

SANTA FE COUNTY
ANIMAL CONTROL ORDINANCE
ORDINANCE NO. 1981-7

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF SANTA FE, NEW MEXICO.

SECTION 1. SHORT TITLE. This Ordinance may be cited as the "ANIMAL CONTROL ORDINANCE".

SECTION 2. FINDING AND PURPOSE. The Commission finds and declares that the health, safety and welfare of the citizens of the County are impaired by the running at large of animals within the County. The purpose of the Animal Control Ordinance is to protect the health, safety and welfare of the citizens of the County by regulating the running at large of animals within the County.

SECTION 3. DEFINITIONS. As used in this Ordinance, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein.

- 3.1 - ANIMAL: Any vertebrate excluding man.
- 3.2 - ANIMAL SHELTER: Any establishment authorized by the County of Santa Fe for the care and custody of impounded animals.
- 3.3 - BITE: A puncture or tear of the skin inflicted by the teeth of an animal.
- 3.4 - COUNTY: That area lying within the corporate boundaries of the County of Santa Fe, but not within the limits of any incorporated municipality.
- 3.5 - COUNTY MANAGER: The County Manager of Santa Fe or his or her designated representative.
- 3.6 - EXOTIC ANIMAL: An animal which is rare or different from ordinary domesticated animals and is not indigenous to the State of New Mexico.
- 3.7 - NUISANCE: Means, but is not limited to, disturbing the peace, omitting noxious or offensive odors, or otherwise endangering or offensive to the environment of the County of Santa Fe.
- 3.8 - KEEPER: Any person who owns, harbors, keeps or has control or custody of an animal for more than six (6) days, provided that term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.

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- 3.9 - KENNEL: Any establishment or premises where dogs or cats are boarded or kept.
- 3.10 - PERSON: Any individual, household, firm, partnership, corporation, society, association and every agent and employee thereof.
- 3.11 - QUARANTINE: To detain or isolate an animal suspected of being infected with rabies.
- 3.12 - RUNNING AT LARGE: An animal off the premises of the keeper and not under direct control of a competent person. Direct control means connected by a secure leash not over six (6) feet in length or some other equivalent means or direct control.
- 3.13 - STRAY OR ESTRAY: Any animal where there is no identifiable keeper.
- 3.14 - VACCINATION: The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Health and Environment Department and administered by or under the supervision of a veterinarian.
- 3.15 - VETERINARIAN: Any veterinarian licensed in the State of New Mexico.
- 3.16 - VICIOUS ANIMAL: Any animal which is wild by nature and cannot normally be domesticated or controlled.

SECTION 4. ADMINISTRATION AND ENFORCEMENT.

- 4.1 - The Animal Control Ordinance shall be administered by the County Manager and enforced by the County Sheriff or any Animal Control Officer hired or contracted with as provided in the Animal Control Ordinance.
- 4.2 - The County Manager with the approval of the Commission may hire or enter into a contract with qualified persons or organizations to serve as Animal Control Officers with all powers of enforcement herein.
- 4.3 - Authority of Animal Control Officers. The County Manager, the Director of the Animal Control Department and the Animal Control Officers shall have the authority to issue

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citations whenever there is probable cause to believe that a person has violated the ordinance and to perform such duties as required herein.

SECTION 5. VACCINATION.

- 5.1 - Any person who owns a dog or cat over the age of three (3) months in the County shall have the dog or cat vaccinated against rabies with such vaccines and at such intervals as required by state law or regulation. The veterinarian who administers or supervises the administering of an anti-rabies vaccine to any dog or cat shall furnish the owner with a certificate containing the name and address of the veterinarian, the type of vaccine used, the name and address of the owner, a description of the dog or cat vaccinated, the date of vaccination and the expiration date of immunity. The veterinarian shall also furnish the owner with a metal tag bearing the certificate number and the expiration date of the period of immunity. The tags shall be affixed by the owner to a collar or harness in such a manner as to be worn by the dog or cat for which the certificate is issued.

SECTION 6. PROHIBITIONS.

It shall be unlawful for any person owning or having the custody or possession of any animal to cause or allow the animal to, either willfully or through failure to exercise reasonable care:

- 6.1 - FALSE AND STOLEN DOCUMENTS: It shall be unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of stolen, counterfeit, or forged license, certificate or tag.
- 6.2 - ANIMALS RUNNING AT LARGE: It shall be unlawful for any keeper of a dog or cat or other pet animal to permit such animal to run at large.
- 6.3 - NUISANCE: It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise or to be kept or maintained in such a manner as to disturb or otherwise

endanger the health and welfare of the inhabitants of the neighborhood.

- 6.4 - CONFINEMENT DURING ESTRUS: Any female dog or cat in the stage of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in boarding kennel or veterinary hospital at the keeper's expense.
- 6.5 - PHYSICAL ABUSE: It is unlawful for any person to maliciously kill, maim torture, mutilate, burn, or to cruelly drive or work any animal.
- 6.6 - ABANDONMENT OF ANIMALS: It is unlawful to abandon any animal in the County of Santa Fe.
- 6.7 - POISONING: It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.
- 6.8 - CARE AND MAINTENANCE: It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.
- 6.9 - ANIMAL FIGHTS. It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight for the purpose of monetary gain or entertainment in which one or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal.

SECTION 7. IMPOUNDMENT.

- 7.1 - ANIMAL SHELTER: A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provision of this ordinance.
- 7.2 - IMPOUNDING ANIMALS: Animals kept in violation of this Ordinance and stray animals shall be taken into custody by an Animal Control Officer or other designated officer and thereupon impounded.

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- 7.3 - RIGHT OF ENTRY: Animal Control Officers in performance of their duties may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals.
- 7.4 - REGISTER: The Animal Control Officer, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.
- 7.5 - NOTICE TO OWNER: If the keeper of an impounded animal is known, he or she must immediately be notified. If the keeper of the animal is not known, notice of the impoundment shall be posted in a conspicuous place at the animal shelter or County Courthouse for a period of five (5) days.
- 7.6 - RIGHT TO REDEEM: The keeper of any animal which has been impounded under the provisions of this ordinance shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges, and such other costs as set by the County.
- 7.7 - TIME FOR REDEMPTION: All impounded animals shall be redeemed within five (5) days after impoundment. Any animal not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption upon payment of the license fees, impoundment fees, care and feeding charges, veterinary charges, and such other costs as set by the County, or the animal may be humanely destroyed.
- 7.8 - DISPOSITION OF IMPOUNDED ANIMALS BEING HELD ON COMPLAINT: If a complaint has been filed in the Magistrate Court of the County of Santa Fe against the keeper of an impounded animal for a violation of this Ordinance, the animal shall not be released except upon order of the Court which also may direct the owner to pay any penalties for violation of this Ordinance in addition to all impounding fees, care and feeding charges and veterinary fees, impounding fees, care and feeding charges may be waived by the Manager.

- SECTION 8. VICIOUS ANIMALS - ANIMALS EXPOSED TO RABIES: No person shall own or possess a vicious animal or an animal which has been exposed to rabies. The Animal Control Officer or the County Sheriff may take up and impound any such animal whether or not such animal is running at large. In the event the animal cannot be taken up and impounded without the Animal Officer exposing himself, any other person, or animal, to danger of injury from the animal, the Animal Control Officer or the County Sheriff may immediately destroy the animal without notice to the owner or person in possession of the animal, notwithstanding the provisions of Section 7 of the Animal Control Ordinance.
- SECTION 9. INTERFERENCE: No person shall interfere with, hinder, or molest any agent of the Animal Control Department in performance of any duty as herein provided.
- SECTION 10. PENALTY: Any person found, by any court of competent jurisdiction by the County, to be in violation of any prohibition, regulation, requirement or other provision of the Animal Control Ordinance shall be punished by a fine of not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment for each such violations.
- SECTION 11. SEVERABILITY: If any section, provision, part or application of the Animal Control Ordinance is held invalid, the remainder and its application to other persons or circumstances shall not be affected.
- SECTION 12. EFFECTIVE DATE: The effective date of the Animal Control Ordinance shall be thirty (30) days after the Ordinance has been recorded in the County Ordinance Book.

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SECTION 13. REPEAL CLAUSE: ORDINANCE NO. 1977-2 IS HEREBY REPEALED
IN ITS ENTIRETY UPON EFFECTIVE DATE OF THIS ORDINANCE.

PASSED, APPROVED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS
OF SANTA FE COUNTY AS ORDINANCE NUMBER 1981-7, THIS 7th DAY OF
DECEMBER, 1981

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS

Joe C. Castellano, Jr.
JOE C. CASTELLANO, COUNTY ATTORNEY

Rudy R. Fernandez
RUDY R. FERNANDEZ, CHAIRMAN

ATTEST:

Samuel J. Garcia
SAMUEL J. GARCIA, MEMBER

Carolina R. Gonzales
CAROLINA GONZALES, COUNTY CLERK

Jane D. Martinez
JANE D. MARTINEZ, MEMBER



489,871

STATE OF NEW MEXICO)

CITY OF SANTA FE)SS

Witness my Hand and Seal of Office

CAROLINA R. GONZALES

County Clerk Santa Fe County, N.M.

I hereby certify that this instrument was filed
for record on the 30 day of DEC. A.D.
1981 at 4:41 o'clock P. M.
and was duly recorded in book 433
page 104 - 110 of the records of Santa Fe County

Lupita F. Flores
Deputy