

ORDINANCE 1996-02

AN ORDINANCE PROVIDING FOR THE CONTROL AND CARE OF ANIMALS IN THE COUNTY OF RIO ARRIBA, AND BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONS OF RIO ARRIBA COUNTY ON THIS DAY, NOVEMBER 30, 1995.

SEC. I. DEFINITIONS. For the purpose of this Ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall appear from the content that a different meaning is intended. When not inconsistent with the content, words used in the single include the plural. The word "shall" as used herein, is always mandatory and not merely directory. The masculine includes the feminine.

- A. **"ANIMAL"** means any vertebrate member of the animal kingdom excluding humans.
- B. **"COUNTY OF RIO ARRIBA" or "COUNTY"** shall include the area within the boundaries of the County of Rio Arriba, including privately owned land or land by the United States, except the area within the limits of any incorporated municipality or Indian lands.
- C. **"RIO ARRIBA COUNTY ANIMAL CONTROL or "COUNTY ANIMAL CONTROL"** means any pound, lot premises, and/or building maintained by Rio Arriba for implementation of control and care of animals.
- D. **"RIO ARRIBA COUNTY ANIMAL CONTROL OFFICER" or "ANIMAL CONTROL OFFICER"** means any Rio Arriba County employee hired for/or trained in animal control, this shall include the Animal Control Director.
- E. **"BITE"** means any actual puncture or tear of the skin inflicted by the teeth of an animal.
- F. **"COUNTY MANAGER"** means the County Manager of Rio Arriba County or designated representative(s).
- G. **"RIO ARRIBA COUNTY DIRECTOR OF ANIMAL CONTROL" or "DIRECTOR OF ANIMAL CONTROL"** means person in charge or department head of the Animal Control Department.
- H. **"ENCLOSED LOT"** means parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.
- I. **"ESTABLISHMENT"** means a place of business together with its ground and equipment.
- J. **"ESTRAY"** means any animal found running at large.
- K. **"LICENSED VETERINARIAN"** is a person with a Doctor of Veterinary Medicine Degree licensed to practice in the State of New Mexico.

- L.** “**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 Rio Arriba County.
- M.** **THE “OWNER”** of an animal is a person who owns, harbors, or keeps, or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises.
- N.** “**PERSON**” means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.
- O.** “**TO RUN**” or “**RUNNING AT LARGE**” is to be free of physical restraint beyond the boundaries of the premises of the owner.
- P.** “**CONFINEMENT**” is to detain or isolate an animal.
- R.** “**VACCINATION**” is protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, State of New Mexico Rabies Control Act of 1959, as amended; given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.
- S.** “**VICIOUS ANIMAL**” means any animal which bites or in any other manner attack or attempt to attack or attempt to attack any person or other animal within the County of Rio Arriba, except that any animal that bites, attacks, or attempts to attack any person or other animal within the County of Rio Arriba, upon its owner’s or keeper’s premises, or which is provoked to attack, may or may not be deemed a vicious animal.
- T.** “**LIVESTOCK**” means horses, cattle, hogs, sheep, goats, rabbits and/or fowl.
- U.** “**QUARANTINE**” is to detain or isolate an animal suspected of contagion for a period of time.
- V.** “**COMMERCIAL ANIMAL ESTABLISHMENT**” means any establishment or premises, operating for profit, where six (6) or more dogs and or cats aggregate thereof, over three (3) months of age are boarded, kept, or maintained for any purpose whatsoever, it includes kennels, grooming parlors, and pet shops.
- W.** “**NON-PROFIT ANIMAL FACILITY**” means any facility or premises, not operating for profit, where six (6) or more dogs and/or cats or aggregate thereof over three (3) months of age are kept or maintained; it includes shelters, refuges, private hobby kennels, and hobby breeders, with the exception of State inspected veterinary hospitals, Federal inspected laboratory facilities and zoos.
- X.** “**KENNEL**” means any commercial animal establishment or premises where animals are boarded, kept or maintained.
- Y.** “**GROOMING PARLOR**” means any commercial animal establishment, or part thereof, or premises maintained for the purposes of offering animals cosmetology services.

Z. “**SHELTERS**” means any profit or non-profit animal facility whose primary function is to bring aid and comfort to animals.

AA. “**PET SHOP**” means any commercial animal establishment or premises or part thereof maintained for the purchase, sale, exchange, or hire of animal of any type: except the term shall not include livestock auctions.

BB. “**REFUGE**” means any non-profit animal facility or premise operated by a person who is a member of a recognized animal humane organization, for the purpose of bringing aid and comfort to more than six (6), but not to exceed twenty (20) animals.

CC. “**PRIVATE HOBBY KENNEL**” means any non-profit animal facility or premise where purebred dogs or pedigreed cats are bred for personal use and enjoyment from animals privately owned or leased and the resultant offspring are neither sold for resale to commercial outlets, not for the purposes of research, testing or laboratory experimentation. Permit required and can be obtained from the Animal Control Director. (NO FEE)

DD. “**HOBBY BREEDER**” means any non-profit animal facility or premise operated by a person involved in controlled breeding or animals which are registered with a recognized registry organization who keeps a breed which is not eligible to be so registered. Permit required and can be obtained from the Animal Control Director. (FEE REQUIRED)

EE. “**PROFESSIONAL ANIMAL PERMIT**” is a permit issued pursuant to Section V, Paragraph G. and is required of persons operating kennels, grooming parlors, pet shops, refuges, shelters, hobby kennels, or breeder facilities. Permit required and can be obtained from the Animal Control Director. (FEE REQUIRED)

SEC. II. ADMINISTRATION OF ORDINANCE. The animal control director or his representative(s) is/are responsible for the administration of the Ordinance.

Reasonable rules and regulation shall be prescribed by the Rio Arriba County Commissioners to carry out the intent and purpose of this Ordinance, pursuant to standards created by this Ordinance. Powers delegated to the Rio Arriba County Manager may be delegated by the County Manager to the Rio Arriba County Animal Control Director or Animal Control officers as he may deem expedient for the effectuation of the Ordinance.

AUTHORITY OF ANIMAL CONTROL OFFICERS.

The County Manager, the Director of Animal Control, and Animal Control Officers shall have the authority to issue warnings and/or citations for violations of this Ordinance(s) and to perform such other duties as are prescribed herein. An Animal Control Officer shall wear a uniform and identification certifying as being an Animal Control Officer. Identification shall be such as prescribed by the County Manager. Identification shall be returned to the County Animal control Director upon cessation of his employment. Neither the Rio Arriba County Manager, County Animal Control Director nor any Animal Control Officer shall have the authority to dismiss a citation.

SEC III. COUNTY ANIMAL CONTROL FACILITIES, IMPOUNDING PROCEDURES.

A. Establishment of Animal control Facilities. There is hereby established one or more County Animal Control Facilities which shall be located in such numbers and locations as shall be designed by the Rio Arriba County Commission.

B. Animal Control Facilities Hours of Business. The Animal Control Facilities of Rio Arriba County shall be operated to provide service to the general public for the transaction of service during the hours set by the Animal Control Facilities Director.

C. Impounding Animals. It is the duty of the Animal Control Officers to pick up and impound in such animal impound facility, any stray or any animal kept or maintained contrary to this Ordinance. A fee may be imposed when an animal is picked up from an owner who no longer wants his/her animal. This fee is for the assurance of funds in case euthanasia is required.

SEC. IV. IMPOUNDING ESTRAYS, RECORDS TO BE KEPT, REDEMPTION FEES, ANIMAL PICK-UP FEE, NOTICE REQUIRED, OWNERS IMPOUNDMENT.

A. No person shall, without knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of such animal to the Director of the Rio Arriba County Animal Control Department, giving his name and address, and 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/her possession to fail or refuse to immediately surrender such animal to an Animal Control Officer upon demand thereof.

C. Duly incorporated Humane Societies or Rescue Arms of accredited dog and cat clubs capable of providing proper confinement, shelters, and care for stray or lost animals shall be allowed to assume the care such animals after notifying the local Animal Control Agency of each animal so sheltered and assume responsibility for finding new homes after three (3) working days of trying to locate the owner.

D. If an stray animal is wearing a rabies tag or bears other identification, the animal shall be confined in such Animal Control Facility for a period of time in accordance with such facilities impoundment regulations three (3) days and during such time the owner shall be notified. Furthermore, the owner of said animal shall be responsible for the cost of impoundment whether or not the animal is reclaimed.

E. Any stray animal or any animal without proper identification, which cannot be adopted or is not claimed may be destroyed in accordance with the Animal Control Facilities regulations. The period the animal shelter will keep the animal is three (3) days.

F. It shall be the responsibility of an animal owner redeeming an animal, legally impounded under the provisions of this Ordinance to reimburse the Animal Control Facility for animal boarding or other costs.

G. Animal owners requesting removal of any animal shall at the time of impoundment pay an owner's impoundment fee. Such fee will not exceed ten dollars (\$10.00) and will be directed for each and

every animal. Upon impoundment such owner will be required to sign an owner's release and pay said fee.

H. The Director of the County Animal Control shall maintain a record of all animals impounded with ID tags, by Rio Arriba County Animal Control Officers. The record shall contain at least the following information.

1. A complete description of the animal
2. Identification Number (ID Tag #)
3. The manner and date of its acquisition
4. The date, manner and place of impoundment, and impoundment number.

SEC. V.

A. Rabies Vaccinations. It is the duty of all persons owning or keeping a dog or cat or any member of the canine or feline family over the age of three (3) months, to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount to provide immunity from rabies for one year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The State of New Mexico 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. The veterinarian shall also furnish the owner or keeper with a metal tag bearing the veterinarian name, the certificate number and expiration date of the period of immunity. The tag shall be affixed by the owner or keeper to collar of harness and shall be worn by the dog or cat for which the certificate is issued. A current rabies tag shall be affixed to each dog or cat at all times unless the dog or cat is being kept in an approved kennel, veterinary hospital, is appearing in an approved show or is being trained by a professional trainer. In general, if a non-stray dog or cat does not have an affixed rabies tag and is deemed critically ill by a veterinarian or a trained and certified Animal Control Officer may euthanize such animal with a report being filed and a record kept. In extreme conditions, trained and certified Animal Control Officers may euthanize such animals provided they file a report with the Rio Arriba County Animal Control Director. It is unlawful for the owner or keeper of any dog, cat or other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the County Animal Control Director or by his/her representative(s). This section does not apply to those animals in the control of the Rio Arriba County Animal Shelter. Penalty: First offense, warning, second offense, warning and/or citation.

B. Rabid Animal. An animal that has rabies or shows signs of having rabies, and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner or by an animal control officer. A person who has knowledge of rabies infection or exposure to rabies shall immediately upon learning of the infection notify the Rio Arriba County Animal Control Director of the place where the animal is confined and turn such animal over to him or his/her representative(s) upon demand. The County Animal Control Officer shall then deal with rabid animal pursuant to State Law.

C. Animal Biting a Person.

1. The owner of an animal that bites a person and a person bitten by an animal have a duty to report that occurrence to the Rio Arriba County Animal Control within 24 hours. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the County Animal Control Director deems it necessary to impound said animal for a period of observation (10 days).
2. A physician who renders professional treatment to a person bitten by an animal, shall report the fact he has rendered professional treatment to the Rio Arriba County Animal Control Director within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten, as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the County Animal Control Officer in ascertaining the immunization status of the animal(s).
3. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Director of the County Animal Control Department. The Owner of the animal shall bear the cost of confinement. The Director of the County animal Control may consent to confinement on the owner's premises. The premises where the home confinement is to occur shall be inspected and approved for such purpose by a Rio Arriba County Animal Control Officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the Director of Animal Control 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 Rio Arriba County Director of Animal Control if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement, the person having custody of the animal shall notify the County Animal Control and surrender the carcass of the animal to the County Animal Control personnel.

D. Restraint of Animals. Every person owning or having charge, custody, or care or control of any dog shall keep such animal exclusively upon his own perimeter boundaries of his property or 2) on a chain of leash not less than eight (8) feet in length. Dogs are permitted on the streets or public places of the Rio Arriba County only if on a secure leash not exceeding six (6) feet in length and under the immediate physical control of the person having custody thereof. No dog or cat or other member of the canine or feline families is allowed on a public playground, swimming pool, school yard or any public ground (Exception: seeing eye dogs). The above provisions do not apply when such animal is participating in a bonafide animal show authorized by the Rio Arriba County Animal Control Department and/or authorized by appropriate school authorities. Nothing in this section shall be construed to allow any dog not under physical restraint, whether for training purposes or not, to commit any act defined as unlawful in the Ordinance. Penalty: warning and/or citation.

E. Female Dogs or Cats in Mating Season to be Confined. 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 attacking or being attracted to such female animal. Penalty: warning and/or citation.

F. Number of Animals Permitted. No household or member thereof, is allowed to own, harbor or keep dogs or cats, or any combination thereof, over three (3) months of age totaling no more than six (6), provided that any household owning dogs or cats or any combination thereof totaling no more than six (6), which animals were vaccinated for rabies before the effective date of this subsection, shall be allowed to retain no more than six (6) animals only as long as the particular animals owned on the effective date remain in possession of said household. Exceptions include: 1) a household may have up to

eight (8) dogs or cats or any combination, thereof provided that all must be neutered or spayed; 2) this subsection shall not apply to any holder of a professional animal permit. Penalty: warning and/or citation.

G. Professional Animal Permit. Any person of those areas of Rio Arriba County, outside the limits of any incorporated municipality, may obtain a Professional Animal Permit under the following conditions:

1. Payment of an annual Professional Animal Permit fee of fifty dollars (\$50.00) at the office of the County Animal Control Department.
2. Submission of the person's premises used for the keeping of animals to an annual inspection by the Animal Control Director or Officers which shall be made without additional cost. Alternatively, the person may arrange to have their premises inspected by a local veterinarian.
3. Maintain humane conditions of shelter, food, water and sanitary standards in accordance with National Professional Standards which will prevent the spread of noxious or offensive odors and disease.
4. Provisions must be made for waste disposal in accordance with nationally recognized professional standards which will prevent the spread of noxious or offensive odors and disease.
5. A lawfully maintained Private Hobby Kennel or Private Breeder as defined in Section I, AA, and BB, already established in Rio Arriba County on the date this Ordinance becomes effective shall be eligible upon payment within 30 days of a ten year fee of fifty dollars (\$50.00) and shall be eligible for a ten-year non-transferable kennel permit provided all above requirements are met yearly. This fee will be imposed every time requirements are not met.

SEC. VI. PROHIBITED ACTIVITIES.

- A. **Animals Running at Large.** It is unlawful for any person to allow or permit any animal to run at large in or on any street, alley, sidewalk, vacant lot, public property, other unenclosed place in the County; or private property, with the permission of the owner thereof. Any animal permitted to run at large in violation of this section is declared to be nuisance, a menace to the public health and safety, and shall be picked up and impounded. A working dog performing such acts as herding or search and rescue under the control and supervision of owner/handler shall not be considered as unleashed while performing these duties. A hunting, obedience, tracking or show dog shall not be considered unleashed while performing in the above capacities. Penalty: warning and/or citation.
- B. **Animals on Unenclosed Premises.** It is unlawful for any person to chain, stake out, graze or herd, any animal on any unenclosed premises in such a manner that such an animal may go beyond the property line. Penalty: warning and/or citation.
- C. **Vicious Animals.** It is unlawful for any person to keep or harbor a vicious animal in the County of Rio Arriba. Any person attacked by a vicious animal while on public property may use force he/she deems necessary to reasonably 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 over to the County Animal Control Officers for destruction. Any and all costs will be incurred by the owner.

- D. Animals Disturbing the Peace.** It is unlawful for any person to allow any animal to unreasonably bark, howl, or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the County of Rio Arriba, or to keep or maintain in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of the inhabitants of the County of Rio Arriba. Penalty: warning and/or citation.
- E. Animal Nuisances on Sidewalks, Public Parks, Alleys, and Other Places Open to the Public.** 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 the sidewalk or public park; or upon the floor or wall of any common hall in any multiple dwelling; or upon any entrance way, stairway or wall immediately abutting on a public sidewalk, or upon the floor or any wall of any theater, shop, store, office building or other building used in common by the public; or upon any private property other than the owners of the animal. Penalty: warning and/or citation.
- F. Unlawful Use of Rabies Tag.** It is unlawful for any person to transfer any rabies tag from one animal to another. It shall be unlawful for any person to manufacture or cause to be manufactured or have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing as required under this Ordinance. Penalty: warning and/or citation.
- G. Breaking into the Rio Arriba County Animal Control Facilities and Vehicles.** It is unlawful for any person to break into any pound, center, or animal control vehicle wherein animals are impounded by the County of Rio Arriba, or in any other way to remove or assist in the removal of any animal or equipment indigenous to such pound, center, or vehicle without lawful possession. Penalty: prosecution.
- H. Dogs Trained to Assist the Blind, Deaf, and/or Handicapped Allowed in Public Places.** It is unlawful for any person owning, operating, 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 trained to assist the blind, deaf, and/or handicapped provided that such dog be in the company of the blind, deaf, and/or handicapped person whom it was trained to assist in conformance with N.M.S.A. 47-1-7 (1953).

SECTION VII. CRUELTY TO ANIMALS PROHIBITED.

- A. Physical Abuse.** It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club, or other object; mutilate, burn, or scald with any substance, overdrive or otherwise cruelly set upon any animal except that reasonable force may be employed to drive off vicious or trespassing animals. Penalty: warning and/or citation.
- B. Work Cruelty.** It is unlawful for any person to drive or work any animal cruelly. Penalty: warning and/or citation.

- C. Care and Maintenance.** 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 adequate food, drink, shade, care, or shelter to maintain good health, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal, except horses, cattle, hogs, sheep or goats, habitually kept outside shall be provided with a structurally sound, weather-proof enclosure, large enough to accommodate the animal. Penalty: warning and/or citation.
- D. Abandonment of Animals.** It is unlawful for any person to abandon any animal within the County of Rio Arriba. Penalty: citation.
- E. Animal 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 poisonous substance. It is not the intent of this section to prohibit the use of poisonous substance for the control of vermin of significance to the public health. Penalty: citation and possible prosecution.
- F. Uncared-for Animals.** Whenever the County Animal Control Department finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence or the owner or person responsible for the care of such animal, the County Animal Control Department may take such animal for protective care. Penalty: warning and/or citation.
- G. Estray.** In regard to any estray without an affixed tag that is deemed critically ill or critically injured by a veterinarian or a Rio Arriba County Animal Control Officer, a trained and certified Animal Control Officer may euthanize such animal with a report being filed with County Animal Control Director.
- H. Injury to Animals by Motorists.** Every operator of a motor or self-propelled vehicle upon the streets and ways of Rio Arriba County shall immediately upon 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 County Animal Control Director or Animal Control Officer(s) furnishing sufficient facts relative to such injury. It is the duty of such operator to 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 County Animal Control and notifying the County Animal Control Director. Such animal shall be deemed an uncared animal within the meaning of Section 7, Paragraph F. emergency vehicle excluded from this provision.
- I. Hobbling Livestock.** It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal. Penalty: warnings or citations.
- J. Keeping of Diseased or Painfully Crippled Animals.** It is unlawful for any person to have, keep, or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition including starvation except as hereinafter provided. The County Animal Control Director may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be

destroyed humanely as soon thereafter as is conveniently possible. Penalty: warning and/or citation.

- K. Animal Fights; Including Fowl.** 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 are engaged for purpose of injuring, killing, maiming, or destroying themselves or any other animals. Penalty: citation.
- L. Fowl-Impounding-Crating.** It is unlawful for any person to confine any wild of domestic fowl or birds unless provisions are made by each person for the proper feeding and the furnishing of water to such fowl of birds at intervals not longer than twelve (12) hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure crate, box or other enclosure which does not permit each fowl or birds impounded therein to stand in a naturally erect position. Penalty: warning and/or citation.
- M. Song Birds, Killing and Robbing of Nest Prohibited.** It is unlawful for any person to willfully kill any song bird or to molest or rob the nest of such bird. Song birds shall include members of the Order Passeriformes (Perching Birds); some of its members include: Skylark, Nightingale, Hermit Thrush, Mockingbird, Robin, Bluebird, Warblers, Orioles, Tanagers, Finches. Penalty: citation.

SECTION VIII. SALE OF ANIMALS.

- A. Use of Public Property.** No person shall display, sell or offer for sale, barter, or give away or otherwise dispose of any animal upon any street sidewalk or public park without a permit. Penalty: citation.
- B. Turtles.** No person shall offer for sale, sell, barter or give away turtles, except in conformance with appropriate federal regulations. Penalty: citation.

SECTION IX.

- A. “Wild Animals”.** No person shall keep any animal which is wild, dangerous, noxious or naturally inclined to harm, whether they are trained or not, without having first registered such animal and without providing adequate facilities to prevent such animal from escaping or injuring the public are provided. Penalty: citation.
 - 1. “Wild Animal”** means any animal of a species that in their natural life are wild, dangerous, and ferocious, and though they may be trained and domesticated, will remain dangerous to others and may injure or kill a citizen in Rio Arriba County. Penalty: citation.

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

DOG FAMILY: All except domesticated dogs—including wolf, fox, coyote, dingo, etc.

CAT FAMILY: All except the commonly accepted domesticated cats—including lions, pumas, panthers, mountain lions, wild cats, etc.;

BEARS: Bears including grizzly bears, brown bears, and black bears.

WEASELS (mustelidae): All including weasels, martins, mink, wolverine, wild ferrets, badgers, otters, ermine, mongoose, etc.

RACCOON (procynnidae): All raccoons including eastern raccoon, desert raccoon, ring tailed cat, etc.;

PRIMATES (hominiddae) All subhuman primates;

PORCUPINE (arethizontidae);

SKUNK;

VENOMOUS SNAKES;

VENOMOUS LIZARDS: Including lizards, alligators, and crocodiles;

VENOMOUS FISH AND PIRANHA;

SECTION X. ANIMAL KILL OR INJURING LIVESTOCK AND/OR PROTECTED WILDLIFE-DAMAGES-ANIMAL TO BE KILLED.

If any animal shall kill or injure any livestock and/or protected wildlife, the owner or keeper of such animal shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction, and it shall be unlawful to keep such animal after it is known that the animal has killed or injured livestock and/or protected wildlife, and it shall be the duty of the owner to surrender the animal to Animal Control Department for proper humane euthenization upon order of the court after a finding that the animal has killed or injured livestock and/or protected wildlife; and provided further, that it shall be the right of any owner of livestock and/or protected wildlife so killed or injured by the actions of any animal to kill the animal while it is upon property controlled by the owner of the livestock and/or protected wildlife.

Rio Arriba County Animal Control Director or Officers in their duties as Animal Control can carry within their vehicle or person, a weapon for the purpose of containing or for self defense against any vicious animal. Weapon will be used to destroy any wild animal which is uncontrollable or for health reasons. Weapon will only be discharged when all other methods of containment have failed or is impracticable and only after consulting with Animal Control Director (when possible).

Rio Arriba County Animal Control Director or Animal Control Offices are not responsible for any dead animals on private property. They may assist the property owner with disposal of dead animals by a request from the property owner to the Animal Control Director. The Animal Control Director after assessing the environment and the scope of work may allow the officers to assist. At no time will Rio Arriba County equipment be used on private property without prior approval.

SECTION XI. LICENSING.

A. LICENSE REQUIRED:

1. It is unlawful for any person to own or harbor a dog or cat over the age of six (6) months without obtaining a license for such animal. Persons who are not Rio Arriba County residents and who keep dogs or cats in the county for less than thirty (30) consecutive days shall be exempt from this license requirements. Penalty: warning and/or citation.
2. Application for licenses shall be made on forms provided by the County Animal Control Department.
3. Licenses shall expire one (1) year from the date of issue; the license shall be good for one year. Failure to renew the license within thirty (30) days after the expiration date shall result in an assessment of a penalty fee in addition to the cost of the license. Penalty: warning.
4. A current rabies certificate must be presented to the County Animal Control Division prior to making application for a license.
5. A current license tag shall be securely affixed to the collar of harness which shall be worn by all dogs or cats, unless the dog or cat is being kept in a kennel or veterinarian hospital, or appearing in an approved dog or cat show, or is being trained provided that the person who is training the dog or cat shall have in their personal possession the valid license tag for each dog or cat being trained and shall immediately display such upon request by the County Animal Control Division.
6. License tags shall not be transferred from animal to animal.

B. License Fees:

1. The annual license fee for each unneutered or unspayed dog or cat shall be \$10.00. The annual license fee for neutered or spayed dogs or cats shall be \$5.00. Proof of qualification for a license can only be made with a written certificate from a licensed veterinarian stating that the animal has been neutered or spayed.
2. The annual license fee for each unneutered or unspayed dog or cat which is owned by a person sixty-two (62) years of age or older shall be \$5.00.
3. For each neutered or spayed dog or cat which is owned by a person sixty-two (62) years of age or older, the annual license fee shall be \$2.00. Proof of qualification for license can only be made with a written certificate from a licensed veterinarian stating that the animal has been neutered or spayed.
4. The license fee shall not apply to trained dogs, owned, harbored or kept for the purpose of assisting the blind or the deaf.

SECTION XII. PENALTY, SAVINGS, AND EMERGENCY CLAUSE.

- A. **Penalty Clause.** Any person who violates any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred dollars (\$300) and/or imprisonment for a period not exceeding ninety (90) days. Each day this Ordinance is violated shall be considered a separate offense.

- B. **Savings Clause.** If any of the sections, subsections, clauses, or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the Rio Arriba County Commission to pass each section, phrase, paragraph and word separately.

- C. **Emergency Clause.** Revised Ordinance No. 1993-03 is hereby declared an emergency Ordinance on the grounds of urgent public need and shall be effective as provided by law.

PROPOSED ORDINANCE NO. 1996-02
OF THE BOARD OF COUNTY COMMISSIONERS
OF THE COUNTY OF RIO ARRIBA, NEW MEXICO

ANIMAL CONTROL ORDINANCE

WHEREAS, the County of Rio Arriba desires to provide the control and care of animals by adopting the Rio Arriba County Animal Control Ordinance, Ordinance No. 1996-02.

WHEREAS, “Counties are granted the same powers that are granted municipalities except for those powers that are inconsistent with statutory or constitutional limitations placed on counties. Included in this grant of powers to counties are those powers necessary and proper to provide for the safety, preserve the health, promote the prosperity and improve the moral, order comfort and convenience of any county or “its inhabitants”.

WHEREAS, the title of the proposed ordinance is “ORDINANCE NO. 1996-02, RIO ARRIBA COUNTY ANIMAL CONTROL ORDINANCE”. The general subject matter of the proposed ordinance is to provide for the control and care of animals, authority of animal control officers, impounding of strays, vaccination requirements, prohibiting cruelty to animals, setting penalties and declaring a need for such an Ordinance.

THEREFORE, the adoption of Rio Arriba County Animal Control Ordinance, Ordinance No. 1996-02, by the Board of County Commissioners on November 30, 1995, this ordinance shall be effective on December 30, 1995.

PASSED, ADOPTED, and SIGNED this 30th day of November, 1995.

BOARD OF COUNTY COMMISSIONERS

