

## MEMORANDUM

**DATE:** October 12, 2016

**TO:** Board of County Commissioners

**FROM:** Rachel Brown, Deputy County Attorney *RB*  
Cristella Valdez, Assistant County Attorney *CV*

**RE:** Second Public Hearing on Ordinance No. 2016-\_\_\_, The Santa Fe County Animal Control Ordinance: an Ordinance Governing the Duties of Animal Owners, and Others; the Impoundment of Animals; and Issuance of Permits; Defining Offenses; Establishing Penalties Related to Animals; and Repealing Santa Fe County Ordinance Nos. 1981-7, 1982-7, 1990-8 and 1991-6 and Santa Fe County Resolution 1982-28.

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On July 26, 2016, the Board of County Commissioners ("BCC") authorized publication of title and general summary of an ordinance ("Proposed Ordinance") that proposes to repeal and replace Santa Fe County Ordinances 1981-7, 1982-7, 1990-8, and 1991-6 and Santa Fe County Resolution 1982-28, which govern the licensing of animals, prohibited activities involving animals, and the administration of Animal Control Services. The first public hearing on the Proposed Ordinance was held on September 13, 2016.

Since the first public hearing, the Sheriff's Office has received written comments regarding the Proposed Ordinance. Written comments received after September 13, 2016, have been attached hereto as Exhibit B.

All written comments pertaining to particular sections of the Proposed Ordinance have been summarized on a chart attached hereto as Exhibit C. The chart also contains the responses approved by the Sheriff's Office for each comment.

At the second hearing, the BCC requested a comparison of chaining, tethering, and enclosure size provisions from certain other jurisdictions in New Mexico. Accordingly, a chart summarizing provisions from Bernalillo County, Doña Ana County, Los Alamos County, Sandoval County, San Miguel County, Taos County, and Tarrant County is attached hereto as Exhibit D. Provisions from the City of Santa Fe, City of Las Vegas, City of Hobbs, Town of Edgewood, and the City of Albuquerque have also been included in the chart for comparison.

After the first public hearing, the Proposed Ordinance was revised to address concerns raised by the BCC and public comment. The Proposed Ordinance with proposed revisions is attached hereto as Exhibit A. Proposed revisions are noted using strikethroughs and underscoring. The proposed revisions are as follows:

#### **Section Four. Definitions.**

1. The definition of “adequate shelter” at Section Four (C) has been revised to require an enclosure to be an adequate size for dogs to sit, hop, stand or rear up on its hind legs, run jump, and play with other dogs. These revisions were made to balance concerns that kennel sizes would not provide adequate space for dogs to play with the limited yard space that some residents in Santa Fe County may have.
2. The definition of “estrays” at Section Four (T) has been revised to strike the exclusion of cats from the definition of estray. This revision was made based upon public concerns regarding the exclusion and the fact that the Animal Services Division currently impounds cats and this revision will allow them to continue doing so.
3. The definition of “kennel” has been changed to reflect different meanings of the word. Definitions for “commercial kennel” at Section Four (L) and “kennel area” at Section Four (AA) have been created to differentiate between a commercial facility and enclosures for animals.
3. The definition of “molest” has been revised to prohibit an individual from harassing an animal.
4. The definition of “owner” at Section Four (II) has been revised to narrow ownership of animals. Some public comment indicated that the previous definition was too broad because it included allowing an animal to remain on your premises. The broader definition would have unintentionally included situations such as when a skunk enters upon private property and refuses to leave for a period of time.

#### **Section Seven. Restraint of Animals**

1. Section Seven (A)(1) has been revised to remove language allowing owners to restrain their animals on their property through training. This language conflicts with the prohibition on using voice command as a form of restraint.
2. Provisions have been added to Section Seven B that allow owners to restrain their dog through fixed point tethering and trolley systems in limited circumstances. Owners would be allowed to temporarily tether their dog if they are immediately present and outdoors with the dog at all times. Owners would also be allowed to tether their dog with a trolley inside of an enclosure as a secondary form of confinement. This revision was made to address “escape artist” dogs that will not stay within an enclosure.
3. A six month grace period for Section Seven (B) has been added. This grace period will give owners who currently chain, tether or trolley their dogs as a primary form of restraint, time to transition over to an allowed form of restraint.

4. Section Seven (C)(1) has been revised to exempt dogs participating in search and rescue activities, performing law enforcement activities, or otherwise assisting law enforcement, from leashing requirements.
5. Section Seven (C)(5) has been revised to require that owners must use a leash when present with their dogs.

#### **Section Nine. Licenses and Permits.**

1. Individuals who maintain 10 or more dogs or cats on their property have been added to Section Nine (D)(2). The exclusion of this class of permit holders from the requirement to comply with the standards of care in Section Nine (D)(2) was inadvertent.
2. Section Nine (D)(2)(b)(i) has been revised so that Professional Animal Care permit holders can keep animals in areas with ambient temperatures above and below mandated temperature thresholds for medical purposes. This revision was made in response to public comment indicating that it might be necessary to keep whelped puppies in ambient temperatures higher than 85 degrees.
3. The requirement that Professional Animal Care Permit holders keep cages radiantly heated has been deleted from Section Nine (D)(2)(b)(e).
4. Section Nine (D)(2)(b)(j) has been revised to clarify that Professional Animal Care Permit holders may keep more than 10 animals they own if they apply for a permit to maintain more than a total of ten (10) cats and dogs on their property.
5. A six month grace period for Professional Animal Care Permits has been added at Section Nine (D)(4) and Section Nine (C)(3).
6. Section Nine (G) has been revised to provide a specific time frame for individuals to obtain a litter permit. Permits must be obtained before the puppies or kittens in the litter reach a stage in development in which their eyes open. If owners will surrender the litter instead of obtaining a litter permit, they must declare this to the Animal Services Division before the litter reaches this stage of development.

#### **Section Ten. Impoundment.**

1. Section Ten (D)(1) has been revised so that dogs would only be neutered or spayed after a second or subsequent impoundment. This revision eliminates the need for the owner of a show animal to provide proof that they have been in a competition.

#### **Section Eleven. Prohibited Activities.**

1. A provision prohibiting individuals from unnecessarily causing an animal to suffer physical harm has been added Animal Cruelty at Section Eleven (B)(2).

**Section Twelve. Notice, Savings Clause, Effective Date.**

1. Section Twelve (C) has been added to reflect the grace periods incorporated for restraint and Professional Animal Care Permit provisions.

**Appendix A. Fees**

1. Licensing fees provision has been amended to remove cats.

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

**ORDINANCE NO. 2016-\_\_\_**

**THE SANTA FE COUNTY ANIMAL CONTROL ORDINANCE:  
AN ORDINANCE GOVERNING THE DUTIES OF ANIMAL OWNERS, AND OTHERS;  
THE IMPOUNDMENT OF ANIMALS; AND THE ISSUANCE OF PERMITS;  
DEFINING OFFENSES; ESTABLISHING PENALTIES; AND REPEALING SANTA FE  
COUNTY ORDINANCES 1981-7, 1982-7, 1990-8 AND 1991-6 AND SANTA FE COUNTY  
RESOLUTION 1982-28**

**Section One. Short Title.** This Ordinance shall be known and may be cited as the “Santa Fe County Animal Control Ordinance” or the “Animal Control Ordinance.”

**Section Two. Authority.** This Ordinance is enacted pursuant to the authority specified in NMSA 1978, §§ 4-37-3 (1975), 77-1-15.1 (1979), 77-14-4 (1909), 77-18-2 (1987).

**Section Three. Purpose and Intent.** This Ordinance is intended to protect animals from cruelty, neglect, and abuse; protect residents from annoyance and injury; promote the health, safety, and welfare of residents and animals; require owners to control their animals; establish a mechanism for financing the functions of licensing, permitting, and control of animals; and establish requirements for spaying and neutering animals to control the unintentional reproduction of animals, reduce the number of unwanted animals, and limit the number of animals that must be euthanized each year.

**Section Four. Definitions.** In this Ordinance, “shall” is always mandatory, the masculine includes the feminine, and the singular includes the plural, where appropriate. The following definitions shall apply:

- A. “abandonment” or “abandon” shall mean to intentionally desert and/or to relinquish supervision or care of an animal.
- B. “adequate food” shall mean access to the provision of food that is appropriate to the species and of sufficient quantity and nutritive value to maintain each animal in good health. Adequate food for birds at minimum means proper feeding and furnishing water at intervals not longer than forty-eight (48) hours.
- C. “adequate shelter” shall mean, for all animals other than livestock, an enclosure large enough to accommodate the animal in a manner suitable for the species, number, age, and condition of the animal that is structurally sound; insulated; weatherproof; cleaned in a timely manner so as not to cause noxious or offensive odors to prevent the breeding of insects; free of stagnant water, unless standing water is appropriate to maintain good health; allows the animal to move around normally; and free of garbage, hazardous materials, feces, insect infestation, and other debris which may endanger the animal’s



health and safety. In addition to the aforementioned criteria, the following minimum size standards for dog, cat, and bird enclosures shall apply:

1. Dogs

- a. large dogs (more than 50 pounds), at least 10 feet by 10 feet or equivalent square footage, and at least five feet high, and must be an adequate space for exercise and to sit, hop, stand or rear upon on its hind legs, run jump, and play with other dogs;
- b. medium-sized dogs (36-50 pounds), at least 8 feet by 10 feet or equivalent square footage, and at least five feet high, and must be an adequate space for exercise and to sit, hop, stand or rear upon on its hind legs, run jump, and play with other dogs and at least five feet high;
- c. small dogs (up to 35 pounds), at least 4 feet by 6 feet or equivalent square footage, and at least five feet high, and must be an adequate space for exercise and to sit, hop, stand or rear upon on its hind legs, run jump, and play with other dogs and at least five feet high;
- d. no more than two dogs shall be maintained in a single cage at any time.

2. Cats

- a. Cages must provide an area of at least 9 square feet for each cat and should house no more than one cat, except for nursing mothers, young litters of kittens, or pairs of adult cats who are bonded;
- b. If colony cages are used to house cats, the following standards apply:
  - i. Separate unsterilized males from females;
  - ii. Separate nursing mothers from all others;
  - iii. Separate young kittens from adult cats (except for their mothers);
- c. House no more than fifteen adult cats or twenty kittens in a room;
- d. Include one 12-inch by 18-inch cat litter pan for every three cats.
- e. Cats must be able to move about normally.

3. Birds

- a. A box, or other enclosure shall permit each bird confined therein to stand in a naturally erect position, spread their wings fully, and perch.

D. "animal" shall mean any dog, cat, or vertebrate (excluding humans).

- E. "animal exhibition" shall mean any exhibition, act, circus, ride, trade show, carnival, amusement show, performance or similar undertaking in which Animals are required to perform or participate in performances for the intended amusement or benefit of an audience, whether or not a fee is charged.
- F. "Animal Services Division" shall mean that division of the County which is charged with regulating and enforcing the laws and this Ordinance dealing with animal control within the jurisdiction of Santa Fe County.
- G. "Animal Services Officer" shall mean an employee of the County, designated as such by the Sheriff, who has the authority of a peace officer to issue citations for violations of this Ordinance and who performs other duties relating to animal services as described in this Ordinance.
- H. "animal shelter" shall mean a facility run by the County or any establishment licensed to do business in the State of New Mexico and, as appropriate, by Santa Fe County or a relevant municipality within the County, which is under contract to the County for the care and custody, impoundment, or safe-keeping of animals.
- I. "bite" shall mean a wound inflicted by the teeth of any animal.
- J. "breeder" shall mean a person involved in the breeding of animals.
- K. "breeding" shall mean to intentionally cause an animal to reproduce, especially by controlled mating and selection.
- L. "commercial kennel" shall mean any commercial establishment whether operating as a non-profit entity or for intended profit where dogs or cats are board, kept, or maintained.
- M. "County" shall mean Santa Fe County, New Mexico, a political subdivision of the State of New Mexico.
- N. "cruelty" shall mean causing death or unjustifiable pain or suffering to an animal by an act, an omission, or neglect.
- O. "dangerous animal" shall mean any one of the following:
1. An animal which, when unprovoked, causes injury to a person or domestic animal by biting or other aggressive behavior; or
  2. An animal which, because of its poisonous bite or sting, constitutes a significant hazard to the public.
- P. "direct control" shall mean that an owner or responsible party has an animal in control on a leash held by or attached to the owner or responsible party.

- Q. “dog park” shall mean an officially designated area where dogs are allowed to exercise and run off leash in a safe, secure environment designated for that purpose.
- R. "emotional support animal", "comfort animal" or "therapy animal" means an animal selected to accompany an individual with a disability that does not work or perform tasks for the benefit of an individual with a disability and does not accompany at all times an individual with a disability.
- S. “enclosed lot” shall mean any parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected or that has an effective electric fence around that portion of the property upon which the animal(s) are allowed off leash.
- T. “stray” shall mean any animals other than livestock ~~or cats, which~~ are running at large ~~off their owner's premises, and not under the direct control of the owner or a responsible party.~~
- U. “euthanasia of animals” or “euthanize” shall mean the act or practice of humanely ending the life of an animal by standards deemed acceptable under the laws and regulations of the State of New Mexico.
- V. “exotic animal” shall mean an animal that is rare or different from ordinary domestic animals or not indigenous to the State of New Mexico, including birds of prey, wolf hybrids and the offspring of wild animals crossbred with domestic dogs and cats, but not including parrots, toucans, or other tame and domesticated birds.
- W. “grooming parlor” shall mean an establishment, or part thereof, or premises maintained for the purpose of offering cosmetic services to animals for profit or fee.
- X. “guard dog” shall mean a dog that is utilized by its owner solely to protect property.
- Y. “impound” shall mean the act, by an Animal Services Officer or Sheriff’s deputy, of picking up and confining an animal within a shelter or other facility used by the County for the confinement of said animal.
- Z. “inhumane” shall mean causing unnecessary or intentional pain or suffering to an animal.
- AA. “kennel area” shall mean a secure enclosure within which an animal is housed, that is of sufficient height and strength to contain the animal.
- BB. “leash” shall mean a chain, leather strap, cord, or restraining device sufficient to hold under control the animal attached thereto. A leash shall be no longer than eight (8) feet, or twelve (12) feet for training purposes.



~~CC~~ ~~BB~~: “licensing agent” shall mean any organization or individual authorized by this Ordinance or delegated responsibility for issuing licenses for dogs and cats within Santa Fe County whether by contract or otherwise.

~~DD~~ ~~CC~~: “livestock” shall mean any large or small livestock, including, but not limited to horses, cattle, mules, donkeys, burros, swine, goats, sheep, and fowl, including, but not limited to, chickens, guinea hens, ducks, turkeys, geese, quail, or pigeons.

~~EE~~ ~~DD~~: “maim” shall mean to deprive the use of the body or a body part by wounding or the like or to cripple.

~~EE~~ ~~EE~~: “molest” shall mean to bother, harass, interfere with, annoy, or sexually harass or abuse.

~~GG~~ ~~EE~~: “neuter” shall mean to render an animal permanently sterile and incapable of reproduction.

~~HH~~ ~~GG~~: “nuisance” shall mean, but is not limited to, defecation, urination, disturbing the peace, emitting noxious or offensive odors, destruction of property or disturbing the property of another, or otherwise endangering or offending the well-being of the inhabitants of the County

~~II~~ ~~HH~~: “owner” shall mean a person who owns, has, keeps, or harbors an animal or ~~knowingly permits an animal to remain in, on, or about the person’s premises.~~ Any person who ~~owns, has, keeps, or harbors, or knowingly permits an animal to remain in, on, or about the person’s premises for a period of 48 hours shall be deemed the prima facie owner for the purposes of this Ordinance, except that prima facie ownership shall not create or change a property interest in any animal.~~

~~JJ~~ ~~II~~: “pet shelter” shall mean any establishment licensed to do business in the State of New Mexico and, as appropriate, by Santa Fe County which provides for the care and custody of animals other than livestock.

~~KK~~ ~~JJ~~: “pet shop” shall mean any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange, or hire of animals of any type, including exotic animals, except that the term shall not include livestock auctions.

~~LL~~ ~~KK~~: “premises” shall mean a parcel of land owned, leased, rented, or controlled by any person. Premises include all structures, including kennel areas, mobile homes, apartments, condominiums, and houses, which are located on a parcel of land.

~~MM~~ ~~LL~~: “public place” shall mean an indoor or outdoor area, whether privately or publicly owned, to which the public has access by right or by invitation, expressed or implied, whether by payment of money or not.

~~NN~~ ~~MM~~ “quarantine” shall mean to detain or isolate an animal suspected of having a contagious disease.

~~OO~~ ~~NN~~ “responsible party” shall mean a person under whose care and custody an animal is placed by the animal’s owner for any period of time.

~~PP~~ ~~QQ~~ “running at large,” shall mean to be free of Direct Control beyond an enclosed lot or the premises or vehicle of an Owner or Responsible Party.

~~QQ~~ ~~PP~~ “service animal” shall mean a dog or miniature horse that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service Animal does not include an Emotional Support Animal, Comfort Animal, or Therapy Animal.

~~RR~~ ~~QQ~~ “spay” shall mean to render a female animal permanently sterile and incapable of reproduction.

~~SS~~ ~~RR~~ “torture” shall mean to inflict or cause pain or anguish, this also includes inflicting pain as punishment.

~~TT~~ ~~SS~~ “unsafe” shall mean jeopardizing the health or welfare of another person or animal.

~~UU~~ ~~TT~~ “vaccination” shall mean the protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, and the State of New Mexico Department of Health pursuant to NMSA 1978, § 77-1-3 as amended.

~~VV~~ ~~UU~~ “veterinarian” shall mean a person with a doctor of veterinary medicine degree, licensed to practice veterinary medicine in New Mexico.

~~WW~~ ~~VV~~ “vicious animal” shall mean an animal which kills or severely injures (resulting in muscle tears or disfiguring lacerations, or injuries requiring multiple sutures, or injuries requiring corrective or cosmetic surgery) a person or domesticated animal, but does not include an animal which bites, attacks, or injures a person or an animal that is unlawfully upon its owner’s premises, or an animal that is provoked.

~~XX~~ ~~WW~~ “wild animal” shall mean an animal or species that in its natural life is wild, dangerous, or ferocious and though it may be trained and domesticated, has the potential to injure or kill a person or animal. Wild animals, however domesticated, shall include but are not limited to:

1. Dog family (Canidae), all except domestic dogs, but including wolves, foxes, and coyotes;
2. Cat family (Felidae) all except the commonly accepted domesticated cats, but including lions, pumas, panthers, mountain lions, bobcats, and ocelots;

3. Bears (Ursidae), including grizzly bears and brown bears;
4. Weasels (Mustelidae) all except the commonly accepted domesticated ferrets, but including the weasel, marten, mink, wolverine, badger, otter, ermine, and mongoose;
5. Raccoon (Procyonidae), including eastern raccoon, desert raccoon, and ring-tailed cat;
6. Primates (Homidae);
7. Porcupines (Erthizontidae);
8. Venomous snakes;
9. Venomous lizards, alligators, and crocodiles;
10. Venomous fish and piranha.

**Section Five. Administration, Enforcement, and Implementation.**

- A. The Sheriff of Santa Fe County shall be responsible for enforcement of this Ordinance as provided in NMSA 1978, § 4-37-4(A) (1975).
- B. Citations for violations of this Ordinance may be issued by a Sheriff's Deputy or an Animal Services Officer designated by the Sheriff. NMSA 1978, § 4-37-3(B).
- C. An Animal Services Officer with appropriate credentials may be commissioned by the Sheriff as a special deputy as provided by law and shall have the authority to issue citations for violations of this Ordinance and state law pertaining to animals. Such commission may be terminated by the Sheriff at any time at the Sheriff's sole discretion.
- D. For a violation of this Ordinance committed outside of the presence of a person charged with enforcement of this Ordinance, the Animal Services Division may require that the complaining party submit a completed complaint form provided by the Animal Services Division. The complaint shall include the name and address of the complainant, the name and address of the animal's owner, if known, the nature of the violation, and any pertinent details.
- E. An Animal Services Officer is authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform the Animal Services Officer's duties. If the owner or occupant of the premises is absent or objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless exigent circumstances exist which would cause an objectively reasonable Animal Services Officer to enter the property without a warrant, such as when an animal poses an immediate threat to the public. An Animal Services Officer shall not enter onto the premises for the sole purpose of picking up an animal which has been alleged to be running at large by a person who is not an Animal Services Officer or Sheriff's deputy.
- F. The holder of a permit under this Ordinance must allow an Animal Services Officer access to the permitted premises at any reasonable time for the purpose of inspection to determine compliance with this Ordinance. Failure to allow for such inspection is

grounds for suspension or revocation of the permit.

- G. If a citation is issued under this Ordinance that requires payment of a fine, the recipient may either pay the citation or contest the citation in Magistrate Court. If the citation is not remediable by payment of a fine, the recipient shall be directed to appear in Magistrate Court.
- H. This Ordinance does not establish a duty on the part of the Animal Services Division to remove wild animals from public or private property. The Animal Services Division will respond to complaints regarding wild animals owned or kept by individuals within Santa Fe County.
- I. Animal Services Officers have the discretion to waive fees and penalties imposed by this Ordinance for failure to obtain a license, failure to vaccinate or failure to spay or neuter when the owner of a dog, cat or ferret is cited for the first time for one or more of those offenses, provided the animal is licensed, vaccinated and spayed or neutered prior to release, except that the fees imposed by the Pet Sterilization Act, NMSA 1978, Section 77-1-20 shall not be waived.

**J. Dogs Attacking or Killing.**

- 1. An Animal Services Officer or peace officer may kill a dog that is in the act of pursuing or wounding any livestock, wounding or killing poultry, or attacking a human whether or not the dog wears a rabies tag required by NMSA 1978, § 77-1-3. Pursuant to NMSA 1978, § 77-1-9(B) (1975), there shall be no liability of the Animal Services Officer or peace officer in damages or otherwise for the killing.
- 2. When a dog attacks or kills any person or animal, the dog may be seized and impounded in accordance with the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -7. The charges incurred as a result of that impoundment shall be the responsibility of the dog's owner.

**Section Six. Rabies.**

**A. Rabies; Vaccination Required.**

- 1. Any owner of a dog, cat, or ferret over the age of three (3) months shall have the dog, cat, or ferret vaccinated as prescribed by NMSA 1978, Section 77-1-3 and the Department of Health regulations.
- 2. Any owner of a dog, cat, or ferret over the age of three (3) months shall exhibit its certificate of vaccination issued by a licensed veterinarian administering the rabies vaccine upon demand by a Sheriff's Deputy or Animal Services Officer.

3. Any owner of a dog, cat or ferret over the age of three (3) months shall securely confine the dog, cat, or ferret until it is vaccinated against rabies, which vaccination shall be administered within one week after entry into the County unless the owner has a certificate of vaccination issued by a veterinarian licensed and practicing either within New Mexico or in another state or foreign country, and the vaccination conforms to the requirements of the State of New Mexico and this Ordinance. A titer test is not an acceptable alternative to a rabies vaccination.
4. Any owner who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

**B. Rabies; Harboring Rabid Dogs, Cats, and Ferrets.**

1. No owner shall keep, maintain or harbor an unvaccinated dog, cat, or ferret with any symptom of rabies.
2. No owner shall fail or refuse to destroy an unvaccinated dog, cat, or ferret with symptoms of rabies as prescribed by regulations of the New Mexico Department of Health pursuant to NMSA 1978, § 77-1-10(C) (1901).
3. Any person who knows or who has reason to know that a dog, cat, or ferret has any symptom of rabies infection or has been exposed to rabies shall immediately notify the Animal Services Division and the New Mexico Department of Health. The dog, cat, or ferret shall be surrendered to an Animal Services Office, Sheriff's Deputy, or the Department of Health.
4. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

**C. Rabies; Harboring an Animal That Has Bitten a Person**

1. The owner or responsible party of a dog, cat, or ferret that bites a person and the person bitten by an animal shall immediately report that occurrence to the Animal Services Division.
2. The owner or responsible party of a dog, cat, or ferret that bites a person shall surrender the animal to the Animal Services Division.
3. A veterinary office or animal shelter which has custody of a dog, cat, or ferret that has bitten a person shall immediately notify the Animal Services Division if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes quarantine. If the animal dies while it is in quarantine, the person having custody of the animal shall immediately notify the Animal Services Division and relinquish the body to an Animal

Services Officer.

4. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

#### **D. Rabies; Animal Biting Person – Quarantine**

1. Any dog, cat, or ferret that bites a person shall be impounded for a ten (10) day quarantine. The Animal Services Division may authorize that a vaccinated dog, cat, or ferret be quarantined at the owner's expense at a veterinarian's office. Any other animal shall be handled in accordance with NMAC 7.4.2.9(C) and (D).
2. The owner of an animal shall bear the cost of impoundment as set forth in Appendix A and quarantine resulting from biting.

### **Section Seven. Restraint of Animals.**

#### **A. Restraint of Animals; Running at Large Prohibited.**

1. Any owner or person having charge, custody, care, or control over an animal, excluding livestock, shall keep the animal from running at large by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, ~~adequate training of the animal to ensure that it will not exit the property~~, electric fence, or any other acceptable means associated with a particular species of animal. Voice command is not an acceptable means of restraint.
2. Any owner who uses electric or invisible fencing designed to confine an animal on their property shall clearly post a notice in two separate locations upon the property that such a device is in use.
3. Any person who violates this Subsection shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A. An animal, other than livestock, that runs at large shall be declared to be an estray, a nuisance, or a menace to the public health and safety, and may be picked up and impounded by an Animal Services Officer.
4. Any animal other than livestock trespassing upon private property shall be deemed prima facie not to be properly restrained, and the owner shall be in violation of this Subsection of the Ordinance.

#### **B. Restraint of animals; Chaining, Tethering and Trolley Systems.**

1. No person shall chain, attach to a trolley system, or tether by any means any animal, other than livestock, as a form of confinement, except ~~in under the following~~ limited

## circumstances

- a. A dog may be confined by tether to a fixed point temporarily for a reasonable time period such as picnics or gatherings in a park or open space or for emergency purposes to permit an individual to render aid to a human or another animal and only when the owner or a responsible party is immediately present and outdoors with the dog at all times while it is tethered. Any person who restrains a dog by means of a tether in accordance with this Subsection, shall comply with the following:
  - a. A tether used to restrain a dog shall be at least 10 feet in length;
  - b. The tether must be affixed to a dog by use of a non-abrasive, comfortably fitted harness;
  - c. There must be a swivel on at least one end of the tether to minimize tangling of the tether;
  - d. Chains shall not be used to tether any dog;
  - e. The device must be fastened so that the dog can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or dog to become entangled or strangled; and
  - f. The dog must have easy access to adequate shelter, shade, food, and potable water; or
- b. A dog may be confined by the use of a trolley system or a tether attached a pulley on a cable run as a secondary form of confinement only when the dog is kept in a secure run or kennel area or an enclosure that limits access to the dog by other animals and prevents the public from accidentally encountering the dog. Any owner who restrains a dog by means of a trolley system or a tether attached to a pulley on a cable run under one of the aforementioned exceptions in accordance with this Subsection, shall comply with the following:
  - a. Only one dog may be tethered to each cable run;
  - b. There must be a swivel on at least one end of the tether to minimize tangling of the tether;
  - c. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the Animal Services Officer, considering the age, size, and health of the dog;

- d. The cable run must be mounted either at ground level or at least four (4) feet above ground level and shall be an adequate length to allow the dog to move within the entire enclosed space without allowing the animal to move beyond the boundary of the enclosure;
- e. The tether must be at least ten (10) feet in length unless such length allows the animal to move beyond the boundary of the secure run, kennel area, or enclosure surrounding the perimeter of the property, in which case the tether shall be an adequate length to allow the dog to move within the entire enclosed space without allowing the animal to move beyond the boundary of the enclosure;
- f. The tether must be affixed to a dog by use of a non-abrasive, comfortably fitted harness;
- g. The device must be fastened so that the dog can sit, walk, and lie down comfortably, and must be unobstructed by objects that may cause the device or dog to become entangled or strangled; and
- h. The dog must have easy access to adequate shelter, shade, food, and potable water.

2. Any person who violates this Subsection of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding \$300, imprisonment for a period not exceeding 90 days, or both a fine and imprisonment.

3. The provisions of this Subsection shall come into effect six (6) months following the final adoption of this Ordinance. During such time period, the Animal Services Division shall make efforts to inform dog owners of such provisions, and encourage dog owners to provide their animals with alternative forms of restraint that are preferable to chaining and tethering prior to such provisions coming into effect.

### **C. Restraint; When On Street Or Public Places.**

1. An owner or responsible party shall keep direct control of a dog by the use of a leash when present with the dog on the sidewalk, street, or other Public Places, including county parks, trails, and open spaces, unless the dog is at a designated Dog Park, is appearing in an approved show, is actively herding, or is actively hunting in accordance with New Mexico Department of Game and Fish regulations participating in search and rescue activities, performing law enforcement activities, or otherwise assisting law enforcement. The owner or responsible party of a dog that is actively hunting and is not under the direct control of a leash shall provide a valid State of New Mexico hunting license or permit upon demand by a Sheriff's Deputy or Animal Services Officer.



2. An owner shall secure all animals, apart from livestock and dogs, when on the sidewalk, street, or other Public Places, including county parks, trails and open spaces, in a fashion acceptable for the species of animal. Voice command is not an acceptable form of restraint.
3. An owner of a dangerous dog shall muzzle and restrain the dangerous dog by a leash no more than three (3) feet long and under the physical restraint of the owner or a responsible person. All other dangerous animals shall be maintained on the property of the owner except when removed from the property for medical care.
4. Nothing in this section shall be construed as allowing any animal under physical restraint to commit any act defined as unlawful in this Ordinance.
5. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the fine penalty set forth in Appendix A.

#### **Section Eight. Animal Nuisances.**

##### **A. Nuisance; Animals Disturbing the Peace.**

1. It shall be unlawful and a violation of this Ordinance to own, keep, or harbor any animal other than livestock which persistently or continuously barks, howls or makes noise common to their species or otherwise disturb the peace and quiet of inhabitants of the County for more than 10 consecutive minutes.
2. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine not exceeding \$300, imprisonment for a period not exceeding 90 days, or both a fine and imprisonment. The Animal Services Officer or Sheriff's deputy may issue a warning for a first or second complaint regarding a disturbance of the peace.
3. After a third conviction of a violation of this subsection, the County may deem the animal(s), other than livestock, a nuisance and file a lawsuit in district court.

##### **B. Nuisances; Sidewalks, Parks, Alleys, and Other Public Places.**

1. It shall be unlawful and a violation of this Ordinance for the owner of an animal to permit, either willfully or through failure to exercise due care or control, the animal to create a nuisance upon a sidewalk, park, alley, Public Place, or upon any property other than that of the owner of the animal.
2. Anyone walking an animal in a Public Place shall have in his or her possession a sanitary and disposable means of removing the animal's feces which they will

disclose to an Animal Services Officer if requested to do so. The feces must be placed in a refuse container for sanitary removal.

3. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the fine set forth in Appendix A.

## **Section Nine. Licenses and Permits.**

### **A. Dog License; Licenses Required.**

1. Any owner of a dog six (6) months of age or older shall obtain a current license for that dog from the Animal Services Division in accordance with Section 9(B), unless the dog is not kept, harbored or maintained within the County for thirty (30) consecutive days.
2. A current license tag shall be affixed to the licensed dog at all times unless the licensed dog is appearing in an approved show or is actively herding, provided that the dog's owner shall have in their possession a valid license tag for each dog.
3. Proof of a current license shall be provided upon the request of an Animal Services Officer.
4. Pet shops and Pet Shelters with a current Professional Care Permit issued pursuant to Section 9(D) are not required to obtain licenses for animals in their custody for less than three (3) months.
5. Any owner who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the fine set forth in Appendix A.
6. Any unlicensed dog may be impounded as provided in Section 10.

### **B. Dog License; Licensing Procedures.**

1. Licenses are valid for one (1) year, two (2) years, or three (3) years may be obtained from the Animal Services Division or its Licensing Agent upon application and payment of the required fee set forth in Appendix A. Proof of compliance with the rabies vaccination requirements in Section 6(A) must be presented at the time of the license purchase. The Animal Services Division shall keep a record of all licenses issued and shall issue a tag for each license granted. In the event a tag is lost, the owner shall be responsible for purchasing

replacement tags.

2. A license is not transferable to another dog.
3. License fees do not apply to service animals or specially trained dogs belonging to a law enforcement agency and utilized for law enforcement purposes such as drug, bomb, or cadaver detection. An individual that utilizes a service animal for assistance must appear in person with the service animal at the Animal Services Division or its Licensing Agent at the time of licensing to qualify for the fee exemption. Any law enforcement agency licensing a specially trained dog must present appropriate credentials or certification for use of the dog for law enforcement purposes to qualify for the fee exemption.

#### **C. Professional Care Permits; Permits Required.**

1. Commercial kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog, and individuals maintaining more than a total of ten (10) cats and dogs on their property shall obtain and maintain a current Professional Animal Care permit from the Animal Services Division.
2. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.
3. The provisions of this Subsection shall come into effect six (6) months following the final adoption of this Ordinance

#### **D. Professional Care Permits; Permitting Procedures.**

1. Commercial kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog, and individuals maintaining more than a total of ten (10) cats and dogs on their property may obtain a Professional Animal Care Permit if an inspection of their property demonstrates compliance with the relevant permit standards and they pay the required fee set forth in Appendix A. For all permit applicants other than individuals maintaining more than a total of ten (10) cats and dogs or persons using a guard dog on residential property, in order to obtain a permit the applicant shall also furnish proof of a valid business license and proper zoning and other necessary development authorizations required under the Santa Fe County Sustainable Land Development Code (as amended) and any other applicable land use regulations. No Professional Animal Care Permit will be issued without the written approval of the Santa Fe County Land Use Administrator, except for those individuals maintaining more than a total of ten (10) cats and dogs on their property or persons using a guard dog on residential property.

2. The following standards shall be complied with for a commercial kennel, grooming parlor, pet shop, pet shelter, breeders, ~~and animal rescues~~ and individuals maintaining more than a total of ten (10) cats and dogs on their property to obtain and maintain a Professional Animal Care Permit and failure to comply with these standards may result in the revocation of a permit:
  - a. Animal enclosures ~~must be provided~~ which allow adequate protection against all weather extremes ~~must be provided~~. Floors of buildings, runs, and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.
  - b. Applicants must establish that their facility meets the following minimum temperature and ventilation standards:
    - i. Each area where animals, except livestock, are housed shall utilize a mechanical ventilation system that provides ventilation, heating and cooling. Temperatures shall be maintained at a comfortable level and heating shall be used when the inside ambient temperature of the facility falls below 50 degrees Fahrenheit and cooling shall be used when the temperature of the facility rises above 85 degrees Fahrenheit. Animals may be housed in areas with ambient temperatures below 50 degrees Fahrenheit and above 85 degrees Fahrenheit for medical purposes upon the written recommendation of a licensed veterinarian.
    - ii. The inside relative humidity of the facility must be kept at a range of 30 percent to 70 percent.
    - iii. The facility shall provide adequate air flow ventilation of no less than 8 room air changes per hour for all areas where animals are housed. Ammonia levels must be less than 10 parts per million.
    - iv. Carbon monoxide shall be maintained below detectable levels in all areas of the facility.
  - c. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or tops of cages.
  - d. Cages are to be of material and construction that permits adequate cleaning and sanitizing.
  - e. Cages ~~are to be radiantlly heated~~ and shall have a resting board or some kind of bedding.
  - f. Rooms shall provide an adequate exercise area and protection from the weather.

- g. All animal quarters and rooms are to be kept clean, dry, and in a sanitary condition.
- h. Animal food shall be free from contamination, shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
- i. All animals shall have fresh, potable water in kennel ~~areas or~~ cages and in common areas where the animals may be kept. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable.
- j. No more than ten (10) dogs owned by the licensee may be on the premises at any time, except for those individuals permitted to maintain more than a total of ten (10) cats and dogs on their property.

### 3. Guard Dogs.

The following standards shall be complied with by a person using a guard dog on a commercial or residential property to obtain and maintain a Professional Animal Care Permit and failure to comply with these standards may result in the revocation of a permit:

- a. Permit applications shall include the following information:
  - i. The owner's name, address and telephone number, and if applicable, the name, address, and telephone number of the commercial property or residential property where a guard dogs is to be used;
  - ii. The name, address, and telephone number of the guard dog's handler who can be reached at any time during the day or night;
  - iii. The number and breed of dogs to be used and a general description of their use;
  - iv. The location where a guard dog is to be housed; and
  - v. Any other information that the Animal Services Division requires. Permit holders shall notify the Animal Services Division if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.

- b. The Animal Services Division shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for or renewed and at such additional times as the Animal Services Division determines prudent.
- c. If the inspection confirms compliance with all applicable laws and regulations, a Professional Animal Care Permit for the approved commercial or residential property shall be issued by the Animal Services Division. The permit shall be displayed at the approved commercial or residential property. An identification tag shall be affixed to the collar of each guard dog.
- d. A Professional Animal Care Permit for a guard dog is valid for one (1) year unless earlier revoked. The permit may be transferred to a new location operated by the same business entity or at which the owner resides during the permitted year. Such transfer shall not be permitted until the Animal Services Division inspects and approves the premises. Applicants for transfer must provide at least five (5) business days notice to the Animal Services Division for a permit transfer.
- e. Whenever there is a guard dog on the premises, the following minimum requirements must be maintained:
  - i. Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house and securely enclose the guard dogs.
  - ii. All gates and entrances to the premises where guard dogs are housed, used, or trained shall be locked when not in use. The enclosure surrounding the property protected by a guard dog must be secure at all times so as to prevent the dog from running at large.
  - iii. Additional measures found necessary by the Animal Services Division shall be taken to protect the public from accidental contact with any guard dog.
  - iv. Where guard dogs are used outside buildings, the property must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall, or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the Animal Services Division.
  - v. In order to control noise, the Animal Services Division may

require a sight barrier which breaks the dog's line-of-sight.

- vi. In buildings where guard dogs are housed, glass doors or windows shall be adequate, or additional protective measures shall be taken by the owner, as required by the Animal Services Division, to prevent guard dogs from jumping through the door or window.
  - vii. The building and yard in which a guard dog is housed shall be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the Animal Services Division that shall not be more than two hundred feet (200') apart, and shall be at all corners of the premises and at every entrance into the premises.
- f. For guard dogs transported or used in vehicles, measures approved by the Animal Services Division must be taken to protect the public from accidental contact with a guard dog.

4. The provisions of this Subsection of shall come into effect six (6) months following the final adoption of this Ordinance.

#### **E. Breeding; Permit Required.**

1. Any owner who breeds a cat or dog shall obtain a breeder's permit from the Animal Services Division, prior to breeding the cat or dog.
2. An owner who does not have a valid breeder's permit shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or control of any dog or cat, except that the animals can be surrendered to the Animal Shelter or Animal Services Division.
3. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

#### **F. Breeding; Permitting Procedures.**

An owner of a dog or cat intended for breeding shall purchase a single permit for the year, identifying each animal which is intended to be bred by appearance, breed, and gender, and age. A single permit may be purchased for multiple or cats. A permit application shall be available at the Animal Services Division, which will require at a minimum proof of rabies vaccination and licensing as well as a description of each cat and/or dog, by appearance, breed, and gender, and age, for which the permit is issued; and payment of the required fee set forth in Appendix A. Additional dogs and/or cats can be added to the permit over the course of the year by submitting a supplement to the original permit application providing any information about the additional animal required by the Animal Services Division.

### **G. Litters; Permit Required.**

1. Any owner who unintentionally breeds dogs or cats and does not have a current breeder's permit must obtain a litter permit from the Animal Services Division for each litter before the puppies or kittens in the litter reach a stage in development in which their eyes open.
2. An owner who does not have a valid litter permit shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or control of any dog or cat, except that the animals can be surrendered to an Animal Shelter or Animal Services Division.
4. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A. If the owner purchases a breeder's permit or litter permit within thirty (30) days of being cited for violation of this Section, no further action will be pursued against the owner for failure to obtain a litter permit for the litter.
4. If the owner surrenders the litter to an Animal Shelter, pays requisite surrender fees, and sterilizes the animal that produced the litter, the requirement to obtain a litter permit will be waived. Before the puppies or kittens in the litter reach a stage in development in which their eyes open, an owner must declare to the Animal Services Division that the litter will be surrendered. However, the litter shall not be surrendered until the litter is at least six (6) weeks of age.

### **H. Litters; Permitting Procedures.**

A single litter permit shall be purchased from the Animal Services Division for each litter. A permit application shall be available at the Animal Services Division, which will require at a minimum proof of rabies vaccination and licensing as well as information about appearance, breed, and gender, and age for which the permit is issued, and payment of the required fee set forth in Appendix A.

### **I. Ownership transfer of offspring; Permit Number Required.**

1. An advertisement for the sale, barter, exchange, or to give away of puppies or kittens shall include a litter or breeder permit number. An owner shall furnish the litter or breeder permit number to anyone requesting the number.
2. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction shall be punished by the penalty set forth in Appendix A.

### **J. Wild or Exotic Animals; Permit Required.**



1. No person or entity shall receive, own, harbor, maintain, or keep a wild animal or exotic animal within the limits of the County without first applying for and receiving from the Animal Services Division an Wild or Exotic Animal permit to do so, except a zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, or educational facility, and then only if there are adequate protective devices to prevent the animal from escaping or injuring the public.
2. No person shall harbor, maintain, or keep a wild or exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to humans, or to property.
3. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

**K. Wild or Exotic Animals: Permitting Procedure.**

1. A Wild or Exotic Animal Permit shall be purchased from the Animal Services Division for each wild animal or exotic animal. The applicant shall provide evidence of knowledge of and facilities for the care and feeding of the wild or exotic animal; provide proof of compliance with all applicable state and federal laws, regulations, and permitting requirements; and pay the required fee set forth in Appendix A prior to issuance of the permit.

Permit applications shall include the following information:

- a. The owner's name, address and telephone number;
  - b. The species of the animal;
  - c. The name, address, and telephone number of the exotic or wild animal's handler, if different from the owner, who can be reached at any time during the day or night; and
  - d. The location and description of where a wild animal or exotic animal is to be housed, kept, or maintained.
2. Upon receipt of the application, the Animal Services Officer shall inspect the facilities where the animal is to be housed and shall make whatever other investigations he or she deems necessary.
  3. An Animal Services Officer must be permitted to enter the premises of the permit holder or the facilities in which the wild or exotic animal is kept hereunder during working hours for the purpose of inspection or re-inspection to determine

compliance with this Ordinance. Permit holders shall be notified of a inspection at least twenty-four (24) hours prior to the inspection. Wild and Exotic Animal permits shall be valid for a period of one year.

**L. Animal Exhibitions; Permit Required.**

1. No person shall operate an animal exhibition within the limits of the County without first applying for and receiving from the Animal Services Division a permit to do so, except a zoological park.
2. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

**M. Animal Exhibition; Permitting Procedure.**

1. An Animal Exhibition shall be purchased from the Animal Services. The fee set forth in Appendix A and the required actions or document submittals described in this Subsection shall be satisfied by applicant(s) at least two weeks prior to issuance of a permit. In the event a permit is issued, failure to maintain these requirements during the permitted activity will be cause for revocation of the permit. Where documents are required below, written copies must be provided to the Animal Services Division.

Permit applications shall contain the following:

- a. A written plan for the quick and safe recapture or destruction of a dangerous wild or exotic animals in the event an animal escapes. The plan must include at minimum the following information:
  - i. The applicant's written protocols for training their staff on methods of safe recapture of an escaped wild or exotic animal;
  - ii. A description of barriers, security, signage, staffing, fencing, protocols, and other measures taken for the public's safety;
  - iii. A detailed description of containment methods for the animal(s);
  - iv. Immediate access to appropriate chemical immobilization drugs and equipment; and

- v. Identification of staff member(s) (and as appropriate, veterinarians) who possess firearm and chemical immobilization proficiency to recapture an escaped wild or exotic animal. These personnel must be immediately available at all times that the wild animals are present within the County;
  - b. A plan for providing emergency veterinary care in a timely fashion including names and contact information of available on-call veterinarians, if none are present on site;
  - c. Proof of compliance with all applicable state and federal laws, regulations, and permitting requirements;
  - d. Evidence of knowledge of and facilities for the care and feeding of all animals used in the exhibition; and
  - e. The Animal Services Division must be permitted to examine the health records of all animals used in the exhibition.
2. Animal Services Officer must be permitted to enter the premises of the permit holder or the facilities in which animals are kept hereunder during working hours for the purpose of inspection or re-inspection to determine compliance with this Ordinance. Permit holders shall be notified of a inspection at least twenty-four (24) hours prior to the inspection. Animal Exhibition Permits shall be valid for a period of one year.

**N. Suspension and Revocation of Permits.**

- 1. All permits issued by the County under this Ordinance are subject to revocation for failure to comply with the requirements established in this Ordinance.
- 2. Notice of proposed revocation shall precede any permanent revocation of a permit issued under this Ordinance.
- 3. The notice of proposed revocation shall specify the following:
  - a. The specific violation or violations alleged, including dates and times of the alleged violation or violations, and any specific section or subsection of this Ordinance or state law that is alleged to have been violated;
  - b. A specific date by which the alleged violations shall be corrected to avoid further revocation proceedings, if the violation is of a nature that may be corrected;
  - c. A warning that failure to correct the violation or request a hearing shall result in revocation of the permit; and

- d. Procedures for requesting a hearing regarding the alleged violation and proposed revocation of the permit.
4. If the period of time during which the permit holder was allowed to correct the violation passes without correction of the violation, and the permit holder has not requested a hearing as described in this Section, the Animal Services Division shall issue a notice of revocation. The revocation shall be effective thirty (30) days from service of the original notice of proposed revocation.
5. A permit holder may appeal the proposed revocation by requesting a hearing. The request for hearing shall be made within five (5) days of service of the notice of proposed revocation. The request for hearing shall be in writing, sent by certified mail, return receipt requested. The request for hearing shall briefly state the reasons why the permit holder believes the revocation is not justified under the circumstances.
6. The Animal Services Division shall give written notice of the date, time, and place of the hearing to the permit holder. The date of the hearing shall be not less than ten (10) days or more than thirty (30) days from the date of service of the notice of the hearing. The Animal Services Division may designate a County employee other than one employed in the Sheriff's Department or any other suitable individual to be the hearing officer.
7. The hearing officer may uphold, modify, or reverse the permit revocation. In conducting the hearing, the hearing officer shall not be limited by formal rules of evidence; evidence may be considered which is of a type upon which responsible people are accustomed to rely in the conduct of serious affairs. Within fifteen (15) business days of the hearing, the hearing officer shall send written findings and conclusions to the permit holder, by certified mail, return receipt requested. Permit holders may be represented by counsel at the hearing.
8. A person aggrieved by the hearing officer's decision may appeal the decision as by filing a petition for writ of certiorari pursuant to Rule 1-075 NMRA.
9. Notices provided for under this subsection shall be deemed served when the notice is delivered personally or mailed by registered or certified mail, return receipt requested, to the address on record for the permit holder.
10. During the pendency of the appeal, the Animal Services Division may take such action as is deemed appropriate for the health and safety of the animals and the general public, including temporarily suspending the permit and prohibiting the permit holder from operating under the permit pending resolution of the revocation proceeding.
11. A permit holder whose permit has been revoked shall not be eligible to apply for

another permit for a period of one year after the revocation of the permit.

12. Upon revocation of a permit, the permit holder shall cease operating under the permit within five (5) days of the effective date of revocation. If necessary, the permit holder shall give away, sell, or surrender all animals previously covered by the permit in compliance with relevant laws, regulations, and in a manner satisfactory to the Animal Services Division.

## **Section Ten. Impoundment**

### **A. Impoundment; Violation of Ordinance and Estrays.**

1. An Animal Services Officer or Sheriff's Deputy may impound a dog or cat that is found running at large and unaccompanied by and not under the control of its owner or responsible party or whose owner is in violation of any subsection of this Ordinance that provides for impoundment.
2. If an estray is wearing a license, or bears other identification tags, the Animal Services Division shall notify the owner by telephone or by hand delivering or mailing written notice to the owner's residence. The notice shall inform the owner where the impounded animal may be redeemed. All efforts to notify the owner shall be documented.
3. The Animal Services Division shall confine the animal pending notification of and response from the owner. The animal shall be held for a period of at least seven (7) days. The day the estray animal is impounded constitutes the first day.
4. After notification to the owner, any animal wearing a license or other identification tag not redeemed within seven (7) days shall be deemed forfeited by the owner and shall be eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division
5. If an estray animal is not wearing a license and bears no other identification tags, the animal shall be impounded for five (5) days. An animal not claimed within five (5) days of the date of impoundment shall be deemed forfeited by the owner and shall be eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division
6. To redeem an animal that has been impounded, the owner or responsible party shall pay all fines and impoundment fees set forth in Appendix A to the Animal Services Division or an Animal Services Officer. The owner or responsible party must also comply with all licensing requirements of this Ordinance

7. The owner or responsible party shall reimburse the County or the County's designated agent for all boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or an animal shelter, whether or not the animal is redeemed. The owner or responsible party and is prohibited from adopting an animal relinquished after impoundment until all costs, fines and fees are paid in full.
8. If an impounded animal is certified by a veterinarian as suffering because of sickness, injury or age, or if it is readily apparent that it is suffering due to a critical injury, it may be euthanized pursuant to Section 10(E) of this Ordinance, after the Animal Services Division gives notice or attempts to give notice to the owner in a reasonable manner.
9. No animal that has been impounded may be adopted for purposes of breeding or sale and an individual adopting the animal must comply with NMSA 1978, Section 77-1-20, pertaining to sterilization agreements and sterilization deposits.

#### **B. Impoundment; Seizure Pursuant to Warrant**

1. If an Animal Services Officer or Sheriff's Deputy reasonably believes that the life or health of an animal is endangered due to cruel treatment, or that other violations of this Ordinance justify seizure of an animal, the officer may apply to a court of competent jurisdiction for a warrant to seize the animal.
2. If the court finds probable cause that the animal is being cruelly treated or finds probable cause that a violation of this Ordinance justifies seizure of the animal, such as where an owner is charged with an offense involving a dog killing or injuring a person or animal, the court may issue a warrant for the seizure of the animal.
3. Written notice regarding the time and location of a hearing regarding the allegations which led to issuance of the warrant shall be provided to the owner of the seized animal. The court may order publication of a notice of the hearing in a newspaper closest to the location of the seizure.
4. If the owner of the animal cannot be determined, a written notice regarding the circumstances of the seizure shall be conspicuously posted where the animal is seized at the time the seizure occurs.
5. At the option and expense of the owner, the seized animal may be examined by a veterinarian of the owner's choice.
6. The disposition of animals impounded under this Section shall be pursuant to NMSA 1978, § 30-18-1.2 as amended.

#### **C. Impoundment; Seizure in Cases of Emergency.**

1. If an Animal Services Officer determines that the life or health of an animal is in immediate danger, or that a violation of this Ordinance poses an immediate threat to the health, safety, or well-being of an animal or a person, the Animal Services Officer may take such action as the Animal Services Officer reasonably determines to be necessary to alleviate the emergency, including impounding the animal. The Animal Services Division shall serve personal notice to the owner that the animal has been impounded and notifying the owner that he or she shall have five (5) days from the date of mailing to claim the dog. If the Animal Services Division cannot personally serve notice to the owner, the Animal Services Division shall mail notice to the owner that the animal has been impounded and that they shall have seven (7) days from the date of mailing to claim the dog. Any owner failing to claim the dog within time set forth in the notice shall be deemed to have forfeited ownership of the dog and the dog shall become eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division. The owner shall not be eligible to adopt the animal.

#### **D. Impoundment Fees.**

The owner of an impounded animal is responsible for impoundment fees, fees required for adoption of an impounded animal, boarding costs, and additional fees for the redemption of impounded animals as set forth in Appendix A of this Ordinance.

#### **E. Euthanasia of Impounded Animals.**

1. If an impounded animal is not redeemed within the specified time period, is not successfully adopted out, is suffering because of sickness, injury, or age as certified by a veterinarian, or is otherwise unsuitable for adoption, the animal may be euthanized under the supervision of a veterinarian by an intravenous or intracardial injection of a dose of barbiturates (sodium pentobarbital), or any other method deemed humane and painless by the veterinarian.
2. An animal which is vicious, infected with an incurable disease, or is in a painfully crippled condition, and consequently cannot be brought to an animal shelter, may be euthanized in the field by an Animal Services Officer or a veterinarian in an appropriate and reasonable manner and as humanely as possible.

#### **F. Protective Care.**

When an Animal Services Officer finds or learns that an animal is or will be without proper care because of injury, illness, incarceration, or absence of the owner or responsible party, the Animal Services Officer may impound the animal for protective care. In the event of sickness or injury of the animal, upon the advice of a veterinarian, the Animal Services Officer may take or recommend such action as called for to prevent undue pain and suffering, including euthanasia. The animal shall be held by Animal Services Division or the animal shelter and the

owner shall be required to pay applicable fees. The Animal Services Division shall serve personal notice to the owner that the animal has been impounded and that they shall have five (5) days from the date of mailing to claim the animal. If the Animal Services Division cannot personally serve notice to the owner, the Animal Services Division shall mail notice to the owner that the animal has been impounded and that they shall have five (5) days from the date of mailing to claim the animal. Any owner failing to claim the animal within time set forth in the notice shall be deemed to have forfeited ownership of the animal and the animal shall become eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division.

### **G. Impoundment; Release of intact animals.**

1. Any unneutered dog or cat impounded by the Animal Services Division for a second or subsequent offense shall be spayed or neutered before being released, subject to the following exceptions:
  - ~~a. Competition dogs or cats who have participated in formal competitions within six months prior to their impound if the dog or cat has not been previously impounded for running at large.~~
  - a. b. Service animals and unretired law enforcement dogs; and
  - b. e. Cats or dogs which are unable to be neutered without a high likelihood of suffering serious bodily harm or death due to age or infirmity where the owner of the cat or dog has obtained written confirmation of that fact from a licensed veterinarian in the State of New Mexico.
2. In addition to receiving a citation for running at large, the owner of an unneutered dog or cat found running at large for a second or subsequent offense and returned to the owner rather than being impounded, shall neuter the animal and provide proof of neutering from a licensed veterinarian in New Mexico to an Animal Services Officer within seven days of return of the animal, subject to the exceptions set forth in Subsection (G)(1).

### **Section Eleven. Other Prohibited Activities.**

#### **A. Dangerous Dogs.**

1. It shall be unlawful for any person to keep or harbor a dog declared by a court of competent jurisdiction to be a dangerous dog or is deemed dangerous by admission of the owner pursuant to the Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6, except in compliance with the registration and handling requirements set forth in NMSA 1978, §77-1A-5 and payment of the registration fee set forth in



Appendix A.

2. When an Animal Services Officer has probable cause to believe that a dog is dangerous or potentially dangerous and poses an imminent threat to public safety, the Animal Services Officer may apply for a warrant to seize the dog and petition the court for a declaration that the dog is dangerous or potentially dangerous pursuant to NMSA 1978, § 77-1A-4.

**B. Cruelty to Animals.**

1. It shall be unlawful for any person to willfully or maliciously do the following to any animal:
  - a. Kill;
  - b. Maim;
  - c. Poison (other than pest control);
  - c. Disfigure;
  - e. Burn or scald;
  - f. Torture;
  - g. Kick;
  - h. Beat with a stick, chain, club, or other object; or
  - i. Molest;
2. It shall be unlawful to willfully, recklessly, negligently, or maliciously do any of the following:
  - a. fail to provide adequate shelter or adequate food for any animal;
  - b. abandon any animal;
  - c. overwork or overdrive any animal; ~~or~~
  - d. place or leave any animal in a condition whereby there is a substantial possibility the animal's life will be threatened; ~~or~~
  - e. ~~otherwise unnecessarily cause an animal to suffer physical harm.~~
3. A person may use reasonable force to defend against a vicious or threatening animal. Such actions shall not constitute a violation of this Subsection.
4. This subsection does not apply to:
  - a. fishing, hunting, falconry, taking and trapping, as provided in Chapter 17 NMSA 1978;
  - b. the practice of veterinary medicine, as provided in Chapter 61, Article 14 NMSA 1978;
  - c. rodent or pest control, as provided in Chapter 73, Article 15 NMSA 1978;

- d. the treatment of livestock and other animals used on farms and ranches for the production of food, fiber or other agricultural products, when the treatment is in accordance with commonly accepted agricultural animal husbandry practices;
- e. the use of commonly accepted Mexican and American rodeo practices, unless otherwise prohibited by law;
- f. research facilities licensed pursuant to the provisions of 7 U.S.C. Section 2136, except when knowingly operating outside provisions, governing the treatment of animals, of a research or maintenance protocol approved by the institutional animal care and use committee of the facility; or
- g. other similar activities not otherwise prohibited by law.

**C. Teasing, Annoying, or Disturbing Animals.**

It shall be unlawful for any person to tease, annoy, or disturb an animal which is on the property of its owner, including within the owner's vehicle, or under the control of its owner.

**D. Animal Fights.**

It shall be unlawful for any person to promote, stage, hold, manage, conduct, carry on, or attend any game, exhibition, or contest in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or another animal.

**E. False Report.**

It shall be unlawful for any person to make a false report of an offense described in this Ordinance.

**F. Animals in Vehicles.**

1. It shall be unlawful for any person to keep or transport an animal in the bed of a pickup truck on roads and highways with speed limits that exceed thirty five (35) miles per hour, unless the animal is either properly restrained within a kennel area, dog carrier or other enclosed pen which is securely fastened to the truck; or for dogs, if the vehicle's open bed is enclosed by stakes, racks or other similar devices which rise at least two feet, nine inches above the tops of the sides and back of the vehicle, and which are designed to prevent the dog from falling or escaping from the vehicle.
2. It shall be unlawful for any person to leave an animal in a closed vehicle for a length of time that is dangerous to the health or safety of the animal. An Animal Services Officer or Sheriff's deputy may immediately remove such an animal

whose health or safety is in danger and impound the animal in compliance with Section 10(C)(1). The cost associated with impounding or retrieving the animal shall be assessed to the owner.

**G. Unlawful Use of License and Tag.**

1. It shall be unlawful for any person to attach a valid license tag to a dog or cat other than the animal for which the license tag was issued.
2. It shall be unlawful for any person to manufacture, cause to be manufactured, or to have in the person's possession or control a stolen, counterfeit, or forged animal license tag, rabies vaccination certificate, or other form of license required under this Ordinance.

**H. Keeping of Diseased or Painfully Crippled Animals.**

1. It shall be unlawful and a violation of this Ordinance to have, keep, or harbor an animal which is afflicted with an incurable or infectious disease or which is in a painfully crippling condition. This Subsection does not apply to animals receiving adequate veterinary care for their incurable or infectious disease or painfully crippling condition.
2. An Animal Services Officer may impound a diseased or painfully crippled animal in accordance with the provisions of this Ordinance.

**I. Disposal of Dead Animals.**

1. Within twenty-four (24) hours of the death of an animal, the owner shall dispose of the animal's carcass in accordance with regulations promulgated pursuant to NMSA 1978, Section 77-3-4, and in the absence of applicable regulations, by:
  - a. Burying it at a depth of at least five (5) feet underground in a suitable location at least one hundred feet from any individual water supply, water course, public or community water supply, edge of unlined canal or public lake;
  - b. By cremation at a licensed pet crematorium; or
  - c. By other means approved by the Animal Services Division.

**J. Breaking Into Enclosure.**

It is unlawful for any person to break into or aid, directly or indirectly, in breaking into the enclosure in which any animal is trapped, impounded, or kept under authority of an Animal Services Officer or a Sheriff's deputy.

**K. Hindering an Animal Services Officer.**

It is a violation of this Ordinance to willfully or intentionally hinder or obstruct an Animal Services Officer in the discharge of the Animal Service Officer's official duties under this Ordinance.

**L. Animals Trained to Assist the Handicapped Allowed in Public Places.**

Service Animals shall be allowed in public places. It shall be unlawful for a person who owns, operates, or maintains a public place of business or conveyance into which the general public is invited to exclude a Service Animal, provided the Service Animal accompanies the individual it was trained to assist.

**M. Penalties.**

Any person who violates any Subsection of Section Eleven of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the applicable penalty set forth in Appendix A.

**Section Twelve. Notice, Savings Clause, Effective Date.**

**A. Notice.**

All notices and other communications required to be given as provided in this Ordinance will be in writing, and unless otherwise specifically provided in this Ordinance, will be deemed to have been given if delivered in person, or mailed by certified or registered mail, postage pre-paid, and addressed to the County at the following address:

Animal Control Supervisor  
Animal Services Division  
Santa Fe County Sheriff's Office  
35 Camino Justicia  
Public Safety Complex  
Santa Fe, NM 87508

**B. Savings Clause and Repeal Provisions.**

If any of the sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason found to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not thereby be affected since it is the express intent of the Board of County Commissioners to pass each section, phrase, paragraph, and word separately. Santa Fe County Ordinances 1981-7, 1982-7, 1990-8, 1991-6 and Santa Fe County Resolution 1982-28 are hereby repealed.

**C. Effective Date.**

This Ordinance shall take effect thirty (30) days after final adoption and as provided in

Sections Seven (B)(3) and Nine (D)(4).

**PASSED, APPROVED, and ADOPTED** this  
Board of County Commissioners of Santa Fe County.

day of \_\_\_\_\_, 2016, by the

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY**

By: \_\_\_\_\_  
Miguel M. Chavez, Chairperson

**ATTEST:**

\_\_\_\_\_  
Geraldine Salazar, Santa Fe County Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Gregory S. Shaffer, County Attorney



APPENDIX A

<b>LICENSING FEES</b>	
§ Nine (B): Altered Dogs <del>and Cats</del>	\$10.00 annually
§ Nine (B): Unaltered Dogs <del>and Cats</del>	\$25.00 annually
§ Nine (B): Duplicate Tag	\$3.00
<b>PERMIT FEES</b>	
§ Nine (D): Professional Animal Care Permit	\$200.00 annually
§ Nine (K): Wild and Exotic Animals Permit	\$200.00 annually
§ Nine (F): Breeder's Permit	\$125.00 annually
§ Nine (M): Animal Exhibition Permit	\$250.00 each series of consecutive events in Santa Fe County
§ Nine (H): Litter Permit	\$25.00 per litter
§ Eleven (A): Dangerous or Potentially Dangerous Dog Registration	\$200.00 annually
<b>IMPOUNDMENT FEES</b>	
1 <sup>st</sup> impoundment	\$10.00
2 <sup>nd</sup> impoundment	\$20.00
3 <sup>rd</sup> impoundment	\$40.00
4 <sup>th</sup> impoundment	\$80.00
Subsequent impoundments	The fee shall double with each subsequent impoundment. For example \$160.00 for 5 <sup>th</sup> impoundment and \$320.00 for 6 <sup>th</sup> impoundment.

APPENDIX A

<b>FEE FOR RETRIEVAL OF ANIMAL CARCASS BY ACO - \$100.00</b>	
<b>FINES FOR VIOLATIONS OF THIS ORDINANCE</b>	
<b>§ Six (A): No Rabies Vaccination</b>	
1 <sup>st</sup> Offense	\$75.00 fine + require proof of vaccination
2 <sup>nd</sup> Offense	\$150.00 fine + require proof of vaccination
3 <sup>rd</sup> Offense	\$300.00 fine.
4 <sup>th</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Six (B): Harboring Rabid Dogs, Cats, and Ferrets</b>	
	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Six (C): Harboring an Animal that has Bitten</b>	
	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Seven (A): Restraint of Animals/Running at Large</b>	
1 <sup>st</sup> Offense	\$50.00 fine
2 <sup>nd</sup> Offense	\$100.00 fine
3 <sup>rd</sup> Offense	\$250.00 fine
4 <sup>th</sup> Offense	\$300.00 fine
5 <sup>th</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Seven (C): Restraint When on Street or Public Places</b>	
1 <sup>st</sup> Offense	\$100.00 fine



APPENDIX A

2 <sup>nd</sup> Offense	\$300.00 fine	
3 <sup>rd</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.	
<b>§ Eight (B): Nuisance on Sidewalks, Parks, Alleys, and Other Public Places</b>		
1 <sup>st</sup> Offense	\$75.00 fine	
2 <sup>nd</sup> Offense	\$150.00 fine	
3 <sup>rd</sup> Offense	\$300.00 fine	
4 <sup>th</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.	
<b>§ Nine (A): No Animal License</b>	Unaltered Animal	Altered Animal
1 <sup>st</sup> Offense	\$125.00 fine	\$50.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine	\$75.00 fine
3 <sup>rd</sup> Offense	\$300.00 fine	\$125.00 fine
4 <sup>th</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>Permit Violations: § Nine (C) -Professional Care Permits; § Nine (E) - Breeding Permits; § Nine (G) - Litter Permits; § Nine (I) - Permit Number Required; § Nine (J)- Wild and Exotic Animals; § Nine (L) - Animal Exhibition Permits</b>		
1 <sup>st</sup> Offense	\$100.00 fine	
2 <sup>nd</sup> Offense	\$250.00 fine	
3 <sup>rd</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.	

APPENDIX A

<b>§ Eleven (A): Dangerous Dogs</b>	Follow procedure in Dangerous Dog Act, NMSA 1978, §§ 77-1A-1 to -6.
<b>§ Eleven (B): Cruelty to Animals</b>	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Eleven (C): Teasing, Annoying, or Disturbing Animals</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00 fine
<b>§ Eleven (D): Animal Fights</b>	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Eleven (E): False Reports</b>	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Eleven (F): Animals in Vehicles</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine
3 <sup>rd</sup> Offense	\$300.00 fine
4 <sup>th</sup> Offense and each offense thereafter	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Eleven (G): Unlawful Use of License and Tag</b>	A fine not exceeding \$300.00 and/or imprisonment for a period not exceeding 90 days.
<b>§ Eleven (H): Keeping of Diseased or Painfully Crippled Animals.</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine

APPENDIX A

3 <sup>rd</sup> Offense and each offense thereafter	\$300.00 fine
<b>§ Eleven (I): Disposal of Dead Animals;</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00 fine
<b>§ Eleven (J): Breaking into Enclosures</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00 fine
<b>§ Eleven (K): Hindering an Animal Services Officer</b>	\$300.00 fine
<b>§ Eleven (L) Animals Trained to Assist the Handicapped Allowed in Public Places</b>	
1 <sup>st</sup> Offense	\$100.00 fine
2 <sup>nd</sup> Offense	\$200.00 fine
3 <sup>rd</sup> Offense and each offense thereafter	\$300.00 fine



**Cristella E. Valdez**

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**From:** Tom and Carlyn Jervis <Jervidae@cybermesa.com>  
**Sent:** Monday, September 19, 2016 9:32 AM  
**To:** Cristella E. Valdez; Rachel A. Brown  
**Subject:** Re: Animal control Ordinance

On Sep 16, 2016, at 3:48 PM, Cristella E. Valdez <[crisvaldez@santafecountynm.gov](mailto:crisvaldez@santafecountynm.gov)> wrote:

Thank you for sending me this document. It is a great improvement from the 2013 draft and appears to be mostly internally self consistent. It also represents a logical and straightforward animal control framework. However, Section Four S appears to exempt cats from the provision of Section 7 A.1. Can you tell me what the logic is for the Section Four S exemption for cats?

Thank you.

Tom Jervis

Mr. Jervis:

Thank you for your inquiry. For your review, I have attached the Proposed Animal Control Ordinance ("Proposed Ordinance") that is currently being considered for adoption. The Proposed Ordinance has substantial differences from the ordinance proposed in 2013.

You may send any comments to my attention.

Sincerely,

Cristella Valdez  
Assistant County Attorney  
Santa Fe County  
Phone: (505) 995-2713  
Fax: (505) 986-6362

**From:** Tom and Carlyn Jervis <Jervidae@cybermesa.com>  
**Date:** September 15, 2016 at 7:39:20 PM MDT  
**To:** <[RABrown@Co.Santa-fe.NM.US](mailto:RABrown@Co.Santa-fe.NM.US)>  
**Subject:** Animal control Ordinance

I understand from the New Mexican that the Animal control Ordinance is again moving. Is this the ordinance as described in your memo of 2-26-2013 or has it been subsequently modified? I cannot find a copy of the most recent proposal on the County's website. I note that we registered a number of concerns and comments about the 2-26-2013 ordinance at the time.

I would like to comment on the most recent proposal, but need to understand it.

Tom Jervis, President  
Sangre de Cristo Audubon Society  
109 Daybreak  
Santa Fe, NM 87507  
988-1708





**Rachel A. Brown**

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**From:** Jennifer LaBar  
**Sent:** Friday, September 23, 2016 11:17 AM  
**To:** Rachel A. Brown  
**Cc:** Katherine Miller; Tony T. Flores; Kristine Mihelcic  
**Subject:** FW: Santa Fe County Public Comment Form

Rachel,  
This came in on our online submission form.  
Jen

-----Original Message-----

**From:** walter wait [mailto:waltwait@q.com]  
**Sent:** Thursday, September 22, 2016 8:38 PM  
**To:** Kristine Mihelcic; Jennifer LaBar  
**Subject:** Santa Fe County Public Comment Form

Web form results:

walter wait  
48 bonanza creek road  
santa fe, NM 87508  
Email: waltwait@q.com  
Phone: 505-471-0645

Comments:

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT Section 4--MM .. DEFINITION OF "OWNER"  
Owner" shall mean a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about the person's premises. Any person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about the person's premises for a period of 48 hours shall be deemed the prima facie owner for the purposes of this Ordinance, except that prima facie ownership shall not create or change a property interest in any animal.

Feral, "community", and "County" cats do not respect boundaries and while a property owner might be aware of the presence of a feral cat, he or she is no more an "owner" than if the animal was a raccoon. In Santa Fe County, where (1) properties often range upward of five acres and beyond and (2) cats are known to have a range of over half a mile, proving "ownership" of a feral or community cat is almost impossible.

We believe that establishing "ownership" of feral, community or county cats is unenforceable under the draft definition of "ownership".

Since the proposed ordinance excepts cats from the "Estray" definition, it could be interpreted to mean that cats cannot be controlled in the same manner as dogs. As there is no language in the proposed ordinance to license cats in the county, it assumes that cats are not "owned" in the same way as dogs.

We suggest that the definition of "Owner" be restricted to dogs, or as in the definition of "estrays", purposely exclude cats.

We suggest the following change to the proposed definition:

Owner" shall mean a person who owns, has, keeps, harbors, or knowingly permits a DOG to remain in, on, or about the person's premises. Any person who owns, has, keeps, harbors, or knowingly permits a DOG to remain in, on, or about the person's premises for a period of 48 hours shall be deemed the prima facie owner for the purposes of this Ordinance, except that prima facie ownership shall not create or change a property interest in any DOG.

Section 4- II Definition of Pet Shelter

Pet Shelter" shall mean any establishment licensed to do business in the State of New Mexico and, as appropriate, by Santa Fe County which provides for the care and custody of animals other than livestock.

The proposed ordinance does not differentiate between pet shelters that are truly "shelters" and those that are "doing business" in New Mexico. The definition wrongly lumps all shelters that "provide care and custody of

1

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT animals" into entities that require a business license. They are not all businesses. Requiring a business license implies that the shelter has been set up for financial gain.

Recommended Change:

Pet Shelter" shall mean any establishment licensed to do business in the State of New Mexico and, as appropriate, by Santa Fe County, or is registered as a non-profit animal shelter, or is registered with the County as a "residential animal shelter" which provides for the care and custody of animals other than livestock.

Add the following Definition:

Residential Animal Shelter: a non-commercial entity registered with the County as a home based shelter for animals where the animals are in the custody of and cared for by the resident of the premises.

Add the following Definition:

Home Based Shelter: a non-commercial pet shelter that is confined to residences and enclosed lots under the direct supervision of the homeowner on properties in the county that are zoned over 2.5 acres.

Section 4-KK Definition of "Premises"

Premises" shall mean a parcel of land owned, leased, rented, or controlled by any person.

Premises include all structures, including kennels, mobile homes, apartments, condominiums, and houses, which are located on a parcel of land.

This is vague language. Does the owner of a trailer park "control" the premises of the leasee? Is the absentee owner of a 15,000 acre ranch responsible for dogs that run at large on the property for over 48 hours?

Does the County assume "ownership

responsibilities" for any dog that runs at large along a public trail or open space ( a premises)for 48 hours?

Does "person "include corporations, local government or other land owning or controlling interests?

Perhaps the intent of this definition is to define "enclosed spaces" such as yards, fenced properties, building interiors, etc. Is there a legal issue between "Premises" and "Enclosed Lot"? If a dog is found to be "running at large" outside of a enclosed lot but still within the confines of a "premises", is it still "running at large? If the dog has the permission of a premises "owner" to be running at large , ie. a hunting dog, is it still "running at large"? Does the premises owner become a "responsible party", even though the premises owner does not have direct care and custody, or is the dog legally "stray".

2

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT Section 4-R Definition of "Enclosed Lot"

Enclosed Lot" shall mean any parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected of such a height and surety so as to retain the species of animal within the bounds for which the fence was erected or that has an effective electric fence around that portion of the property upon which the animal(s) are allowed off leash.

Section 4-OO Definition of "Running at Large"

Running at Large," shall mean to be free of Direct Control beyond an enclosed lot or the premises or vehicle o(an Owner or Responsible Party.

Section 4-S "Estray"

Estray" shall mean any animals other than livestock or cats, which are off their owner's premises, and not under the direct control of the owner or a responsible party..

Since the proposed ordinance excepts cats from the "Estray" definition, it could be interpreted to mean that cats cannot be controlled in the same manner as dogs. As there is no language in the proposed ordinance to license cats in the county, it assumes that cats are not "owned" in the same way as dogs.

We support the elimination of "cats" under the definition of "Estray", and believe that this definition is clearly linked to our objections to the current definition of "ownership"



Section 4-Z Definition of Kennel"

Kennel" shall mean any commercial establishment or other premises whether operating as a non-profit entity or for intended profit where dogs or cats are boarded, kept, or maintained.

This definition seems to be in conflict with the definition of "Pet Shelter" and is unclear.

We recommend that the portion of the sentence that includes "or other premises" be stricken from the definition. Also the word "kennel" is traditionally only used for dogs. we recommend that the word "cat" be dropped. We believe that the definition should read as follows:

Kennel" shall mean any commercial establishment whether operating as a non-profit entity or for intended profit where dogs are boarded, kept, or maintained.

3

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT Section 4-D; Definition of Animal Animal shall mean any dog, cat, or vertebrate (excluding humans).

Care must be exercised with this definition as it may unintentionally conflict with other definitions .

Section 4-G: Definition of Animal Service Officer An Animal Services Officer is authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform the Animal Services Officer's duties. If the owner or occupant of the premises is absent or objects to inspection, a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless exigent circumstances exist which would cause an objectively reasonable Animal Services Officer to enter the property without a warrant, such as when an animal poses an immediate threat to the public. An Animal Services Officer shall not enter onto the premises for the sole purpose of picking up an animal which has been alleged to be running at large by a person who is not an Animal Services Officer or Sheriffs deputy.

If Cats cannot be judged to be "estrays" they cannot be judged to be "running at large".

Therefore, the definition of an animal service officer's authorization must exclude response to alleged cats "running at large".

Section 5. Administration, Enforcement, and Implementation Section 5-F F. The holder of a permit under this Ordinance shall allow an Animal Services Officer access to the permitted premises at any reasonable time for the purpose of inspection to determine compliance with this Ordinance. Failure to allow for such inspection is grounds for suspension or revocation of the permit.

Add the following, if the concept of "home based shelter" is adopted.

Home based shelters are exempt from the provisions of Section 5-F unless there is clear evidence of hoarding, animal cruelty, or unsafe conditions within the sheltering structure.

Section 7; Restraint of Animals

A. Restraint of Animals; Running at Large Prohibited.

- 1. Any owner or person having charge, custody, care, or control over an

4

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT 2.

3.

animal, excluding livestock, shall keep the animal from running at large by either a secure run or kennel area, an enclosure surrounding the perimeter of the property, adequate training of the animal to ensure that it will not exit the property, by means of trolley system, electric fence or any other acceptable means associated with a particular species of animal. Voice command is not an acceptable means of restraint.

Add: after "excluding livestock", or cats, or simply change the wording to reflect dogs Any person who violates this

Subsection shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A. An animal, other than livestock, that runs at large shall be declared to be an stray, a nuisance, or a menace to the public health and safety, and may be picked up and impounded by an Animal Services Officer.

Add: after "excluding livestock", the words "or cats", or simply change the wording to reflect dogs Any animal other than livestock trespassing upon private property shall be deemed prima facie not to be properly restrained, and the owner shall be in violation...

Add: after "excluding livestock", the words "or cats", or simply change the wording to reflect dogs what does this mean? If the paragraph is referring to cats, we again refer to to the definition of ownership. How would the county legally

demonstrate "ownership" of a cat walking around a trail... Ask animal control if they would even entertain trying to catch a free roaming feline.

It would appear that the authors wanted to say " An owner shall secure all animals apart from livestock and cats,....  
Section 9: C. Professional Care Permits; Permit Required 1. Kennels, grooming parlors, pet shops, pet shelters, breeders, animal rescues, persons using a guard dog, and individuals maintaining more than a total often (10) cats and dogs on their property shall obtain and maintain a current Professional Animal Care permit from the Animal Services Division. This implies that owners of more than ten dogs and cats on their property must apply for and have a business permit as well as "professional Care Permit", even though

5

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT there is no intent on the part of the resident to conduct "business". The cost of maintaining a professional care permit is excessive for residents who are not conducting business and are merely offering shelter to otherwise homeless animals.

We suggest that the "home based Shelter" works better than placing an arbitrary number of animals per household. This is especially true in the County, where cats are often the first line of defense against rodent infestations. We do not believe that a professional care permit is either reasonable or enforceable in any non-commercial area of the county that is zoned over 2.5 acres.

. Any person who violates this Subsection of the Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished by the penalty set forth in Appendix A.

Section 9 D: Professional Care Permits; Permitting Procedures e. Cages are to be radiantly heated, and shall have resting boards or some kind of bedding.

Why "radiant heat" only? If a resident lives on forty acres and heats his home with a wood stove, is he then ineligible to obtain a permit?

Is the home considered a "cage" for the purpose of this proposed ordinance? Perhaps you need to provide a definition for "radiant heating"

f.

g.

h.

1.

J.

Rooms shall provide an adequate exercise area and protection from the weather.

All animal quarters and rooms are to be kept clean, dry, and in a sanitary condition.

Animal food shall be free from contamination, shall be wholesome and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.

All animals shall have fresh, potable water in kennel cages and in common areas where the animals may be kept. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable.

No more than ten (10) dogs owned by the licensee may be on the premises at any time.

6

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT How does "J" affect commercial pet boarding businesses. Is this a specific attempt to exclude the maintenance of hunting dog packs ie. fox hunting packs that can reach thirty plus hounds?

We have a problem with an arbitrary figure like this. A single dog could be criminally abused whereas a pack of twenty could be lovingly maintained.

Section 9 E. Breeding; Permit Required.

1. Any owner who breeds a cat or dog shall obtain a breeder's permit from the Animal Services Division, prior to breeding the cat or dog.

2. An owner who does not have a valid breeder's permit shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or control of any dog or cat, except that the animals can be surrendered to the Animal Shelter or Animal Services Division.

Once again, this paragraph directly relates to "ownership". Feral, community, and county cats without "owners" and cats that are temporarily housed by rescue groups and fosters, must be permitted to be transferred to "forever" homes.

we recommend that the reference to "cats" be struck from this paragraph.

F. Breeding; Permitting Procedures.

An owner of a dog or cat intended for breeding shall purchase a single permit for the year, identifying each animal which is intended to be bred by appearance, breed, and gender, and age. A single permit may be purchased for multiple or cats. A permit application shall be available at the Animal Services Division, which will require at a minimum proof of rabies vaccination and licensing as well as a description of each cat and/or dog, by appearance, breed, and gender, and age, for which the permit is issued; and payment of the required fee set forth in Appendix A.

Additional dogs and/ or cats can be added to the permit over the course of the year by submitting a supplement to the original permit application providing any information about the additional animal required by the Animal Services Division.

G. Litters; Permit Required.

1. Any owner who unintentionally breeds dogs or cats and does not have a current breeder's permit must obtain a litter permit from the Animal Services Division for each litter.

2. An owner who does not have a valid litter permit shall not advertise, sell, barter, exchange, give away, or otherwise transfer ownership or

7

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT

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control of any dog or cat, except that the animals can be surrendered to the Animal Shelter or Animal Services Division. This section should not refer to cats unless the section only refers to commercial breeders. It is not in the county's interest to attempt to control barn cats, feral cats, community cats and county cats whose effective job is rodent control.

Most feral cats breed without human knowledge or intent and it is only after the fact, when kittens are born, that human intervention is required.

Since "feral" is not defined, it would be easy to legally argue that feral cats fall under the definition of "wild animal (Section 4-WW), and not subject to the proposed ordinance at all.

Since there is no definition of "domestic cat", ownership for feral and "community"

cats cannot be established and litter permits for this class of animal cannot be supported.

Section Ten. Impoundment A. Impoundment; Estrays.

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discretion of the

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An Animal Services Officer or Sheriff's Deputy may impound a dog or cat that is found running at large and unaccompanied by and not under the control of its owner or responsible party.

If an estray is wearing a license, or bears other identification tags, the Animal Services Division shall notify the owner by telephone or by hand delivering or mailing written notice to the owner's residence. The notice shall inform the owner where the impounded animal may be redeemed. All efforts to notify the owner shall be documented.

The Animal Services Division shall confine the animal pending notification of and response from the owner. The animal shall be held for a period of at least seven (7) days. The day the estray animal is impounded constitutes the first day. After notification to the owner, any animal wearing a license or other identification tag not redeemed within seven (7) days shall be deemed forfeited by the owner and shall be eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division. If an estray animal is not wearing a license and bears no other identification tags, the animal shall be impounded for five (5) days.

An animal not claimed within

five (5) days of the date of impoundment shall be deemed forfeited by the owner and shall be eligible for adoption, transfer, or euthanasia at the

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT 6.

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Animal Services Division c

To redeem an animal that has been impounded, the owner or responsible party shall pay all fines and impoundment fees set forth in Appendix A to the Animal Services Division or an Animal Services Officer. The owner or responsible party must also comply with all licensing requirements of this Ordinance. The owner or responsible party shall reimburse the County or the County's designated agent for all boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or an animal shelter, whether or not the animal is redeemed and is prohibited from adopting an animal relinquished after impoundment until all costs, fines and fees are paid in full. If an impounded animal is certified by a veterinarian as suffering because of sickness, injury or age, or if it is readily apparent that it is suffering due to a critical injury, it may be euthanized pursuant to Section 10(E) of this Ordinance, after the Animal Services Division gives notice or attempts to give notice to the owner in a reasonable manner.

No animal that has been impounded may be adopted for purposes of breeding or sale and an individual adopting the animal must comply with NMSA 1978, Section 77-1-20, pertaining to sterilization agreements and sterilization. Since cats do not "stray", cannot be considered to be "running at large", there is no requirement for license, this section should eliminate any reference to cats, unless the cat's ownership can be proven.

When an Animal Services Officer finds or learns that an animal is or will be without proper care because of injury, illness, incarceration, or absence of the owner or responsible party, the Animal Services Officer may take the animal for protective care in accordance with the process for strays set forth in Section 10(A). In the event of sickness or injury of the animal, upon the advice of a veterinarian, the Animal Services Officer may take or recommend such action as called for to prevent undue pain and suffering, including euthanasia. The animal shall be held by Animal Services Division or the animal shelter and the owner shall be required to pay applicable fees.

The Animal Services Division shall serve personal notice to the owner that the animal has been impounded and that they shall have five (5) days from the date of mailing to claim the dog. If the Animal Services Division cannot personally serve notice to the owner, the Animal Services Division shall mail notice to the owner that the animal has

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Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT been impounded and that they shall have five (5) days from the date of mailing to claim the dog.

Any owner failing to claim the dog within time set forth in the notice shall be deemed to have forfeited ownership of the dog and the dog shall become eligible for adoption, transfer, or euthanasia at the discretion of the Animal Services Division.

In addition to receiving a citation for running at large, the owner of an unneutered dog or cat found running at large and returned to the owner rather than being impounded, shall neuter the animal and provide proof of neutering from a Cats licensed veterinarian in New Mexico to an Animal Services Officer within seven days of return of the animal, subject to the exceptions set forth in Subsection (G)(l).

since "stray" excludes cats, this section should eliminate mention of cats. Cages must provide an area of at least 9 square feet for each cat and should house no more than one cat, except for nursing mothers, young litters of kittens, or pairs of adult cats who are bonded; a.

If colony cages are used to house cats, the following standards apply:

b.

c.

1. Separate unsterilized males from females; ii.

Separate nursing mothers from all others; 111. Separate young kittens from adult cats (except for their mothers); House no more than fifteen adult cats or twenty kittens in a room; d. Include one 12-inch by 18-inch cat litter pan for every three cats. e. Cats must be able to move about normally.

Fees for Kennel permits, now called Professional Animal Care Permits, are increased from \$50.00 to \$200.00.

The types of permits that Animal Services Division may issue are expanded to include Professional Care Permits, Breeding Permits, Litter Permits, and Animal Exhibition Permits. (

10

Comments ON THE PROPOSED 2016 ANIMAL CONTROL ORDINANCE WAIT Annual "Professional Animal Care Permit" fees are excessive if they are to be applied to non-profit rescues, sanctuaries, and "in-home" non-business facilities. There is an appendix that lists license fees.

Since there is no licensing required for cats, there should not be a proposed licensing fee.

11





**Cristella E. Valdez**

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**From:** Rachel A. Brown  
**Sent:** Tuesday, September 13, 2016 6:06 PM  
**To:** Cristella E. Valdez  
**Subject:** Fwd: [Swedish\_Vallhund] New Mexico: Santa Fe County Public Hearing on Breeder, Sterilization, Tethering Laws on Sept. 13

Begin forwarded message:

**From:** William Pacheco <[wpacheco@santafecountynm.gov](mailto:wpacheco@santafecountynm.gov)>  
**Date:** September 13, 2016 at 6:01:58 PM MDT  
**To:** "Rachel A. Brown" <[rabrown@santafecountynm.gov](mailto:rabrown@santafecountynm.gov)>  
**Subject:** Fwd: [Swedish\_Vallhund] New Mexico: Santa Fe County Public Hearing on Breeder, Sterilization, Tethering Laws on Sept. 13

Sent from my iPhone

Begin forwarded message:

**From:** Eileen McCarthy <[eileen@apnm.org](mailto:eileen@apnm.org)>  
**Date:** September 13, 2016 at 5:32:19 PM MDT  
**To:** Leslie King <[leslie@apnm.org](mailto:leslie@apnm.org)>, William Pacheco <[wpacheco@santafecountynm.gov](mailto:wpacheco@santafecountynm.gov)>, Gabe Gonzales <[gmgonzales@santafecountynm.gov](mailto:gmgonzales@santafecountynm.gov)>, Paul Portillo <[pportillo@santafecountynm.gov](mailto:pportillo@santafecountynm.gov)>  
**Subject:** Fwd: [Swedish\_Vallhund] New Mexico: Santa Fe County Public Hearing on Breeder, Sterilization, Tethering Laws on Sept. 13

FYI

Eileen McCarthy  
Program Manager  
o: 505-445-0500 x 105  
[eileen@apnm.org](mailto:eileen@apnm.org)  
\*sent from\*  
m: 505.603.8916

Animal Protection of New Mexico  
1111 Paseo de Peralta  
Santa Fe, NM 87501  
[www.apnm.org](http://www.apnm.org)

From: Martha Kennedy  
Sent: Tuesday, September 13, 12:53 PM  
Subject: Fwd: [Swedish\_Vallhund] New Mexico: Santa Fe County Public Hearing on Breeder, Sterilization, Tethering Laws on Sept. 13  
To: Lyndi Martinez, Eileen McCarthy

Here is the letter sent to Kathy. Below is the yahoo notice from AKC. They told people to show up at 1pm and most likely have not gotten updated info, but who knows. I;m certain some of them will be in the room all day! :

Mon 9/12/2016 9:45 AM

To:

Robert A. Anaya; Miguel Chavez; Kathy S. Holian; Henry P. Roybal; Liz Stefanics; Robert A. Garcia;

I am a Santa Fe county resident and taxpayer and am opposed to the proposals being reviewed at Tuesday's meeting. These changes would turn responsible pet owners and breeders into criminals and make it much more difficult to buy, own, and breed healthy animals with good temperaments.

- Many neighborhoods have CC&R's that prohibit fencing.

T- here are scores of scientific studies documenting the negative health consequences of altering (spaying or castrating) animals at any age, but most particularly juveniles.

- Responsible breeders who test their animals in field and ring and for health issues already lose money on every litter. Increasing fees makes it harder for good breeders to continue offering healthy well-bred puppies to Santa Fe residents.

- Santa Fe county already has laws on the books regarding standards of care; those laws need to be enforced. MORE legislation is not an improvement.

- Have the ACO's been asked what they believe would be good improvements to current regulations?

Summary:

The proposal would make numerous changes to current law, including:  
Licensing and inspections of all breeders. Anyone who breeds dogs must obtain a Breeder's permit, which is \$150/year. This permit must include a list and description of all dogs intended to be bred in the coming year. This permit may be amended, so long as it is amended prior to the breeding taking place. An Animal Services Officer must be granted access "at any reasonable time" to inspect the premises and ensure compliance. If the inspection is not allowed, then the permit may be suspended or revoked, and the dogs may be impounded.



Since this includes those who breed just one litter in their homes, this means that the animal services officers would be permitted to enter private residences at any time. If no one is home, the officer may come back with a warrant.

If the litter was unintentional, then a litter permit must be obtained unless all dogs are relinquished to the local animal shelter.

Additional licensing if more than 10 dogs or cats of any age on premises at any time. If a person ever has more than 10 dogs or cats of any age on their property then a Professional Care Permit must also be obtained, which is \$200/year. This presumably includes someone who owns a small number of dogs, then has a litter that puts the total number of animals to 10. There are numerous additional procedures, approvals, and regulations on those who obtain this permit, including radiant heating for all cages and never allowing the kennel to be cooler than 50 degrees or higher than 85. There is no exception for puppies recently whelped that may need to be kept at higher temperatures for their health and safety.

Sterilization of dogs on a first impoundment. There are many reasons a dog may be impounded under this proposal, including tethering a dog humanely on an owner's private property. Any animal impounded must be sterilized before being released, unless the dog has participated in "formal competition" within the past 6 months. For example, if a puppy strays from its owner's home and has not yet participated in a show, it could be sterilized.

Possible loss of dogs for any violation of a permit. If it is determined that a person who holds a permit has any violation, then the permit may be revoked. A permit holder may request an appeal, which will be held by the Animal Services Division within 30 days. The hearing officer, according to the proposal, "shall not be limited by formal rules of evidence" and it states that "any evidence may be considered which is of a type which responsible people are accustomed to rely on in the conduct of serious affairs."

A notification will be sent to the permit holder within 15 days of the hearing with a final determination. If the permit is revoked, the permit holder must cease within 5 days. If deemed necessary, the permit holder must give away, sell, or surrender all animals.

Requiring that all dogs must be kept in a fenced yard or enclosure. When on the owner's private property, all dogs must be kept in a secure run, kennel area, a fenced-in yard, or a yard with an electric fence. No tethering of any kind is ever permitted. Any animal not in compliance will be considered a stray and impounded.

This could be a significant challenge for those who do not have a fenced-in yard or have a dog that they humanely tether outside for brief periods throughout the day. It also punishes those who because of income or the location of their residence are unable to build a fence or kennel run.

Establishing requirements that could prevent companion and performance events and all dog training. A dog is never allowed to be tethered at any time, with very few exceptions. Exemptions include dogs at dog parks, or dogs actively herding or hunting. Also if the dog is "appearing in an approved show", it does not need to

be tethered, but it is unclear how this would impact agility, obedience, rally, or performance events. It also has no exception for any kind of dog training. Prohibiting dogs from barking more than 10 consecutive minutes at any time of day. There is a fine of \$300 for violations or imprisonment. Animal control does have the option of issuing a warning, although on the third offense "the animal will be deemed a nuisance and a lawsuit will be filed".

Martha Kennedy

[marthakennedy@me.com](mailto:marthakennedy@me.com)

Yikes!

Begin forwarded message:

**From:** AKC  
Government  
Relations  
<[doglaw@akc.org](mailto:doglaw@akc.org)>

**Subject:** New  
Mexico: Santa Fe  
County Public  
Hearing on Breeder,  
Sterilization,  
Tethering Laws on  
Sept. 13

**Date:** September 9,  
2016 at 2:17:15 PM  
MDT

**To:** [meerp@mcn.net](mailto:meerp@mcn.net)

**Reply-To:**  
[mba@akc.org](mailto:mba@akc.org)

*September 9, 2016*  
[www.akc.org/govern-  
ment-  
relations/legislative-](http://www.akc.org/government-relations/legislative-)

*alerts/santa-fe-  
proposal-hearing*

The Santa Fe County is holding the first of two public hearings on Tuesday, September 13, on a proposal that would impact all dog owners residing or participating in events in the county.

Those who reside or participate in events in the county are strongly encouraged to contact the committee, and if possible, attend the September 13 hearing (Scroll down for hearing and contact information).

**Summary:**

The proposal would make numerous changes to current law, including:

**Licensing and inspections of all breeders.** Anyone who breeds dogs must obtain a Breeder's permit, which is \$150/year. This permit must include a list and description of all dogs intended to be bred in the coming year. This permit may be amended, so long as it is amended prior to the breeding taking place. An Animal Services Officer must be

granted access “at any reasonable time” to inspect the premises and ensure compliance. If the inspection is not allowed, then the permit may be suspended or revoked, and the dogs may be impounded.

Since this includes those who breed just one litter in their homes, this means that the animal services officers would be permitted to enter private residences at any time. If no one is home, the officer may come back with a warrant.

If the litter was unintentional, then a litter permit must be obtained unless all dogs are relinquished to the local animal shelter.

**Additional licensing if more than 10 dogs or cats of any age on premises at any time.** If a person ever has more than 10 dogs or cats of any age on their property then a Professional Care Permit must also be obtained, which is \$200/year. *This presumably includes someone who owns a small number of dogs, then has a litter that puts the total number*

*of animals to*

10. There are numerous additional procedures, approvals, and regulations on those who obtain this permit, including radiant heating for all cages and never allowing the kennel to be cooler than 50 degrees or higher than 85. There is no exception for puppies recently whelped that may need to be kept at higher temperatures for their health and safety.

**Sterilization of dogs on a first impoundment.** There are many reasons a dog may be impounded under this proposal, including tethering a dog humanely on an owner's private property. Any animal impounded must be sterilized before being released, unless the dog has participated in "formal competition" within the past 6 months. For example, if a puppy strays from its owner's home and has not yet participated in a show, it could be sterilized.

**Possible loss of dogs for any violation of a permit.** If it is determined that a person who holds a

permit has any violation, then the permit may be revoked. A permit holder may request an appeal, which will be held by the Animal Services Division within 30 days. The hearing officer, according to the proposal, "shall not be limited by formal rules of evidence" and it states that "any evidence may be considered which is of a type which responsible people are accustomed to rely on in the conduct of serious affairs."

A notification will be sent to the permit holder within 15 days of the hearing with a final determination. If the permit is revoked, the permit holder must cease within 5 days. If deemed necessary, the permit holder must give away, sell, or surrender all animals. **Requiring that all dogs must be kept in a fenced yard or enclosure.** When on the owner's private property, all dogs must be kept in a secure run, kennel area, a fenced-in yard, or a yard with an electric fence. No tethering of any kind is ever permitted. *Any*

*animal not in compliance will be considered a stray and impounded.*

This could be a significant challenge for those who do not have a fenced-in yard or have a dog that they humanely tether outside for brief periods throughout the day. It also punishes those who because of income or the location of their residence are unable to build a fence or kennel run.

**Establishing requirements that could prevent companion and performance events and all dog training.** A dog is never allowed to be tethered at any time, with very few exceptions. Exemptions include dogs at dog parks, or dogs actively herding or hunting. Also if the dog is “appearing in an approved show”, it does not need to be tethered, but it is unclear how this would impact agility, obedience, rally, or performance events. It also has no exception for any kind of dog training. **Prohibiting dogs from barking more than 10 consecutive minutes at any time of day.** There is a

fine of \$300 for violations or imprisonment. Animal control does have the option of issuing a warning, although on the third offense “the animal will be deemed a nuisance and a lawsuit will be filed”.

**What you can do:**

**Attend the September 13 public hearing:**

Board of County Commissioners of Santa Fe County  
Hearing:  
Tuesday, September 13, 2016  
1:00 pm \*  
County Commission Chambers  
Santa Fe County  
Administrative Building  
102 Grant Avenue,  
Santa Fe, New Mexico

*\*Note: This is one of the last items on the agenda, and county officials have indicated it could be a couple hours before it is heard, so it is not essential to arrive at exactly 1:00 pm)*

**Contact the County Commission prior to the September 13 hearing:**

Phone number for commission: (505) 986-6200



**Commissioner  
Robert A. Anaya -  
[ranava@santafecount  
ynm.gov](mailto:ranava@santafecount<br/>ynm.gov)**

**Commissioner  
Miguel M. Chavez -  
[mchavez@santafecou  
ntynm.gov](mailto:mchavez@santafecou<br/>ntynm.gov)**

**Commissioner  
Kathy Holian -  
[kholian@santafecount  
ynm.gov](mailto:kholian@santafecount<br/>ynm.gov)**

**Commissioner  
Henry Roybal -  
[hproybal@santafecou  
ntynm.gov](mailto:hproybal@santafecou<br/>ntynm.gov)**

**Commissioner Liz  
Stefanics -  
[lstefanics@santafecou  
ntynm.gov](mailto:lstefanics@santafecou<br/>ntynm.gov)**

AKC Government  
Relations will provide  
details and updates as  
they become  
available. For more  
information, contact  
[doglaw@akc.org](mailto:doglaw@akc.org)

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Posted by: Marion Erp  
<[meerp@mcn.net](mailto:meerp@mcn.net)>

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SECTION	SUMMARY OF COMMENT	RESPONSE
Section Four: Definitions		
C. Definition of "adequate shelter"	increase the proposed minimum size requirements for outdoor animal enclosures	The size requirements in Section Four (C) were proposed to balance smaller lot/yard sizes, affordability for citizens, and animal comfort. The proposed section has been amended to include additional language regarding animal comfort and exercise.
G. Definition of "Animal Services Officer"	Because cats are excluded from estray, then they must be excluded from Animal Services Officer definition	The proposed ordinance has been revised so that cats are no longer excluded from the definition of estray.
S. Definition of "estray"	Cats are excluded from the definition of estray, which would exempt cats from impoundment as estrays under Section 7 A.1.	The proposed ordinance has been revised so that cats are no longer excluded from the definition of estray.
S. Definition of "estray"	What is the logic for exempting cats from the definition of estrays?	The proposed ordinance has been revised so that cats are no longer excluded from the definition of estray.
HH. Definition of "owner"	Definition of ownership should be limited to dogs, or cats should be excluded from the definition. Establishing ownership of feral or community or county cats is unenforceable under the draft definition of ownership. Feral, "community" or "County" cats do not respect boundaries and while a property owner might be aware of the presence of a feral cat, he or she is no more an "owner" than if the animal was a raccoon. Suggested language "Owner shall mean a person who owns, has, keeps, harbors, or knowingly permits a DOG to remain in, on, or about the persons premises for a period of 48 hours shall be deemed the prima facie owner for the purposes of this Ordinance, except that prima facie ownership shall not create or change a property interest in any dog."	Definition of owner has been revised to address concerns regarding tying ownership to a particular premises.



2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF WRITTEN COMMENTS AND RESPONSES

<p>II. Definition of "pet shelter"</p>	<p>Shelters that care for animals are lumped with pet shelters that are businesses. Proposes addition of definitions for "Home Based Shelters" and Residential Shelters" that can be delineated from commercial shelters. Residential Shelters would be "a non-commercial entity registered with the County as a home-based shelter for animals where the animals are in the custody of and cared for by the resident of the premises." Home Based Shelters would be "a non-commercial pet shelter that is confined to residences and enclosed lots under the direct supervision of the homeowner on properties in the county that are zoned over 2.5 acres."</p>	<p>Section Nine (C) of the ordinance already addresses individuals who have custody of and care for animals and do not have a business license. The requirement for individuals maintaining 10 or more cats or dogs on their property to obtain a professional care permit is intended to capture those individuals who are running informal shelters on their property. The Animal Services Division has dealt with individuals purporting to run informal shelters and do not properly care for animals. Animal Services would like to ensure all shelters maintain adequate standards of care.</p>
<p>KK. Definition of "premises"</p>	<p>Definition is vague. Owner of trailer park or absentee owner of a large parcel could be considered owners based on definition.</p>	<p>Definition of owner has been revised to address issues with the term premises.</p>
<p>OO. Definition of "running at large"</p>	<p>Animals are running at large when they are beyond an enclosed lot or premises or vehicle of an owner or responsible party, while strays are defined as animals which are off their owner's premises</p>	<p>The definition "Stray" have been revised to address inconsistencies between the two definitions, as recommended.</p>
<p>Z. Definition of "kennel"</p>	<p>Conflicts with the definition of Pet Shelter. Any reference to "other premises" should be removed from definition. Cats should be removed from definition because kennels are for dogs.</p>	<p>The definition of "Kennel" has been revised to remove "and other premises," as recommended. In Kennels in Santa Fe County accept cats. Accordingly, cats has not been removed from definition of kennel.</p>

2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF WRITTEN COMMENTS AND RESPONSES

<p><b>Section Five: Administration Enforcement, and Implementation</b></p> <p>Section 5-E</p>	<p>This section allows ACOS to enter property without a warrant when an animal poses an immediate threat to the public," but not when an animal is in immediate danger. This will limit reaction possibilities for injured or sick animals and should be edited.</p>	<p>Seizure of animals in immediate danger is addressed in Section Ten ( C). This section allows animal service officers to take such action that is reasonably necessary to alleviate the emergency.</p>
<p>Section 5-F</p>	<p>"home based shelter" should be added to definitions as "a non-commercial pet shelter that is confined to residences and enclosed lots under the direct supervision of the homeowner on properties in the county that are zoned over 2.5 acres." Home based shelters should be exempt from inspection.</p>	<p>Section Nine (C) of the ordinance already addresses individuals who have custody of and care for animals and do not have a business license. The requirement for individuals maintaining 10 or more cats or dogs on their property to obtain a professional care permit is intended to capture those individuals who are running informal shelters on thier property. The Animal Services Division has dealt with individuals purporting to run informal shelters and do not properly care for animals. Animal Services would like to ensure all shelters maintain adequate standards of care.</p>
<p>Section 5-F</p>	<p>Animal services officers would be allowed to enter private residences at any time.</p>	<p>Inspection at reasonable times is necessary to determine whether breeders are maintaining adequate standards of care.</p>
<p><b>Section Seven: Restraint of Animals</b></p> <p>Section 7-A Restraint of Animals; Running at Large Prohibited</p>	<p>This section says you can use "adequate training of the animal to ensure that it will not exit the property," then says that "voice command is not an acceptable means of restraint." Those statements conflict, and the first should be removed.</p>	<p>The proposed ordinance has been revised to remove the conflicting language, as recommended.</p>

**2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF WRITTEN COMMENTS AND RESPONSES**

Section 7-A Restraint of Animals; Running at Large Prohibited	Many neighborhoods have CC&R's that prohibit fencing.	The ordinance allows electric fences. These fences are often installed under ground.
Section 7-A. Restraint of Animals; Running at Large Prohibited	Change the wording to reflect only that dogs must be restrained because cats are exempt from the definition of estray.	The proposed ordinance has been revised so that cats are no longer excluded from the definition of estray.
Section 7-A Restraint of Animals; Running at Large Prohibited	Restraint provisions could be a significant challenge for those who do not have a fenced-in-yard or have a dog that they humanely tether outside for brief periods throughout the day. It also punishes those who because of income or location of their residence are unable to build a fence or kennel run.	The proposed ordinance has been revised to allow temporary tethering. The ordinance allows electric fences, which can be used by individuals who cannot build a fence or kennel run.
Section 7-C Restraint of Animals; When on Street or Public Places	There is no exception for any kind of dog training for leash requirement.	An exception for training requirements would be difficult to enforce and may render the leashing provision useless. Any individual with a dog off-leash could claim to be training their dog.
Section Eight: Animal Nuisances		
Section 8 A(1)	This section deals with barking dogs and allows ticketing in a dog barks for more than 10 consecutive minutes. There is no time of day limitation...so, technically a person could get a ticket for their dog barking at 3 p.m. It seems more reasonable to have the shorter limitation during the night and a longer limitation during daytime hours.	Dogs barking during the day could impact many people, including individuals who work night shifts, work from home, or are ill. Animal service officers have discretion and will investigate dog bark complaints thoroughly.
Section Nine: Permits		
Section 9-D: Animal Care Permits	The requirement for individuals maintaining (10) cats and dogs to obtain a permit implies that these individuals must apply for and have a business permit.	Individuals maintaining a total of ten (10) cats or dogs are expressly exempt from the requirement to furnish proof of a business license.

2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF WRITTEN COMMENTS AND RESPONSES

<p>Section 9-D: Animal Care Permits</p>	<p>A "home based shelter" works better than establishing an arbitrary limit of animals per household. This is especially true in the County, where cats are often the first line of defense against rodent infestations. We do not believe that a professional care permit is either reasonable or enforceable in any non-commercial area of the county that is zoned over 2.5 acres</p>	<p>Section 95.05 of the current Animal Control Ordinance already requires individuals with 10 or more dogs or cats to obtain a kennel permit. Regulations of the number of animals per household through permitting will allow the animal services division to address instances where animals are kept in large numbers with substandard care, often while purporting to be an informal shelter</p>
<p>Section 9-D: Animal Care Permits</p>	<p>Why are cages required to be heated by only radiant heat? Perhaps you need to provide a definition for radiant heating.</p>	<p>The proposed ordinance has been revised to remove the requirement that cages be radiantly heated.</p>
<p>Section 9-D: Animal Care Permits</p>	<p>There is no exception for puppies recently whelped that may need to be kept at higher temperatures for their health and safety</p>	<p>The proposed ordinance has been revised to allow temperatures outside of limits for medical purposes.</p>
<p>Section 9-D: Animal Care Permits</p>	<p>How does the requirement that kennels, grooming parlors, pet shops, pet shelters, breeders, and animal rescues have no more than ten (10) dogs owned by the licensee on the premises affect commercial pet boarding businesses. We have a problem with an arbitrary figure like this.</p>	<p>The proposed ordinance has been revised to clarify that kennels, grooming parlors, pet shops, pet shelters, breeders, and animal rescues may keep more than 10 animals owned by the licensee with the appropriate permit.</p>
<p>Section 9-E: Breeding Permit</p>	<p>Recommend that requirement for cats to be excluded from breeding permits. Feral, community, and county cats without "owners" and cats that are temporarily housed by rescue groups and fosters, must be permitted to be transferred to "forever" homes.</p>	<p>Breeders intentionally breed their animals, thus a requirement for an individual who breeds a cat to obtain a permit is not unreasonable. The definition of ownership has been amended to address concerns regarding ownership for stray animals. Individuals assuming temporary responsibility for a litter of kittens from a feral cat can still transfer ownership with a litter permit. The permit fee is marginal.</p>

**2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF WRITTEN COMMENTS AND RESPONSES**

<b>Section Ten: Impoundment</b>		
<b>Section 10(A) Impoundment; Estrays</b>	Since cats are excluded from the definition of stray they cannot be considered running at large, this section should eliminate any reference to cats.	The proposed ordinance has been revised so that cats are no longer excluded from the definition of stray.
<b>Section 10(G) Impoundment; Release of Intact Animals</b>	Cats should be eliminated from this section because they are excluded from definition of stray	The proposed ordinance has been revised so that cats are no longer excluded from the definition of stray.
<b>Section 10(G) Impoundment; Release of Intact Animals</b>	A puppy that strays from its owner's home and has not yet participated in a show could be sterilized.	The proposed ordinance has added language establishing mandatory spaying and neutering only after an animal has been impounded for a second or subsequent time.
<b>Section Twelve: Notice, Savings Clause, Effective Date</b>		
<b>Section Twelve (C) : Effective Date</b>	The ordinance should incorporate a full one (1) year grace period prior to enactment and enforcement.	The proposed ordinance has been revised to include a grace period for restraint and professional care permit provisions.
<b>Appendix A</b>		
<b>Fees; Professional Care Permits</b>	Professional Animal Care Permit fees are excessive if they are to be applied to non-profit rescues, sanctuaries, and in home " non-business facilities."	The Animal Services Division believes that the proposed fees are fair.
<b>Fees; Licensing fees</b>	Since there is no license required for cats, there should not be a proposed license fee	Cats have been removed from Appendix A, Licensing Fees, as recommended.
<b>Fees; Breeders fees</b>	Responsible breeders who test their animals in field and ring and for health issues already lose money on every litter. Increasing fees makes it harder for good breeders to continue offering health well-bred puppies to Santa Fe residents.	The Animal Services Division believes that the proposed fees are fair.



**2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF ANIMAL RESTRAINT PROVISIONS FROM VARIOUS NEW MEXICO JURISDICTIONS**

	<b>Bernalillo County</b>	<b>City of Santa Fe</b>	<b>Doña Ana County</b>	<b>Los Alamos County</b>
<b>FIXED POINT TETHERING /CHAINING</b>	Tethering prohibited, except for fixed point tethering in limited circumstances when owner is present, such as picnics or gatherings in a park or open space, for emergency purposes. Section 6-43.	Animals to be secured on owner's property of using devices such as trolley system, kennel, invisible fencing, or inescapable walled or fenced area. Section 5-5.4	Dogs may not be tethered to stationary object for more than 2 hrs. in 12 hr. period. Tether standards: 1. must be at least 12 ft. long. 2. must be affixed to a properly fitted collar or harness. 3. shall not weigh more than 1/8 of animals body weight. 4. must have swivels on both ends. Delayed effective date for 24 months after adoption of ordinance. Section 134-6	Dogs must be physically restrained on owner's property. No specific prohibition or standards regarding fixed point tethering or chaining. Section 6-3(B)
<b>TROLLEYS</b>	Tethering prohibited.	Trolleys may be used on owner's property. Trolley device must be: 1. affixed to fitted collar or harness. 2. at least 10 ft. long unless length would allow dog to reach outside property, in which case eight ft. long trolley cable allowed. 3. elevated 4 to 7 ft. off of ground. 4. unobstructed. Section 5-5.4	Dogs may not tethered with a trolley system for more than 4 hrs. in 12 hr. period. Same tethering standards as above apply. Delayed effective date for 24 months after adoption of ordinance. Section 134-6	No specific provisions.
<b>ENCLOSURES</b>	Sufficient height and strength to contain animals. Section 6-43.	Adequate space for exercise to sit, hop, stand or rear up on its hind legs, run, jump, and play with others of its species without hitting him/herself against the top of the enclosure and suitable to the age, size, species, or breed of the animal. Section 6-56A	Adequate space to prevent overcrowding and to allow the animal to maintain normal exercise according to Species. Section 134-3.	No specific provisions.



**2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF ANIMAL RESTRAINT PROVISIONS FROM VARIOUS NEW MEXICO JURISDICTIONS**

	Sandoval County	San Miguel County	Taos County	Torrance County
<b>FIXED POINT TETHERING /CHAINING</b>	No specific provisions.	Tethering prohibited, except for limited circumstances when owner is present such as picnics, gatherings in open spaces, or emergencies. Section 10.43(A)	Prohibited for more than 2 hrs. in 24 hr. period Chain must be: 1. Affixed to harness 2. Appropriate height and weight for animal to easily sit, walk, lie down. 3. Have swivel on both ends. 4. Be unobstructed. Section 2.2 (E)(3)	Chaining or staking in cruel or inhumane manner prohibited. Animals in estrus may not be restrained by chain, rope, or cord. Chaining standards: 1. Restrained animals must wear properly fitted collar or harness. 2. Chain or cable must be less than 10 ft. in length with swivel on both ends and must be unobstructed. Chain or tether must not weigh more than 1/4 of dog's body weight. Logging chains are prohibited. 3. Animal must have access to appropriate shelter, food, and water. Section 5-3(A)
<b>TROLLEYS</b>	No specific provisions.	Tethering prohibited. Section 10.43(A)	Prohibited for more than 9 hrs. in 24 hr. period. No standards for trolley use. Section 2.2 (E)(4)	Not specifically addressed other than standards provided above.
<b>ENCLOSURES</b>	No specific provisions.	Adequate height and strength to contain animals. Section 10.43(A)	Adequate space to prevent overcrowding and for to maintain exercise level for size, temperament, and type. Section 2.2 (E)(1)	No specific provisions.



**2016 PROPOSED ANIMAL CONTROL ORDINANCE: SUMMARY OF ANIMAL RESTRAINT PROVISIONS FROM VARIOUS NEW MEXICO JURISDICTIONS**

	City of Las Vegas	City of Hobbs	Town of Edgewood	City of Albuquerque
<p><b>FOOD POINT TETHERING /CHAINING</b></p>	<p>Tethering of any type, including running lines, is prohibited, except when:</p> <ol style="list-style-type: none"> <li>1. Dog is within visual range of owner and owner is outside.</li> <li>2. Tether must be affixed to harness or collar and have swivels.</li> <li>3. Dogs must be tether in a manner that prevents injury.</li> <li>4. Dogs cannot be tethered during extreme weather; and</li> <li>5. Pulley on a trolley must be 15 ft long.</li> </ol> <p>Anti-tethering provision has one year grace period. Section 118-27.1</p>	<p>Direct point chaining is prohibited. Section 6.04.240</p>	<p>Direct point chaining is not included as an allowed form of restraint. Section 4.6</p>	<p>Direct chain prohibited for more than 1 hour per 24 hour period. Chains must:</p> <ol style="list-style-type: none"> <li>1. weigh less than 1/8 of dogs body weight and must be 12 ft long;</li> <li>2. be attached to non-abrasive harness;</li> <li>3. be unobstructed;</li> <li>4. have a swivel on both ends; and</li> <li>5. shall be surrounded by a barrier sufficient to protect the dog from at large animals and to prevent children from accidentally encountering the dog.</li> </ol> <p>Section 9-2-2-2 (D)(3)</p>
<p><b>TROLLEYS</b></p>	<p>See above.</p>	<p>Trolley allowed under following circumstances:</p> <ol style="list-style-type: none"> <li>1. Dogs must be sterilized;</li> <li>2. Only one dog per household may be tethered using a trolley.</li> <li>3. Must have swivel on both ends.</li> <li>4. Cable run must be 10 ft long.</li> <li>5. Dog shall be surrounded by a barrier on each side adjoining public access and the barrier should keep children from encountering the dog.</li> <li>6. Tether must be attached to a harness.</li> </ol> <p>Section 6.04.240</p>	<p>Trolley allowed under following circumstances:</p> <ol style="list-style-type: none"> <li>1. Only one dog per run.</li> <li>2. Tether must have swivel on both ends.</li> <li>3. Must be of size and strength to effectively restrain dog.</li> <li>4. Cable run and tether must be at least 10 ft. long.</li> <li>5. Tether must be attached to non-abrasive collar or harness.</li> </ol> <p>Section 4.6</p>	<p>Trolley allowed under following circumstances:</p> <ol style="list-style-type: none"> <li>1. No longer than 9 hours in 24 hour period.</li> <li>2. Trolley shall be surrounded by barrier to protect dog from at large animals and to prevent children from accidentally encountering the dog.</li> </ol> <p>Section 9-2-2-2 (D)(4)</p>
<p><b>ENCLOSURES</b></p>	<p>No specific provisions regarding dogs.</p>	<p>Runs or kennels must be 75 sq ft for dogs less than 30 pounds, 100 sq ft for dogs 30-59 pounds, and 125 sq. ft. for dogs over 60 pounds. Section 6.04.240</p>	<p>No specific provisions.</p>	<p>Must provide adequate space to prevent overcrowding and to allow animals to maintain exercise levels for size, temperament, and type of animals. Section 9-2-2-2 (D)(1)</p>

