

CITY OF LAS VEGAS

ANIMALS AND FOWL ORDINANCE

9-8-1 SHORT TITLE: PURPOSE OF CHAPTER:

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

9-8-2 DEFINITIONS:

As used in this Ordinance, the following terms shall have the meaning given herein.

- “ANIMAL” Any vertebrate member of the animal kingdom excluding human beings.
- “ANIMAL CONTROL SHELTER” A facility designated by the City of Las Vegas, for the humane treatment of animals, pursuant to the provisions of this Chapter.
- “ANTI-ESCAPE” Any housing, fencing or a device which a guard dog cannot go over, under, through or around.
- “BITE” An actual puncture or tear of the skin inflicted by the teeth of an animal.
- “CITY” The City of Las Vegas, a municipal corporation.
- “CITY MANAGER” The chief administrative officer of the City of Las Vegas, or his designee.
- “COMMERCIAL PROPERTY” (A) A portion of land and/or buildings zoned for, or utilized for commercial or business uses, in the City of Las Vegas, including temporary sites; (B) any vehicle utilized for commercial or business purposes in the City of Las Vegas.
- “DANGEROUS ANIMAL” means any of the following:
1. An animal which, when unprovoked, engages in behavior that requires a defensive action by a Person to Prevent-bodily injury to a- person or animal when the person and the animal are off the Property of the-owner of the animals or
 2. An animal which, when unprovoked, injures a Person and the injury results 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.
- “DESIGNATED AREA” An area of private land which is designated by a property owner to house animals under the provisions of this Ordinance.
- “ENCLOSED LOT” Parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.
- “ESTABLISHMENT” A place of business together with its grounds and equipment.
- “ESTRAY” Any animal found running at boundaries of the premises of the owner.
- “GROOMING PARLOR” Any establishment, or part thereof, or premises maintained for the purpose of offering animals cosmetological services for profit.
- “GUARD DOG” Any dog that is utilized to protect commercial property, as defined below.
- “HANDLER” is a person who is responsible for and capable of controlling the operations of a guard dog.
- “HOBBY BREEDER” means a Person involved in showing or controlled breeding of dogs and cats which are registered with a nationally or internationally recognized animal registry organization.
- “HOUSING” Any location where the guard dog is kept when not utilized for protection purposes.
- “IMPOUND” Means to take up an animal.
- “KENNEL” Any commercial establishment or premises where ten or more dogs or cats over three months of age are boarded, kept or maintained for any purpose whatsoever, with the exception of state inspected veterinary hospitals and shelters.
- “LICENSED VETERINARIAN” A person with a Doctor of Veterinary Medicine Degree licensed to practice in the State.
- “NUISANCE” Means, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the City of Las Vegas.
- “OWNER” The owner of an animal who owns, harbors or keeps, or knowingly permits an animals to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or about his premises.
- “PERSON” Any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.
- “PET SHOP” Any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange or hire of animals of any type; except that the term shall not include livestock auctions.
- “PREMISES” Are defined as a parcel of land and the structures thereon.
- “QUARANTINE” Means to detain or isolate an animal suspected of having a contagious disease.
- “REFUGE” means an establishment owned or operated by nonprofit organization whose sole function is to aid and comfort more than four but no more than 12 animals.
- “RUN OR RUNNING AT LARGE” To run or running at large is to be free of physical restraint beyond the boundaries of the premises of the owner.
- “SHELTER” Any establishment owned and operated by a nonprofit humane organization licensed to do business in the State.
- “VACCINATION” Means protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the State.
- “VICIOUS ANIMAL” Any animal which bites or in any

other manner attacks or attempts to attack any person except that any animal that bites, attacks, or attempts to attack any person unlawfully upon its owner's or keeper's premises, or which is provoked to attack, shall not be deemed a vicious animal.

“WILD OR EXOTIC ANIMAL” Any animal not normally considered domesticated and shall include, but not be limited to: (A) Class Reptilia; Order Phidia (such as racers, boas, water snakes, and pythons) and Order Loricata (such as alligators, caymans and crocodiles); (B) Following members of the Class Aves: Order Falconiforms (such as hawks, eagles and vultures) and Subdivision Ratitae (Such as ostriches, rheas, cassowaries, and emus) ; (C) Class Mammalia: Order Carnivora, Family Felidae, (such as ocelots, margays, tigers, jaguars, leopards, and cougars) except commonly accepted domesticated cats, the Family canidae, (such as wolves, dingos, coyotes and jackals, except domesticated dogs) Emily Mustelidac, (such as weasels, martins, mink, badgers) and Order Marsupialia, (such as kangaroos and common opossums) Order Edentata (such as sloths, anteaters and armadillos), Order Proboscidea (elephants), Order Primates (such as monkeys, chimpanzees and gorillas), Order Rodenta (such as porcupines) and Order Ungulata (such as antelope, deer, bison and camels).

ADMINISTRATION OF CHAPTER

9-8-3 GENERALLY:

The City Manager is responsible for the administration of this Ordinance. Reasonable rules and regulations shall be prescribed by the City Manager to carry out the intent and purpose of this Ordinance pursuant to the standards created thereby. Powers delegated to the City Manager may be delegated by the City Manager to his duly appointed Animal Control Officers as he may deem expedient for the effectuation of this Ordinance.

9-8-4 IMPOUNDMENT GENERALLY:

It is the duty of the Animal Control Officers to take up and impound any stray or any animal kept or maintained contrary to this Ordinance.

9-8-5 SURRENDER OF ESTRAYS; DISPOSITION OF ANIMALS; COSTS; RECORDS.

- A. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of the animal to the Animal Control Department, giving his name and address, a true and complete statement of the circumstances under which he took up the animal, a description of the animal and the precise location where such animal is confined.
- B. It is unlawful for a person taking up an animal to fail to give the notice required above and for any person having such animal in his possession to fail or refuse to immediately surrender such animal to the City upon

demand thereof.

- C. An stray shall be confined at the Animal Control Center for a period of at least three (3) working days during which time the owner, if known, shall be notified. If identification of the owner is not possible, the City may dispose of, without notice, any stray impounded under this Section, after the required impoundment period and may either place the animal in an adoptive home, or may destroy the animal in a humane fashion, as the City may deem proper.
- D. No animal that has been impounded by the City will be adopted out for the purpose of breeding or sale. Every dog and cat adopted from the Animal Control Center shall be neutered or spayed by a licensed veterinarian and vaccinated in compliance with State Statutes. The cost of these activities shall be paid to the City by the person adopting the dog or cat prior to release of the animal. Neutering and spaying and vaccinations will not apply to animals which are less than five (5) months old. Nothing in this Section shall be construed as applicable to any dog or cat returned to the owner thereof.
- E. Any stray animal, equine, ovine, porcine, or caprine animal which cannot be adopted may be destroyed. Any other stray not redeemed by its owner or placed with a new owner may be disposed of by the City, at its discretion.
- F. It shall be the responsibility of any animal owner redeeming an animal legally impounded to pay for animal boarding and other costs. The City of Las Vegas shall establish by resolution appropriate fees. In addition, the owner shall pay any license fee due, cost of inoculations or other costs incurred in the care and maintenance of said animal.
 1. If an individual has a small animal, which belongs to him/her, impounded, the fee shall be Twenty-eight Dollars (\$28.00). For the purpose of this Ordinance “small animals” shall mean dogs, cats, skunks, snakes, foxes, ferrets, fowl, goats and other animals of similar size.
 2. If an individual has a large animal, which belongs to him/her, impounded, the fee shall be Forty Dollars (\$40.00). For the purpose of this Resolution, “large animals” shall mean horses, colts, cows, calves, adult pigs and other animals of similar size.
- G. The City shall maintain records for a reasonable period of time as determined by the City Manager of all animals impounded in the Center. The record shall contain at least the following information:
 1. A complete description of the animal;
 2. the manner and date of its acquisition by the Center;
 3. the date and manner of its disposal;
 4. the name and address of the purchaser of any animal; and
 5. all fees received.

Adopted by Resolution No. 75-69 on May 21, 1987.



OWNER'S DUTIES**9-8-7 RABIES VACCINATIONS:**

It is the duty of all persons owning or keeping a dog or cat over the age of five (5) months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one (1) year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The City may require other animals to receive annual rabies vaccination. The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity.

It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the City.

9-8-8 RABID ANIMAL:

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

9-8-9 BITING DOG:

- A. The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the City's Animal Control Center and the State Health Department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender said animal to the Animal Control Officer if the City deems it necessary to impound said animal for a period of observation.
- B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the City's Animal Control Center and the State Health Department within twenty-four (24) hours of his first professional attendance. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the City in ascertaining the immunization status of the animal.
- C. An animal that bites a person shall be confined securely at a place and for a period to time deemed necessary by the City's Animal Control Center. The owner of the animal shall bear the cost of confinement. The City may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected

and approved for such purposes by an Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement of a form approved and prescribed by the City before consent may be given for such home confinement. A person who has custody of an animal that has bitten a person shall immediately notify the City's Animal Control Center if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the City's Animal Control Center or an animal control official and relinquish any claims to said animal.

9-8-10 RESTRAINT OF ANIMALS:

It is unlawful to permit dogs in the streets or public places unless on a secure leash and under the immediate physical control of the person having custody thereof.

9-8-11 CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON:

Any person in control of a female dog or cat in mating season shall confine such dog or cat as to preclude other dogs or cats from either attacking or being attracted to such female animals.

9-8-12 LICENSE REQUIRED:

- A. Any person owning, possessing or harboring any dog five (5) months of age or over shall obtain a license for such animal. Written application for such license shall be made on such forms as supplied by the City's Animal Control Center and shall state any information deemed necessary by it. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee (tag and certificate) shall be \$2.00 for a neutered or spayed animal and \$5.00 for an un-neutered or un-spayed animal. In the event a tag is lost, replacement shall be purchased for one (\$1.00) dollar. The license shall be renewed every twelve (12) months.
- B. A current license tag shall be affixed to the licensed dog at all times in a reasonable manner unless the licensed dog is being kept in an approved kennel, veterinary hospital, is appearing in an approved show or is being trained; provided that the person who is training a dog shall have in his personal possession the valid license tag for each dog and shall immediately display such upon request by an Animal Control Officer, animal shelter personnel or other law enforcement officer.
- C. Animals belonging to nonresidents who do not keep said animals within the corporate limits of the City of Las Vegas for thirty (30) consecutive days shall be exempt from this Section; provided, however, that all the other provisions of this Ordinance must be complied with.
- D. The license fees shall not apply to dogs trained to assist, and in fact used to assist the blind or deaf.



9-8-13 SPACE REQUIREMENTS:

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

A maximum of:	
Cow	1 per 1/2 acre
Horse	1 per 1/2 acre
Sheep	1 per 1/3 acre
Goat	1 per 200 square feet
Pig	1 per 200 square feet
Chicken	1 per 75 square feet
Duck	1 per 75 square feet
Goose	1 per 75 square feet
Rabbits	1 per 75 square feet

Area must be fenced to prevent animal from leaving designated area. Designated area must be at least 50 feet from any residential structure or commercial business not owned and inhabited by the owner of the animals. The designated area must be kept clean of animal waste or other material which may attract flies or emit obnoxious odors.

9-8-13.1 NUMBER OF ANIMALS PERMITTED:

- A. No household or member thereof is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than four animals, consisting of animals subject to the licensing requirements of Section 9-8-12; provided that any household owning dogs or cats or any combination thereof totaling more than four animals, which animals are licensed before the effective date of this Section, shall be allowed to retain more than four animals only as long as the particular animals owned on the effective date remain in the possession of said household. Provided, further, that the head of any household shall be held responsible for any violation of this Section by the household or any of its members.
- B. Any household or Member thereof owning, harboring or keeping more than four dogs or cats on the date that this provision becomes effective shall be permitted to own, harbor or keep such number of animals upon the following conditions:
 - 1. That the owner, within thirty days after the effective date hereof, report in person to the Animal Control Center, a description of such animals.
 - 2. That all such owners, within thirty days after the effective date hereof, show proof of compliance with Section 9-8-7 (Rabies Vaccinations) and Section 9-8-12 (License Required).

9-8-13.2 KENNELS, GROOMING PARLORS, PET SHOPS, REFUGES, HOBBY BREEDERS AND SHELTERS FOR RAISING, BREEDING AND SALE OF SMALL ANIMALS SUCH AS DOGS, CATS, RABBITS, CHINCHILLAS AND HAMSTERS:

The City Council hereby declares it to be conducive to the promotion of the health and general welfare of the inhabitants of this City to require a professional animal permit to operate a kennel, grooming parlor, pet shop, refuge or shelter or to be a hobby breeder and impose certain regulations

and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, refuge or shelter or pet shop, or being a hobby breeder.

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



tion if he determines that:

- a. The standards established by this Ordinance, the Zoning Ordinance, and other applicable laws and regulations are met.
 - b. The activity would not be detrimental to the public welfare.
 - c. The professional animal permit would not be injurious to the neighborhood. In making his decision, the City Manager shall assess neighborhood input from public hearing for refuges, the petition for hobby breeders or any complaints which have been made against the refuge or hobby breeder to determine the seriousness of any objections, but neighborhood input shall not be the sole determinant of his decision.
7. Should the applicant for any professional animal permit, any party in the public hearing required for a permit for refuge, or any resident or P\property owner residing or owning property which abuts the premises of a hobby breeder wish to appeal the City Manager decision, such appeal must be made to the City Council.
 8. If the professional animal permit application is approved by the City Manager, the applicant shall pay a permit fee of \$25.00 and the permit shall be issued, provided, however, that shelters shall be exempt from this fee and applicants for hobby breeders may either purchase a regular license as provided in 9-8-12 or pay a \$25.00 fee for the professional animal permit. New professional animal permits for kennels, grooming parlors, pet shops or animal shelters, but not a renewal, shall be issued with permit fees prorated on a semi-annual basis. Except for refuges, professional animal permittees who keep their animals confined shall, at the option of the permittee, be exempt from the animal license requirements of this Ordinance, and will not be issued any license tags unless the required animal license fee is paid: provided that hobby breeders who are professional animal permittees will be issued license tags when the required fee for the professional animal permit is paid, but will be exempt from the animal license requirements of this Ordinance. Refuges must purchase regular licenses as provided in 9-8-12 for each animal on the premises.
 9. Professional animal permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop, refuge and shelter.
 10. A professional animal permit holder shall notify the City Manager of any change in his operation which may affect the status of his permit and shall keep the City Manager apprised of any changes in-name or location of the activities covered by the permit.
 11. Persons in charge of any kennel, grooming parlor, pet shop, refuge or shelter and any hobby breeder shall be responsible for complying with this Ordinance. There shall be kept at each kennel, grooming parlor, pet shop, refuge or shelter, and hobby breeder's premises a record of all animals received and of their final disposition.
 12. The professional animal permit for kennels, grooming parlors, pet shops, and animal shelters shall expire December 31 of each calendar year, and an application for renewal shall be filed by February 1 of the following year. The professional animal permit for hobby breeders and refuges shall expire one year after the date of issuance, and an application for renewal shall be filed within 30 days after the date of expiration. Procedures and fees for permit renewals shall be the same as those for new applications, except the public hearing for professional animal permits for refuges shall not be required.
- C. Facilities and Care Applicable to Professional Animal Permit
1. Animal housing facilities shall be constructed of nontoxic materials and in a structurally sound design. Interior floors shall be smooth, easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury.
 2. 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. Indoor housing shall be provided for in all pet shops, grooming parlors, refuges, shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health. Sufficient lighting shall be provided by either artificial or natural means. Outside housing shall be sufficient to Protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health. Provisions shall be made for the removal and Proper disposal of animals and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.
 3. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare of breeding purpose, and any vicious or quarantined animals shall be removed and caged by themselves. Provided, however, that hobby breeders shall not be required to segregate the animals by sex.
 4. Except as indicated for health or welfare, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.

- 5. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop, refuge, or shelter who observe an animal which he suspects of being rabid shall at once notify the Mayor and the State Department of Health and Social Service and segregate such animal(s) for a period of ten (10) days unless examined and released by written statement of a veterinarian and then only at the discretion of the City Manager.
- 6. Persons operating kennels, grooming parlors, pet shops, refuges and shelters, as well as hobby breeders shall comply with all applicable requirements under the City’s Animal and Fowl Ordinance.
- 7. Refuges shall be required to have all their dogs and cats spayed or neutered; provided, however, that this requirement does not apply to the four dogs or cats permitted per household by Section 9-8-13.1 of this Ordinance.

D. Inspection Under a Professional Animal Permit. The City Manager, after Proper identification, shall be permitted to enter, at any reasonable time, any kennel, grooming parlor, pet shop, refuge or shelter, or hobby breeder premises for the purpose of making inspections to determine compliance with this Ordinance. The City Manager, or his designee, shall make as many inspections and reinspections as are necessary for the enforcement of this Ordinance.

E. Number of animals permitted holders of a Professional Animal Permit for Hobby Breeders. The number of adult dogs or cats, or any combination thereof, which any holder of a professional animal permit for hobby breeder may keep shall be limited on the basis of the allowable kennel area which he has and an area requirement per dog or cat. “Allowable kennel area” is defined as ten percent of the total area of the lot on which the hobby breeding is to be conducted. The area requirement per dog or cat is established from the following table:

ANIMAL SIZE	AREA REQUIRE
Small (under 30 lbs)	75 sq. feet
Medium (30 - 59 lbs.)	100 sq. feet
Large (60 lbs. or more)	125 sq. feet

“Animal size” is defined by the weight specified in the standard for the breed, either average or maximum allowable. If no breed standard for weight exists, the City Manager shall set a weight standard for the purposes of this subsection. The sum of the area requirement for each dog or cat which the hobby breeder keeps cannot exceed the allowable kennel area.

ACTIVITIES GENERALLY

9-8-14 ANIMALS RUNNING AT LARGE:

It is unlawful for any person to allow or permit any animal

to run at large in or upon any street, alley, sidewalk, vacant lot, public property, other enclosed place in the City or private property not belonging to owner of animal. Any animal permitted to run at large in violation of this Section is declared to be a nuisance, a menace to the public health and safety and shall be taken up and impounded as provided in Section 9-8-4.

9-8-15 ANIMALS ON ENCLOSED PREMISES:

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

9-8-16 VICIOUS ANIMALS:

It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal while on public property may use reasonable force to repel said attack. After a judicial determination that an animal is vicious the owner or keeper of such vicious animal shall destroy it humanely or turn such animal to the City’s Animal Control Center for destruction.

9-8-16.1 DANGEROUS ANIMALS: No person shall maintain a dangerous animal in a manner which constitutes a threat to any person or other animal.

9-8-17 ANIMALS DISTURBING THE PEACE: It is unlawful for any person to allow any animal to persistently or continuously bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the City of Las Vegas or to keep or maintain animals in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of another person.

9-8-18 NUISANCES: It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon any property other than the owners of the animal, and then only so long as no other provision of this Ordinance is violated.

9-8-19 UNLAWFUL USE OF LICENSE TAGS:

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

9-8-20 BREAKING INTO THE ANIMAL CONTROL CENTER OR ANIMAL SHELTER OR ANIMAL CONTROL VEHICLES:

It is unlawful for any person to break open any pound, center, or animal control vehicle wherein animals are impounded by the City of Las Vegas or in any other way to remove

or assist in the removal of any animal from such pound, center or vehicle without lawful permission.

9-8-21 DOGS TRAINED TO ASSIST THE BLIND OR DEAF IN PUBLIC PLACES:

It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any dog which has been raised to assist the blind or deaf provided that such dog is in the company of the blind or deaf person whom it was trained to assist in conformance with the law.

CRUELTY TO ANIMALS PROHIBITED

9-8-22 PHYSICAL ABUSE GENERALLY:

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

- A. It is unlawful for any person to carry any animal in or upon Any vehicle in a cruel, inhumane, or unsafe manner. No person shall keep or transport an animal in the bed of a pick-up truck unless the animal is properly restrained in a humane and safe manner to prevent the animal from leaving the confines of the bed of the truck when the vehicle is stationary and to prevent the animal from falling off while the vehicle is in motion. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal.

9-8-23 WORK CRUELTY: It is unlawful for any person to drive or work any animal cruelly.

9-8-24 NEGLECT: It is 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 an animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally sound, weather-proof enclosure, large enough to accommodate the animal.

9-8-25 ABANDONMENT: It is unlawful for any person having charge, custody, or ownership to abandon any animal. All animals which are to be abandoned may be turned over to the Animal Control Center or an Animal Shelter for adoption; such owner shall be required to sign an owner's release relinquishing ownership of said animal. In the event, however, that each animal is not adopted within three (3) working days, the animal may be destroyed pursuant to Section 9-8-5.

9-8-26 POISONING: It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this Section to prohibit the use

of poisonous substances for the control of vermin of significance to the public health.

9-8-27 PROTECTIVE CARE BY CITY:

Whenever the City finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of such animal, the City may take up such animal for protective care; and in the event of sickness or injury upon the advise of a licensed veterinarian, the City may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal.

9-8-28 INJURY BY MOTORISTS:

Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any animal, give such aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the City's Animal Control Center furnishing sufficient facts relative to such injury. Every such operator shall remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of said person, such operator shall immediately identify himself to the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the Animal Control Center and notifying the City. Such animal shall be deemed an abandoned animal within the meaning of Section 9-8-25 above. This provision does not apply to operators of emergency vehicles.

9-9-29 HOBBLING LIVESTOCK:

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

9-8-30 KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS:

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

9-8-31 ANIMAL FIGHTS: It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals is engaged in for the purpose of injuring, killing, maiming or destroying themselves or any other animal. No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.



9-8-32 CONFINING OR CRATING OF FOWL:

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

9-8-33 BIRDS: It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird.

SALE**9-8-34 USE OF PUBLIC PROPERTY:**

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

9-8-35 RABBITS OR FOWL:

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

9-8-36 TURTLES: No person shall offer for sale, sell, barter or give away turtles, except in conformance with appropriate federal regulations.

EXOTIC ANIMALS, GUARD DOG, ETC.**9-8-37 WILD OR EXOTIC ANIMALS:**

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

- A. Any exotic animal or species prohibited by federal or state law.
- B. Any exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance.
- C. Bats
- D. Skunks

9-8-38 HOUSING OF GUARD DOGS:

- A. It is conducive to the promotion of the health and general welfare of the inhabitants of this City to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.
- B. Whenever there is a guard dog on the premises, the standards of this Section, in addition to the other requirements of law and regulations, shall be complied with, as follows:
 1. Housing shall have anti-escape building sufficient to house guard dogs.
 2. All gates and entrances to the area where the guard dog is housed, used or trained shall be locked when

not in use.

3. Additional measures found necessary by the City shall be taken by the owner to protect the public from accidental contact with any guard dog.
 4. Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy to the fencing shall be subject to the approval of the City.
 5. In order to control noise, the City may require a sight barrier which breaks the dogs line-of-sight.
 6. In buildings where guard dogs are housed, exterior glass must be adequate, or additional protective measure taken by the owner as required by the City, to prevent the dog from jumping through it.
 7. The building and yard in which a guard dog is housed must be posted with bilingual (English and Spanish) or visual Guard Dog signs, not be more than 200 feet apart, and posted at all property corners and at every entrance into the area.
 8. For guard dogs either transported or utilized in vehicles, measures prescribed by rules and regulations of the City must be taken to protect the public from accidental contact with a guard dog.
 9. A handler is required to be physically present while guard dogs are being utilized at temporary sites which do not comply with this Section of the Ordinance.
- D. Exclusions. Dogs which are used as private guard dogs on the property of their owner's private residence, shall be excluded from the provisions of this Section unless residence is located on premises utilized for commercial purposes. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.

PENALTIES**9-8-39 PENALTY:**

Any person found guilty of violating the provisions of this Ordinance may be sentenced or fined, or both, up to the maximum amount permitted by state law for violation of municipal ordinances, such amount to be set by the Municipal Judge in his/her sound discretion, but not to exceed the amount established under Section 3-17-1, C, NMSA 1978 Compilation. Each day this Ordinance is violated shall constitute a separate offense.

9-8-40 REPEAL:

Sections 8-1-1 through 8-3-12 of the Municipal Code of the City of Las Vegas, New Mexico, relating to Animals and Fowl, as well as any other Ordinances of said municipality which are inconsistent with the provisions hereof are hereby repealed.