMPOUNDED ANIMAL. Upon the impounding of any animal, it shall be the duty of the animal control supervisor or other animal control personnel to notify the owner of the animal impounded if the owner is known or can be learned from a vaccination tag or other identification. Such notice shall be by telephone, by certified mail or by any means provided by law to serve process in a civil action. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-24. PERIOD OF IMPOUNDMENT; SUBSEQUENT DISPOSAL.

- (a) Unless sooner redeemed by the owner, all impounded animals shall be kept for a minimum period of three (3) days. A fraction of a day shall be computed as being a full day for the purposes of this section. Animals which bear tags or whose owner is otherwise known shall be kept for a period of five (5) working days from notification of the owner. If notification is by mail, an additional three (3) days, not including holidays, Saturdays or Sundays, will be added to the required five-day period.
- (b) After the period of impoundment as described above has been completed, any impounded animal may be

sold, adopted or humanely destroyed in the discretion of the animal control supervisor.

(Ord. No. 81-872, § 2, 5-26-87)

SEC. 4-2-5. REDEMPTION OF IMPOUNDED ANIMALS.

It is the duty of the animal control supervisor and other animal control personnel to release any animal from the city animal shelter to the owner thereof upon receipt of satisfactory proof of ownership and payment of the required fees and deposits as set forth herein. Any citation issued must also be signed by the owner. However, an impounded animal shall not be released to its owner if the animal has been impounded because it is vicious or because the animal control officer believes the animal has been cruelly treated, until the matter has been heard by the municipal court and the court has ordered such release, or any other disposition, including destruction, if the court finds such disposition to be in the best interests and welfare of the city.

(Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-2-6. ADOPTION OF IMPOUNDED ANIMALS.

After notice to the owner has been given, and the number of days specified in this article have passed, any animal may be released to any person upon payment of the fees or deposits accruing as a result of such impoundment. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-2-7. FEES AND DEPOSITS.

The owner of an animal impounded pursuant to this chapter, or a prospective adoptive owner, shall pay the fees and costs established by regulations issued by the animal control supervisor. Such regulations, and changes or amendments thereto, shall be reviewed by the city council, and shall be binding and valid only after approval by the city council. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-2-8. ENFORCEMENT BY PARK RANGERS-ANIMAL CONTROL OFFICERS.

- (a) Park rangers-animal control officers, as established in Article 3, Chapter 23 of the Farmington City Code, are responsible for the administration and maintenance of the animal shelter, and for the administration and enforcement of this chapter.
- (b) In addition to park rangers - animal control officers, the director of parks, recreation and cultural affairs may appoint animal attendants and other personnel as authorized and necessary to assist in carrying out the duties required under this chapter.
- (c) Park rangers - animal control officers shall have the authority to enter onto privately owned property within the City of Farmington as needed to carry out the provisions of this chapter, or to protect the life or health of an animal that is in immediate danger if neither the owner nor occupant of the property is present on the premises.

(Ord. No. 87-872, § 2, 5-26-87; Ord. No. 89-907, § 1,1-10-89)

SEC. 4-2-9. DISPOSAL OF DEAD ANIMALS.

- (a) When any animal lies dead upon private property within the City of Farmington, it shall be primarily the duty of the animal's owner, or if the owner is unknown, then the occupant or person in charge of such property, to forthwith remove, or cause to be removed, said dead animal from such property to the city dump or other appropriate place of disposal. No person shall deposit or otherwise place any dead animal or portion of any dead animal for collection by sanitation personnel.
- (b) If any dead animal is found upon the city streets or other public places within the City of Farmington, the city, acting through its employees or through contract with private individuals, shall cause said dead animal to be removed and disposed of in a proper manner. However, animal control personnel are not required to remove horses, cows or other large animals.
- (c) not available

ARTICLE 3: REGULATION OF ANIMALS

SEC. 4-3-1. REGULATING ANIMALS.

It shall be a misdemeanor, and a violation of this chapter for any person to do any of the following:

- (a) To willfully abandon an animal within the city limits;
- (b) To allow a dog or other animal (except cats) to run at large within the city;
- (c) To allow an animal (except guide dogs for the visually or hearing impaired or dogs used by peace officers in the prevention of crime) to be in a public place or building where food or drink is sold or served;
- (d) To own a dog or cat over the age of three (3) months which has not been vaccinated for rabies at least once in each twelve-month period;
- (e) To own a dog or cat which does not have a tag affixed to a collar or harness indicating the date of the most recent rabies vaccination of that animal;
- (f) To own or harbor a dog which annoys others by constant or consistent loud or frequent barking, howling, yelping or other similar noise;
- (g) To own, harbor or maintain an animal which is a nuisance; for purpose of this section, an animal nuisance shall be an animal that:
 - (1) Scratches or digs about any flower bed, garden, tilled soil, shrubbery or small plants;
 - (2) Habitually prowls around, on or through premises which do not belong to its owner;
 - (3) Overturns garbage cans or scatters the contents of garbage cans;
 - (4) Chases or kills any domesticated animals or domesticated birds; or
 - (5) Habitually chases motor vehicles, bicycles or other vehicles;
- (h) To own, harbor or maintain a female dog in heat (estrus) which is not confined in a building or secure enclosure in such manner as to avoid contact with a

male dog, except for intentional breeding purposes. (Ord. No. 87-872, § 2,5-26-87)

SEC. 4-3-2. VICIOUS DOGS.

The owner of every vicious dog shall confine such dog within a building, fenced yard or secure enclosure unless such dog is muzzled and leashed or retained in a metal cage from which it cannot escape. A vicious dog is defined as a dog which has, on at least one (1) prior occasion, attacked or bitten another animal or a person without provocation or without legal justification such as protection of persons. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-3-3. GUARD DOGS.

Nothing contained in this article shall prevent persons from owning or harboring guard dogs which have been trained to protect persons or property, provided such guard dogs are re-strained within a fenced enclosure or within a building in such a manner that the guard dog will not have access to persons lawfully in or upon or adjacent to the guarded premises. Provided further, that the owner or user of such guard dogs shall prominently post at least two (2) written warnings of the presence of such guard dogs. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-3-4. GENERAL CLEANLINESS OF PREMISES WHERE ANIMALS ARE KEPT; SPRAYING OF ENCLOSURES.

- (a) No person who is the owner, tenant or person in possession and control of any stable, corral, lot, pasture, stall, shed, apartment yard or premises in the City of Farmington in which any animal including but not limited to horses, cows, livestock, domestic fowl, dogs, cats and all other animals) is kept or maintained shall allow the accumulation of manure, water, moisture, animal droppings, or liquid discharges of such animals which create a stench or emit offensive odors or which are otherwise injurious to the public health and safety; however, nothing in this section shall be construed to include temporary manure deposits upon any private property for the purpose of fertilizing or composting.
- (b) Stalls or stables, corrals, lots or pastures shall be kept sprayed with disinfectant to kill germs and to prevent the premises from becoming a breeding place for flies, mosquitoes or other insects.
- (c) The animal control supervisor and all animal control officers are authorized to go into or upon and inspect the premises of kennels and pet stores, during regular business hours, to determine compliance with this section. Failure to comply is a misdemeanor. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-3-5. DETAINING ANIMALS AT LARGE.

- (a) It shall be illegal for any person to hold, for resale purposes, any animal running at large which such person has detained, believing such animal to be lost.
- (b) Any person detaining an animal running at large, which

such person believes to be lost, shall either surrender such animal to animal control personnel or else shall contact the animal control office, giving a description of such animal, where such animal is being detained, and when contact may be made concerning inquiries on such animal. The person detaining the lost animal shall advertise in local news media the information provided to animal control personnel, provided such advertisement is without cost.

- (c) Animal control officers shall remove and impound animals running at large when such animals have been trapped in traps or devices approved by the animal control supervisor. Animal control officers may, but are not required to, remove animals in nonapproved traps.
- (d) For purposes of this chapter, an animal will be considered to be at large if it is off the premises of its owner or care-provider and is not securely and physically restrained by means of a chain, cord, harness, leash, rope or other device required to restrain such animal; provided that a dog shall be considered to be physically restrained if at "heel" beside a competent person and obedient to that person's commands. An animal will be considered at large (if it is not restrained, secured or at heel) if it is on a sidewalk or a public way.

(Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-3-6. KENNEL LICENSE REQUIRED.

- (a) Any person who keeps or operates or proposes to establish a kennel shall apply to the city clerk for a business license pursuant to the provisions of Chapter 17 of the Farmington City Code. It shall be unlawful for any person to operate a kennel in the City of Farmington without obtaining a license as herein provided.
- (b) The animal control supervisor shall inspect each kennel within the City of Farmington, licensed as required herein, at least annually, in order to determine if the kennel is being kept in a clean condition and all animals are being treated humanely. Based on these inspections, the animal control supervisor shall recommend to the city clerk whether the license shall be renewed. In the event the animal control supervisor shall recommend to the city clerk that such license should be suspended, revoked or that it should not be renewed, the licensee shall have the right to appeal this decision to the administrative review board, which is hereby granted jurisdiction to hear such appeal pursuant to section 2-103(g) of the Farmington City Code.
- (c) Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this section.
- (d) A kennel is defined as an establishment engaged in the commercial business of breeding, buying, selling or boarding dogs, cats, any other mammals, birds, reptiles, or fish, excluding insects and livestock.

(Ord. No. 87-872, § 2, 5-26-87; Ord. No. 90925 § 11, 2-27-90)

ARTICLE 4: CRUELTY PROHIBITED

SEC. 4-4-1. ANIMAL FIGHTS PROHIBITED.

It is unlawful for any person to promote, stage, hold, manage, conduct 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. The use of hunting dogs in lawful pursuit of game shall not be considered to be included within this section. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-4-2. FOOD AND SHELTER REQUIRED.

It shall be unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry any animal in or leave any animal in a vehicle in a cruel or inhumane manner, or to fail to provide necessary medical care. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-4-3. MALICIOUS TREATMENT AND INHUMANE DEVICES PROHIBITED.

It shall be unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, beat, mutilate, overwork or otherwise cruelly set upon any animal; however, reasonable force may be employed to drive off vicious or trespassing animals. It shall be unlawful to own, possess or use leg-hold traps and similar inhumane devices intended to capture or retain animals. (Ord. No. 87-872, § 2, 5-26-87)

SEC. 4-4-4. JUDICIAL DISPOSITION UPON FINDING OF CRUEL TREATMENT.

If a municipal or district court finds that an animal has been cruelly treated, and further finds that such treatment is likely to continue, the court may order that the animal has been forfeited by the owner; the court may cause the animal to be placed with an adoptive agency or humane society, if such agency or society is willing to accept custody of the animal and has adequate facilities therefor; or the court may order such other disposition as is appropriate under the circumstances. (Ord. No. 87-872, § 2, 5-26-87)

ARTICLE 5: PENALTY

SEC. 4-5-1. MISDEMEANORS CREATED.

- (a) All violations of this chapter shall be a petty misdemeanor, punishable as outlined in the chart below, or if not shown on the chart, then punishable pursuant to Section 10-1-1 of the Farmington City Code. None of the fines listed below may be suspended, deferred or taken under advisement.

Name and section of offense	First offense	Second offense	Third and subsequent offenses
Abandonment of animal § 4-3 1(a)	\$100.00	\$200.00	\$300.00
Animal running at large § 4-31(b)	25.00	50.00	75.00
No vaccination § 4-3-1(d)	25.00	50.00	75.00
No tags § 4-3-1(e)	25.00	50.00	75.00
Barking dog(s) § 4-3-1(f)	50.00	100.00	150.00
Nuisance animal § 4-3-1(g)	25.00	50.00	75.00
Vicious animal § 4-3-2	50.00	100.00	150.00
Animal neglect § 4-4-2	100.00	200.00	300.00
Malicious treatment § 4-4-3	100.00	200.00	300.00

CHAPTER 6

RESERVED*

*Editor’s note-Section I of Ord. No. 80-655, adopted February 26,

1980, effective June 1, 1980, repealed former Ch. 6, §§ 6-1-6-22. relating to bicycles, derived from Ord. No. 332, , Sec. § 85-99, 101-105. Bicycles are now covered by the provisions of Ch. 19, Art. V. Supp. No. 15, 2-80

(b) Definitions.

- (1) A “First Offense” is when the defendant has not been found guilty of the same offense within twelve (12) months prior to being charged.
- (2) A “Second Offense” is when the defendant has one (1) conviction for the same crime within the last twelve (12) months.
- (3) “Third and Subsequent Offenses” are when the defendant has been convicted two (2) times or more for the same crime within the last twelve (12) months.

Ord. No. 87-872, § 2, 5-26-87; Ord. No. 92-978, § 1, 7-28-92) *Cross reference-General penalty, § 10-1-1.

SEC. 4-5-2. PENALTY NOT EXCLUSIVE

Impoundment, adoption, destruction or other disposition by animal control officers or the municipal court shall not preclude the imposition of other penalties for violation of this chapter. Imposition of a fine or penalty for violation of any section of this chapter shall not preclude impoundment, adoption, destruction or other disposition.

(Ord. No. 87-872, § 2, 5-26-87)

ARTICLE 6: SERVABILITY

SEC. 4-6-1. SEVERABILITY CLAUSE.

It is the intention of the city council that each article, section or part thereof in this chapter is severable; and if any article, section or part thereof should be declared unconstitutional by a court of competent jurisdiction, such unconstitutionality shall not affect any remaining article, section or part.

(Ord. No. 87-872, § 2, 5-26-87)

CHAPTER 5

RESERVED*

*Editor’s note-Ord. No. 90-925, § 10, adopted Feb. 27, 1990, repealed Ch. 5, §§ 5-1-5-3, which pertained to barbers and barbershops and derived from Code 1959, §§ 2.301-2.303.