

**BOARD OF COUNTY COMMISSIONERS
OF RIO ARRIBA COUNTY, NEW MEXICO**

ORDINANCE NO. 2010-02

AN ORDINANCE REPLACING THE RIO ARRIBA COUNTY ANIMAL CONTROL ORDINANCE 1996-02; REQUIRING A LICENSE FOR DOGS AND CATS AND PROVIDING THE PROCESSES AND CRITERIA FOR SUCH LICENSES; REQUIRING THE PERMITTING OF CERTAIN ANIMALS AND FACILITIES AND PROVIDING THE PROCESSES AND CRITERIA FOR SUCH PERMITTING; AND FURTHER PROVIDING THE PROCESSES AND CRITERIA FOR THE ENFORCEMENT, APPEAL, PENALTY AND FEES OF SUCH PROVISIONS AND OTHER RELATED MATTERS.

**ARTICLE 1
GENERAL PROVISIONS**

1.1 TITLE; LEGISLATIVE INTENT

- A. This Ordinance shall be known, and shall be cited as, “The Rio Arriba County Animal Control Ordinance.” The short title to this Ordinance shall be, “The Animal Control Ordinance.”
- B. It is the intent of the Board of County Commissioners that enactment of this Ordinance will protect animals from neglect and abuse, protect residents from annoyance and injury, promote the health, safety, and welfare of residents and animals, assist in providing control of animals, and finance the functions of licensing, permitting, and recovery of said animals.
- C. It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall not apply to livestock animals or wild animals, except where noted. The Board of County Commissioners recognizes the historic and cultural significance of animal husbandry practices in the County, and does not intend for the provisions of this Ordinance to affect those practices.

1.2 AUTHORITY; APPLICABILITY

- A. This Ordinance is promulgated pursuant to the authority set forth in Art. X of the New Mexico Constitution (1912); N.M.S.A. 1978, Section 3-18-3; N.M.S.A. 1978, Section 4-37-1 et seq.; N.M.S.A. 1978, Section 3-49-1 et seq.; and N.M.S.A. 1978 Section 77-13-10.
- B. This Ordinance applies to all areas within the exterior boundaries of the County that lie outside of (1) the incorporated boundaries of a municipality; (2) any tribal and tribal trust lands owned by Santa Clara Pueblo, Ohkay Owingeh Pueblo, or the Jicarilla Apache Nation; (3) lands owned by the state of New Mexico; and (4) lands owned by the United States, including, but not limited to lands that are managed by the Forest Service and the Bureau of Land Management, unless there is a current memoranda of agreement between

the named jurisdiction and the County authorizing specified County authority or action within that named jurisdiction.

1.3 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and derivations shall have the meaning given herein. "Shall" is always mandatory and not merely directory. The masculine includes the feminine and the singular includes the plural, where appropriate.

"Abandonment" means to desert deliberately and/or to relinquish the supervision or care of an animal.

"Altered animal" means an animal rendered permanently sterile and incapable of reproduction by a licensed veterinarian.

"Animal" means any dog, cat, canine hybrid, or exotic animal. Animal, as used in this ordinance, shall not include livestock animals or wild animals, except as otherwise noted.

"Animal Control Department" means that department of the County, or the County's designated contract agent, or both, which is specifically charged with regulating and enforcing laws dealing with animal control within its jurisdiction.

"Animal Control Officer" or "ACO" means that person duly appointed to the position by the County Manager or Designee.

"Animal shelter" or "shelter" means any pound, lot, premises, kennel or building maintained or utilized by the County for the care and custody of animals.

"Bite" means a puncture or tear of the skin inflicted by the teeth of any animal.

"Cruelty to animals" means negligently mistreating, injuring, killing without lawful jurisdiction, tormenting an animal, or abandoning or failing to provide necessary sustenance to an animal under that persons custody or control as defined in N.M.S.A. 1978, 3-18-1.

"Dangerous animal" means any of the following:

1. Any animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of the animal;
2. An animal which, when unprovoked, injures a person but the injury does not result in muscle tears or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
3. An animal which, because of its poisonous bite or sting, would constitute a significant hazard to the public.

“Canine hybrid” means any animal which because of its partial or pure wolf or pure coyote ancestry, cannot be vaccinated against rabies effectively.

“Commercial kennel” means any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed or trained for a fee. Any commercial kennel whose facilities have the capacity to own or house six (6) or more animals at a given time for a period of twenty-four (24), hours or more shall obtain a professional animal care permit from the Animal Control Department and special use permit and County business license from the Planning and Zoning Department. This definition shall be inclusive of commercial kennels that house animals during the day for a fee, but may or may not house them overnight.

“Livestock” means any of the 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.

“Estray” means any animal which is located outside of its owner’s property boundary. If no one is identified as the animal’s owner, the animal shall be considered estray.

“Exotic animal” means rare or different from ordinary domestic animals and not indigenous to the State of New Mexico, including skunks, llamas, birds of prey, and the offspring or wild animals crossbred with domestic dogs and cats (not including canine hybrids). Exotic animal does not include parrots, toucans, or other tame and domesticated birds that are sold by, or obtained from, a licensed animal dealer.

“Extreme cruelty to animals” means intentionally or maliciously torturing, mutilating, injuring, poisoning, or killing an animal, and shall be punished as a fourth degree felony, as per N.M.S.A. 1978 30-18-1.

“Grooming parlor” means any establishment or premises maintained for the purpose of offering animal cosmetological services for profit. Any grooming parlor whose facilities have the capacity to own or house six (6) or more animals at a given time for a period of twenty-four (24), hours or more shall obtain a professional animal care permit from the Animal Control Department and special use permit and County business license from the Planning and Zoning Department. This definition shall be inclusive of mobile grooming parlors operated out of a motorized vehicle, provided that mobile grooming parlors shall not be required to obtain a special use permit

“Hobby breeder” means person involved in controlled breeding of dogs, cats, or other animals which are registered with a nationally or internationally recognized animal registry organization. Any hobby breeder whose facilities have the capacity to own or house six (6) or more animals at a given time for a period of twenty-four (24), hours or more shall obtain a professional animal care permit from the Animal Control Department.

“Hobby kennel” means any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, groomed or trained for no fee. Any hobby kennel whose facilities have the

capacity to own or house six (6) or more animals at a given time for a period of twenty-four (24), hours or more shall obtain a professional animal care permit from the Animal Control Department.

“Impound” means the act of picking up and confining an animal within a shelter or other facility for the confinement of said animal.

“Kennel” means any establishment or premises where dogs, cats, or other animals are boarded, bred, kept, bought, sold, traded, let for hire, groomed or trained for a fee. See “Commercial Kennel” and “Hobby Kennel.”

“Leash” means any chain, leather strap, or cord sufficient to hold under control the animal attached thereto, and shall be no longer than eight (8) feet, or twelve (12) feet for training purposes.

“Neuter” means to render a male animal permanently sterile and incapable of reproduction.

“Nuisance” means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of the county. Nuisance can also mean the improper disposal of an animal carcass.

“Owner” means a person who owns, has, keeps, harbors, or knowingly permits an animal to remain in, on, or about his premises.

“Pet shop” means any commercial establishment or premises maintained for the purchase, sale, exchange or hire of animals of any type, except that the term shall not include livestock auctions. Any pet shop whose facilities have the capacity to own or house six (6) or more animals at a given time for a period of twenty-four (24), hours or more shall obtain a professional animal care permit from the Animal Control Department and special use permit and County business license from the Planning and Zoning Department.

“Premises” means a parcel of land owned, leased, rented, or controlled by any person, legal or natural and all of the buildings and structures contained within that parcel.

“Quarantine” means to detain or isolate an animal suspected of having a contagious disease.

“Run at large,” means to be free of control beyond an enclosed lot or the premises or vehicle of the owner.

“Spay” means to render a female animal permanently sterile and incapable of reproduction.

“Special use permit” means a land use permit, processed by the Planning and Zoning Department and approved or denied by the Board of County Commissioners, which allows for a specific land use to occur within a property that is not already permitted by right within that area.

“Vaccination” means 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 State of New Mexico Rabies Act of 1959, given in amounts sufficient for one (1) year or three (3) years of immunization.

“Vicious animal” means any animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or corrective or cosmetic surgery) a person or domesticated animal, but it does not include an animal which bites, attacks or injures a person or animal which is unlawfully upon its owner’s premise, or which is provoked.

“Watercourse” means a river, creek, arroyo, canyon, draw or wash or other channel having definite banks and bed with visible evidence of the occasional flow of water.

“Wild animal” means any animal or species that in its natural life is wild, dangerous or ferocious and though it may be trained and domesticated, is yet considered by this Ordinance to be dangerous to others and has the potential to injure or kill a person or other animals. Those animals, however domesticated, shall include but are not limited to:

1. Dog family (Canidae), all except domestic dogs, including wolves, foxes, and coyotes;
2. Cat family (Felidae) all except the commonly accepted domesticated cats, 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, 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 amphibians;
10. Venomous lizards, alligators and crocodiles;
11. Venomous fish and piranha.

ARTICLE 2
ADMINISTRATION OF ORDINANCE

2.1 ANIMAL CONTROL OFFICERS (ACOs)

- A. Rio Arriba County and its designated agents, primarily the Animal Control Officers (ACOs) and the Sherriff’s Deputies, are responsible for the administration of the provisions of this Ordinance.
- B. The enforcement of this Ordinance shall be concerned primarily with the health and safety of the citizens of the County as affected by animals and with the health and safety of animals within the County limits.
- C. All ACOs and designated agents of Rio Arriba County shall carry, and present upon request, County issued identification certifying them as being ACOs or designated agents.

2.2 AUTHORITY OF ACOs

- A. ACOs shall have the authority to issue citations for violations of this Ordinance and state statutes regarding the care and control of animals whenever there is probable cause to believe there exists a violation of this Ordinance and/or animal care and control statutes, and to perform such other duties as prescribed by the County Manager of Rio Arriba County.
- B. ACOs shall have the authority to investigate upon probable cause any alleged violation of this Ordinance or any law of the State of New Mexico which relates to the care, treatment, and control of animals and to the prevention of cruelty to animals.
- C. ACOs are authorized to enter onto and inspect premises and animals thereon within the County as necessary to perform their duties. If the owner or occupant of the premises objects to inspection a warrant shall be obtained from a court of competent jurisdiction prior to inspection, unless there appears to the ACO that probable cause exists of an emergency, or an immediate threat to the health and safety of an animal or human, and such inspection is required.
- D. While an ACO has the right to enter a private premise in the performance of their duties, an ACO shall not enter onto the premises of the known owner 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 ACO or Sheriff's deputy.

2.3 NOTICE

Notices issued under this Ordinance shall be deemed properly served and delivered when either:

- i. the written notice has been personally served;
- ii. or delivered by registered mail to the last known mailing address of the person believed to responsible for the violation;
- iii. or by photographic record of the notice physically posted at the last known physical address of the person believed to responsible for the violation.

2.4 BREAKING INTO AN ENCLOSURE; HINDERING AND ACO

- A. It shall be unlawful for any person to break into or aid, directly or indirectly, in breaking into the enclosure in which any animal is impounded or kept under authority of Rio Arriba County.
- B. It shall be unlawful for any person to hinder or obstruct any registered agent of Rio Arriba County in the discharge of his official duty under the provisions of this Ordinance.

ARTICLE 3
CONTROL AND IMPOUNDING PROCEDURES

3.1 IMPOUNDING ESTRAYS BY PRIVATE INDIVIDUALS; NOTICE REQUIRED; AND REDEEMING OF ANIMAL

- A. No person shall, without knowledge or consent of the owner, hold or retain possession of any animal of which he/she is not the owner, for more than twenty-four (24) hours without first reporting the possession of such animal to an ACO or the Animal Control Department. The report to the Animal Control Department shall contain, at a minimum, the following information:
 - i. The name, address, and contact number of the person who has impounded the animal;
 - ii. a true and complete statement of the circumstances under which the animal was impounded, including the location of where the animal was impounded;
 - iii. a description of the animal and the precise location where such animal is currently confined.
- B. In the event that an ACO cannot be immediately reached, leaving a voice message containing all of the information required by Section 3.1 (A) in the voice mail box of the Animal Control Department, shall satisfy the requirement of Section 3.1 (A) of this Ordinance.
- C. If the owner of the animal cannot be located and notified within three (3) working days, the person who has impounded the animal shall notify an ACO and the animal shall become the property of Rio Arriba County and may be euthanized, impounded for an additional period or adopted out, at the discretion of the Animal Control Department.
- D. If the owner of the animal is identified and notified, they shall have three (3) working days to redeem the animal where the animal is being held. If the animal has not been redeemed by the owner within three (3) working days of receiving notice, the animal shall become the property of Rio Arriba County and may be euthanized, impounded for an additional period or adopted out, at the discretion of the Animal Control Department.

3.2 IMPOUNDING OF ANIMALS BY AN ACO; NOTICE REQUIRED

- A. The ACO may pick up and impound, or cause to be impounded, any stray animal found in the County, and any other animal found in violation of this Ordinance or state statute.
- B. If an impounded stray is wearing a license, or bears other identification tags, the animal shall be confined at an appropriate animal shelter pending notification of the owner or authorized agent, for a period of three (3) working days. The day the stray animal is impounded constitutes day one.
- C. As soon as practicable after the date of impoundment the ACO shall notify the owner of such impoundment, if the owner of such animal is not already so informed. If the owner is not known or if his address cannot be reasonably determined the ACO has no duty to give notice to the owner.
- D. The notice of impoundment shall include the following information:
 - i. Name of impounding ACO;
 - ii. location where animal was impounded;
 - iii. reason for impoundment;
 - iv. all fines assessed;
 - v. location of where the impounded animal is being held;
 - vi. procedure for redeeming the animal;
 - vii. the date and time of when the notice was served.

- E. If an estray is not wearing a license and bears no other identification tags, and it is not possible to discern an owner, the animal shall be impounded at an appropriate animal control shelter for three (3) working days.
- F. Any unidentified estray that has been impounded under the provisions of this ordinance may be adopted out at anytime during impoundment. If the estray has not been claimed within the three (3) working days it shall become the property of Rio Arriba County and may be euthanized, impounded for an additional period or adopted out, at the discretion of the Animal Control Department.

3.3 REDEEMING AN ACO IMPOUNDED ANIMAL; IMPOUNDMENT COSTS

- A. Upon notification by a designated County Agent, an owner or his notarized agent must redeem the animal within twenty-four (24) hours. Any animal not claimed by an owner within twenty-four (24) hours following notification shall become the property of Rio Arriba County and may be euthanized, or adopted out at the discretion of the Animal Control Department.
- B. It shall be the responsibility of an owner to reimburse the shelter for animal boarding, vaccination, emergency veterinary costs, or other expenses incurred by the County or a shelter for any animal legally impounded under the provisions of this Ordinance, prior to redeeming the animal or whether or not the animal is redeemed.
- C. It shall be the responsibility of the owner to pay all citations, penalties, and associated fees assessed by Rio Arriba County or a court of competent jurisdiction prior to the impounded animal being released.

3.4 ALTERATION OF IMPOUNDED ANIMALS

- A. All animals impounded by Rio Arriba County, both those with identified owners and those without, shall be spayed or neutered prior to release at the cost of the animal owner.
- B. If an owner wishes that their animal remain unaltered, they must notify the shelter as soon as they receive notification of impoundment and present the shelter with proof of a valid intact animal permit prior to the animal being released.

3.5 UNWANTED ANIMALS

- A. If you are no longer able to properly care for your animal and cannot keep it, an ACO will pick-up the animal and have it removed.
- B. The owner of the animal will be required to sign a release form abandoning all claims to the animal and there shall be a per animal fee assessed for the service.
- C. All fees related to this provision are listed in Appendix A of this Ordinance.

3.6 IMPOUNDING IN CASES OF ANIMAL CRUELTY; PROTECTIVE CARE

- A. An ACO shall have the authority to immediately impound an animal they believe to have suffered cruelty or may be subject to cruel treatment in the future. The animal may not be returned to the owner unless it is released back to the owner by court of competent jurisdiction.

- B. An ACO shall issue a notice of impoundment to the owner for an animal impounded for reasons of cruelty.
- C. If the animal is released back to the owner, the owner shall still be responsible for all fines and impoundment costs.
- D. When the Animal Control finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of the animal, the ACO may take up the animal for protective care; and, in the event of sickness or injury of the animal, upon the advice of a licensed veterinarian, the director may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal. The animal will be held free of charge for twenty-four (24) hours. If not claimed during that period, daily boarding fees shall be charged.
- E. An ACO shall issue a notice of impoundment to the owner for an animal impounded under protective care.
- F. If an abandoned animal is not claimed within three (3) working days, it shall become the property of Rio Arriba County and may be adopted out or euthanized, as advised by a veterinarian.

3.7 DESTRUCTION OF ANIMALS

- A. If an animal which is impounded under the provisions of this Ordinance is not redeemed within the specified time period, adopted out, or if it is suffering because of sickness, injury or age as certified by the Animal Shelter Board or a licensed euthanasia provider, then it shall be painlessly euthanized under the supervision of a licensed veterinarian by an intravenous or intracardial injection of a dose of barbiturates (sodium pentobarbital), or any other method deemed humane and painless by the Animal Control Department.
- B. Any animal which cannot be brought to an animal shelter because of the inability of an ACO to extricate or capture an animal which is, in the opinion of the ACO, vicious or infected with any dangerous or incurable disease or in any painfully crippled condition, the animal shall be destroyed by shooting by a Public Safety Officer at the direction of the ACO.

ARTICLE 4 **LICENSE AND PERMITS REQUIRED**

4.1 GENERAL; RIGHT TO INSPECT; EXEMPTIONS; FEES

- A. It shall be unlawful for any person to own or harbor any animal, any intact animal, any exotic animal, any guard dog, any canine hybrid, own more than the allowed number of animals, or to operate any professional animal facility, without first obtaining the proper license or permit from the Animal Control Department.
- B. At anytime, prior to the issuance of a license or permit, or subsequent to the issuance of a license or permit, an ACO may inspect the premises of where a licensed or permitted animal is held, or the premise or facility for which a professional animal permit is granted.
- C. Animals belonging to nonresidents who do not keep an animal within County limits for more than thirty (30) consecutive days, or valid zoological parks, veterinary hospitals,

animal shelters, public laboratories, or circuses shall be exempt from the requirements of this Article, Article 4; provided, however, that all the other provisions of this Ordinance must be complied with and the animal shall be kept and cared for in a manner that prevents the animal from escaping or injuring anyone.

D. The fees for all licenses and permits are listed in Appendix A.

4.2 LICENSES FOR CAT AND DOG

- A. Any person owning, possessing or harboring any dog or cat three (3) months of age or over shall obtain a license for such animal.
- B. Licenses shall be obtained from either the Animal Shelter or the Animal Control Department by filling out the appropriate forms and submitting the following information:
 - i. The name and physical address of the animal owner;
 - ii. the physical address of where the animal will be kept if different from above;
 - iii. proof of current rabies vaccination administered by a licensed veterinarian;
 - iv. proof that the animal has been spayed or neutered by a licensed veterinarian;
 - v. a clear photograph or picture of the animal or a written description of the animal to include at a minimum the breed and type of coloring of the animal as well as a description of any prominent or obvious markings or characteristics;
 - vi. a description of where and how the animal was obtained;
 - vii. license fee.
- C. Licenses may be obtained for a period of one (1) year or three (3) years. In the event a tag is lost, replacement tags shall be purchased. Licenses shall be renewed within thirty (30) days of their expiration.
- D. The County strongly encourages resident to purchase microchips for their animals. There shall be a reduced licensing fee for animals with microchips as reflected in Appendix A of this Ordinance.
- E. There shall be a discounted fee licensing fee for the elderly and disabled.
- F. License fees shall not apply to a service animal working under a current prescription from a licensed physician prescribing such animal use.

4.3 INTACT ANIMAL PERMIT

- A. In order to maintain a dog or cat that has not been spayed or neutered, an owner shall obtain an intact animal permit.
- B. An intact animal permit shall be obtained by the animal owner from the Animal Control Department by filling out the appropriate forms and submitting the following information:
 - i. The name and physical address of the animal owner;
 - ii. the physical address where the animal will be kept if different from above;
 - iii. proof of current rabies vaccination administered by a licensed veterinarian;
 - iv. a statement from a licensed veterinarian stating that the animal is unfit for sterilization, where applicable;
 - v. permit fee.

- C. The intact animal permit fee shall be waived for persons owning animals that are found to be physically incapable of reproduction, or medically unfit for sterilization. The owner shall present a veterinarian's letter certifying the medical condition of the animal.
- D. An intact animal permit shall be renewed within thirty (30) days of its expiration.
- E. An intact animal permit shall be revoked without refund of the fee upon the third impoundment of an animal. Upon the third impoundment of an animal, the animal shall be spayed or neutered, unless the animal is determined unfit for sterilization by a licensed veterinarian. The owner shall be responsible for the cost of said procedure.

4.4 EXOTIC ANIMAL PERMIT

- A. No person shall receive, own, or keep an exotic animal within the limits of the County without an exotic animal permit.
- B. An exotic animal permit shall be obtained from the Animal Control Department by filling out the appropriate forms and presenting the following information:
 - i. The name and physical address of the animal owner;
 - ii. the physical address of where the animal will be kept of different from above;
 - iii. a description of the physical space and manner in which the animal is to be kept. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animal involved;
 - iv. a clear photograph or picture of the animal or a written description of the animal to include at a minimum the breed and type of coloring of the animal as well as a description of any prominent or obvious markings or characteristics;
 - v. a description of where and how the animal was obtained;
 - vi. A veterinarian statement declaring that the animal has had all applicable vaccinations and describing the age and health of the animal;
 - vii. permit fee.
- C. An exotic animal permit shall be renewed within thirty (30) days of its expiration.

4.5 GUARD DOG PERMIT

- A. No person shall use a guard dog without a guard dog permit. A person who obtains a guard dog permit for their animal shall also obtain a County animal license for that animal.
- B. A person shall obtain a guard dog permit by filling out the appropriate forms and submitting the following information to the Animal Control Department:
 - i. Name and address of the property owner where the guard dog will be used;
 - ii. name and address of the guard dog's owner if different from above;
 - iii. a description of the physical space and manner in which the guard dog is to be kept;
 - iv. proof that the dog has been implanted with an active microchip that contains current and accurate information about the animal and the owner;
 - v. permit fee.
- C. A guard dog permit shall be renewed within thirty (30) days of its expiration.

4.6 CANINE HYBRID PERMIT

- A. No Person shall possess a canine hybrid without a valid canine hybrid permit.
- B. A canine hybrid permit shall be obtained from the Animal Control Department by filling out the appropriate forms and submitting the following information:
 - i. The name and physical address of the owner;
 - ii. the physical address of where the animal will be kept if different from above;
 - iii. a description of the physical space and manner in which the animal is to be kept demonstrating how the owner will comply with the standards of Section 5.4 of this Ordinance;
 - iv. a clear photograph or picture of the animal and a written description of the animal to include at a minimum the breed and type of coloring of the animal as well as a description of any prominent or obvious markings or characteristics;
 - v. a description of where and how the animal was obtained;
 - vi. A veterinarian statement declaring that the animal has had all applicable vaccinations and describing the age and health of the animal;
 - vii. permit fee.
- C. A canine hybrid permit is valid for one year and must be applied for annually within thirty (30) days of its expiration.

4.7 PROFESSIONAL ANIMAL CARE PERMIT

- A. Any person wishing to own or operate a premises, that has the capacity to house more than six (6) animals for a period of twenty-four (24) hours or more, whether it be for the purpose of a commercial kennel, hobby kennel, grooming parlor, or pet shop, shall obtain a professional animal care permit from the Animal Control Department.
- B. Any person obtaining a professional animal care permit for the purposes of operating a for-profit business shall also be required to obtain a special use permit and a County Business License from the Planning and Zoning Department.
- C. This provision does not apply to zoos, veterinary establishments or rescue or animal shelters, or any other animal related facilities with at least one (1) full-time, licensed veterinarian on staff.
- D. A professional animal care permit shall be obtained from the Animal Control Department by filling out the appropriate forms and submitting the following information:
 - i. Name of the owner of the premise;
 - ii. physical address of the premise;
 - iii. name and contact information of the manager of the facility if different from the owner;
 - iv. a project narrative including at a minimum, a description of the activities to be performed at the facility, the living conditions that animals will be provided with, the operating hours of the facility. The narrative should also reflect that the owner has adequate knowledge and resources to care for the animals in accordance with the standards of this Ordinance;
 - v. permit fee.
- E. No professional animal care permit shall be issued prior to having the premise inspected by an ACO.

- F. Professional animal care permits shall be renewed within thirty (30) days of their expiration. Renewal of a professional animal care permit shall not be granted unless the premise has been re-inspected by an ACO.

ARTICLE 5
STANDARDS FOR LICENSE AND PERMIT HOLDERS

5.1 REQUIREMENT TO NOTIFY OF CHANGE

It shall be the responsibility of the license or permit holder to notify, in writing, the Animal Control Department about any changes of circumstance or information that differs from the information listed on the original license or permit within thirty (30) days of the information changing.

5.2 STANDARDS FOR ANIMAL LICENSES

A current license tag shall be affixed to the licensed dog or cat at all times in a reasonable manner, unless the licensed dog or cat is being kept in an approved kennel, veterinary hospital, grooming parlor, is appearing in an approved show or is being trained; provided, that the person who is training the dog or cat shall have in his personal possession the valid license tag for each dog or cat and shall immediately display such upon request by a designated County agent.

5.2 STANDARDS FOR WILD OR EXOTIC ANIMALS PERMITS

- A. No person shall keep an animal of a species prohibited or protected by Title 50, Code of Federal Regulations, or by the State of New Mexico, N.M.S.A. 1978 17-3-22, as amended.
- B. No person shall keep an animal which is wild, vicious dangerous, noxious, or naturally inclined to do harm, except in a zoological park, veterinary hospital, animal shelter, public laboratory, circus, amusement show, or educational facility, for which adequate protection devices shall be provided to prevent any animals from escaping or injuring the public.
- C. Any provisions of this Ordinance to the contrary notwithstanding, no person shall keep an exotic animal in such a manner as to constitute a likelihood of harm to the animal or other animals, to human beings, to the property of human beings, or which constitutes a public or private nuisance.

5.3 STANDARDS FOR GUARD DOG PERMITS

- A. All guard dogs shall be implanted with a microchip that contains the current contact information of the owner.
- B. 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.
- C. If chained, the animal must be located within 10 feet of the entrance of the building to be guarded and chained in such manner as set forth in Sections 6.5.

- D. The owner of the guard dog shall post, at a minimum, four (4) warning signs prominently on all sides of the premises and on the entryway to the premises, stating that a guard dog is on the premises. The warning signs shall be at least twelve inches by twelve inches (12" x 12") and shall read "GUARD DOG."

5.4 STANDARDS FOR CANINE HYBRID PERMITS

- A. Animals must be kept in an enclosure that completely and effectively confines the canine hybrid to the owner's property. Enclosures must provide a minimum livable area of 400 (four hundred) square feet for up to two animals and an additional 100 (one hundred) square feet per animal for each additional hybrid.
- B. It shall be unlawful for any person to feed live animals or raw meat to a canine hybrid. Prepared commercial dog foods, or a diet prescribed by a licensed veterinarian, shall be the only acceptable form of canine hybrid feeding.
- C. It shall be unlawful to sell, purchase, offer for sale, or advertise for sale any animal represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

5.5 STANDARDS FOR PROFESSIONAL ANIMAL CARE PERMITS

- A. Facilities must maintain humane conditions of shelter, food, water and sanitary standards in accordance with national professional standards in order to prevent the spread of noxious or offensive odors and disease.
- B. Animal enclosures must be provided which allow adequate protection against all weather extremes.
- C. Floors of buildings, runs and walls must be constructed with an impervious material to permit proper cleaning and disinfecting.
- D. Building temperatures shall be maintained at a comfortable level. Adequate ventilation and adequate lighting shall be maintained at all times.
- E. Each animal shall have sufficient space to stand up, lie down and turn around without touching the sides or tops of cages.
- F. Cages are to be of material construction that permits adequate cleaning and sanitizing.
- G. Cages are to be of an impervious, washable material, and shall have a resting board or some kind of bedding.
- H. All animal quarters and rooms are to be kept clean, dry and in a sanitary condition.
- I. Animal food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition, age, and size of the animal.
- J. All animals shall have fresh, potable water at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and be of a removable type.
- K. Waste disposal shall be done in accordance with nationally recognized professional standards in order to prevent the spread of noxious or offensive odors and disease.

ARTICLE 6 **OWNER'S DUTIES GENERAL**

6.1 GENERAL

Any person within Rio Arriba County who owns an animal shall comply with all of the provisions of this Article. Failure to comply with the Sections of this Article shall constitute a violation of this Ordinance and may result in a citation and related fines and penalties as listed in Appendix A.

6.2 RABIES VACCINATION

- A. It is the duty of all persons owning or keeping a dog, cat, ferret, over the age of three (3) months to have such animals vaccinated against rabies unless the pet owner obtains written verification from a licensed veterinarian that the animal should not be vaccinated for health reasons. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one (1) or three (3) years and shall be administered by a licensed veterinarian.
- B. A certificate from a licensed veterinarian shall be evidence of vaccination.
- C. The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination, and the expiration date of the period of immunity.
- D. It is unlawful for the owner or keeper of any dog, cat or ferret to fail to exhibit its certificate of vaccination upon demand by an ACO.

6.3 RABID ANIMAL

An animal that has rabies or shows signs of having rabies and every animal bitten by another animal afflicted with rabies, or that has been exposed to rabies, shall be confined at once in a secure place by the owner. A person who knows or who has reason to know that an animal is infected with rabies or has been exposed to rabies shall, immediately upon learning of the infection, notify the animal control and the state health and environment department as to the place where the animal is confined and shall surrender the animal to an ACO upon demand. The animal services center shall then attend to the rabid animal pursuant to state laws N.M.S.A. 1978, § 77-1-6 and § 77-1-10

6.4 ANIMAL BITING A PERSON

- A. The owner of an animal that bites a person and the person bitten by an animal shall both report the occurrence to an ACO within twenty-four (24) hours of the occurrence having taken place. The owner of an animal that bites a person shall surrender said animal to an ACO to impound said animal for a period of observation deemed reasonably necessary by the ACO. At the ACOs discretion, a vaccinated animal may be confined on its owner's premises during this time of observation, under a home quarantine agreement which shall be obtained from an ACO and signed by both the owner and the ACO. The premises where the home confinement is to occur shall be inspected and approved for such purposes by the ACO A person who has custody of an animal that has bitten a

person shall immediately notify the ACO if the animal shows signs of sickness, or abnormal behavior.

- B. The owner of the animal shall bear the cost of impoundment if the animal is impounded by an ACO.
- C. A physician who renders treatment to a person bitten by an animal shall report the fact that they have rendered such treatment to an ACO within twenty-four (24) hours of his first professional attendance to the bite wound. The physician shall report the name, sex, and address of the person bitten as well as the type and location of the bite. The physician shall give the name and address of the owner or the animal that inflicted the bite, if known, and other facts that may assist the ACO in ascertaining the immunization status of the animal.
- D. An animal that has been impounded for biting a person shall be redeemed in accordance with Section 3.3 of this Ordinance once the ACO has determined that the animal no longer needs to be under observation.

6.5 RESTRAINTS OF ANIMALS

- A. Dogs kept on property within one thousand (1,000) feet of a school church, or other public gathering place shall be restrained in such a manner as to secure the dog, such as a rope, chain, cable, kennel, invisible fencing, or inescapable walled or fenced area. Voice command is not an acceptable form of restraint. The dog shall be restrained in such a way as to prevent the dog from reaching outside the perimeter of the property.
- B. A rope, chain, or other device may be used to restrain an dog upon the owner's property, provided the following criteria are met:
 - i. The device shall be affixed to the dog by use of a non-abrasive, comfortably fitted collar or harness;
 - ii. the device shall be at least twelve feet (12') long unless such length would allow the dog to reach outside the owner's property, in which case it shall be no less than eight feet (8') long. The device shall be fastened so the dog can sit, walk and lie down comfortably and shall be unobstructed by objects that may cause the device or dog to become entangled or strangled;
 - iii. the dog shall have easy access to adequate shade, shelter, food and potable water;
 - iv. the area where the dog is confined shall be kept free of garbage, insect or rodent infestations, feces, and other debris that might endanger the dog's health or safety.
- C. When a dog is off its owner's premises, it must be under leash. The owner of a dog shall not allow it to run at large or create a nuisance on another's property, be it public or private, including entering onto lawns, driveways, walkways, places of recreation, or amusement parks. Voice command is not an acceptable form of restraint.
- D. Animals shall not be carried in or upon any vehicle in a cruel, inhumane or unsafe manner. An animal carried in the bed of a truck shall be crated or restrained upon a non-metal mat so it cannot fall or jump from the truck or be strangled.

6.6 SPAY AND NEUTER

- A. No person shall own or harbor within the County boundaries any dog or cat over the age of six (6) months that has not been spayed or neutered unless that person obtains an intact animal permit from the Animal Control Department.
- B. Proof of alteration, if not apparent upon visual inspection, may be made by certificate or receipt from a licensed veterinarian.

6.7 CONFINEMENT OF FEMALE DOGS AND CATS IN MATING SEASON

- A. Any person in ownership or control of a female dog or cat in mating season must have a valid intact animal permit for the animal and shall confine such animal so as to prevent other dogs or cats from attacking or being attracted to such female animal, except for intentional breeding purposes.
- B. It shall be unlawful to maintain a dog or cat in mating season in manner that creates a public nuisance.

ARTICLE 7
PROHIBITED ACTIVITIES

7.1 GENERAL

All persons within Rio Arriba County must comply with the following provisions of this Article, Article 7, of this Ordinance. Any person found in violation the following provisions may be issued a citation and are subject to the fines and penalties set forth in Appendix A and Section 11.1 of this Ordinance.

7.2 NUMBER OF DOGS AND CATS ALLOWED

It shall be unlawful for any person to keep, harbor, possess, maintain or allow to be kept, harbored, possessed or maintained more than four (4) spayed or neutered dogs or four (4) spayed or neutered cats or a combination of such animals with the total number not exceeding six (6), over three (3) months old, upon or within any premises owned, occupied or under the control of such person within the County.

7.3 ANIMALS RUNNING AT LARGE

It is unlawful for any owner to allow or permit any animals to run at large. All animals must be restrained in accordance with Section 6.5 of this Ordinance.

7.4 ANIMALS LEFT IN VEHICLES

- A. It is unlawful for any person leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal.
- B. During hot weather conditions, an ACO or Sheriff's deputy may immediately remove an animal from a vehicle and take it into protective custody. The cost of protective custody impoundment will be assessed to the owner.

7.5 VICIOUS ANIMALS, DANGEROUS ANIMALS

- A. No person shall keep or harbor a vicious animal. An animal deemed vicious by a court of competent jurisdiction shall be surrendered to the Animal Control Department for humane euthanization or the owner shall provide acceptable proof to the Animal Control Department that the animal has been euthanized.
- B. No person shall keep or harbor a dangerous animal in a manner that constitutes a threat to a person or other domesticated animal. An animal deemed dangerous by a court of competent jurisdiction shall be muzzled, on a leash no longer than three (3) feet, and under the immediate physical control of the owner or person having custody whenever the animal is not on the premises of the owner or person having custody. If an animal is found to be dangerous and the owner or person having custody of the animal has been found to not be in compliance with this Section, then the animal may be deemed vicious by a court of competent jurisdiction.
- C. Any person attacked by a dangerous or vicious animal may use reasonable force to repel the attack.

7.6 ANIMALS KILLING LIVESTOCK

- A. It shall be unlawful for any dog or animal to injure or kill livestock. The owner of an animal that has injured or killed livestock may be liable for the cost of those damages.
- B. If a dog or animal is actively attacking livestock and located outside its owner's legal premise, the owner or caretaker of the livestock may shoot or fend off the attacking dog or animal. It shall be unlawful to shoot or physically injure a dog or animal that is not actively attacking livestock even if it is located outside of its owner's legal premise.

7.7 ANIMALS DISTURBING THE PEACE

It is unlawful for anyone to own, keep, or harbor any animal which habitually howls, yelps, whines, barks or makes other noises in a manner which tends to disturb the public peace unreasonably.

7.8 ANIMAL NUISANCES ON SIDEWALKS, PUBLIC PARKS, ALLEYS, AND OTHER PLACES OPEN TO THE PUBLIC

- A. It is unlawful for the owner of any animal to permit either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon the floor or wall or any common wall or any common hall in any multiple dwelling, entryway, stairway, or wall immediately abutting on a public sidewalk; or upon the floor or wall of any theater, shop, store, office building, or other building used in common by the public; or upon any private property other than that of the animal owner.
- B. If an animal defecates in a public place the owner must remove the feces and dispose of it in a sanitary manner.

7.9 UNLAWFUL USE OF LICENSE TAG

- A. It is unlawful for any person to remove any license tag from an animal and attach it to another animal.
- B. It shall be unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit, or forged animal license tag, rabies vaccination certificate, license, or permit as required under this Ordinance.

7.10 ANIMALS TRAINED TO ASSIST THE HANDICAPPED ALLOWED IN PUBLIC PLACES

Animals trained to assist the handicapped, including blind or deaf persons, shall be allowed in public places and it shall be unlawful for any person who owns, operates, or maintains any public place of business or conveyance into which the general public is invited, to debar or exclude there, any animal which has been trained to assist the handicapped, provided such animal, accompanies the handicapped person it was trained to assist.

7.11 ANIMAL FIGHTING

- A. This Section shall also apply to livestock.
- B. It is unlawful for a person to promote, stage, hold, manage, conduct, carry on, or attend any game, contest, or exhibition in which one or more animals are engaged for the purpose injuring, killing, maiming or destroying themselves or another animal.
- C. It is unlawful for any person to advertise, offer to sell, or to transit any animal represented to be a fighting animal.
- D. It is unlawful for any person to train, equip, or sponsor an animal for the purpose of fighting. Use of equipment designed to train or encourage an animal to fight with another animal is prima facie evidence of a violation of this Section.
- E. Nothing in this Section shall prevent a person from engaging in legal hunting activities as permitted and authorized by state wildlife authorities.

7.12 MOLESTING ANIMALS

It is unlawful for any person to tease, annoy, disturb or molest any animal.

7.13 ANIMAL CRUELTY

- C. It is unlawful for a person to negligently, recklessly, willfully, or maliciously kill, maim, disfigure, or torture; beat with a bat, chain, club or other object; mutilate, burn, or scald with any substance, overwork, torment, harass or otherwise cruelly set upon any animal, except that reasonable force may be used to drive off vicious, dangerous or trespassing animals.
- D. It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary or emergency medical care, maintain an animal in an enclosed environment without adequate provisions to prevent pain or suffering, and perform procedures such as ear-cropping, de-barking, tail docking on an animal, or otherwise endanger an animal's

well-being. Procedures completed by a licensed veterinarian in accordance to their standard practices shall not be considered cruelty.

7.14 ABANDONMENT

It is unlawful for any person having charge, custody or ownership of an animal to abandon the animal. All animals which are unwanted and to be abandoned may be turned over to the Animal Control Department or the animal shelter for adoption. Please see Section 3.5 of this Ordinance for Animal Control Department Services relating to unwanted animals.

7.15 CARE AND MAINTENANCE

- A. It is unlawful for any owner of an animal to fail, refuse, or neglect to provide said animal with proper and adequate food, drink, shade, shelter and ventilation.
- B. Any animal habitually kept outside shall be provided, by its owner, with a structurally sound, weatherproof enclosure large enough to accommodate the animal in a manner suitable for that species, or other shelters suitable to the species.
- C. An owner must keep the premises where an animal is kept free of garbage, hazardous materials, feces, insect infestation, and other debris, which may endanger the animal's health and safety.
- D. An owner must provide an injured or sick animal with adequate veterinary care so as to reduce its suffering.

7.16 INJURY TO ANIMAL BY MOTORISTS

- A. Every operator of a motor vehicle or other self propelled vehicle upon the streets and ways of the County shall immediately upon hitting, striking, maiming, or running down any animal, give aid as is reasonable to render. In the absence of the owner, said operator shall immediately notify an ACO, furnishing sufficient facts relative to the incident, such as, but not limited to:
 - i. the location of the injury;
 - ii. type of animal injured;
 - iii. and name, address, and contact of the motorist striking the animal.
- B. It is the duty of such operator to remain at or near the scene for a reasonable length of time or until such time as the appropriate authorities arrive, unless permission is granted from those authorities to leave the scene after providing his name, address, and other relevant information as requested by the appropriate authorities.
- C. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a licensed veterinarian or to an animal control shelter and notifying an ACO
- D. Any animal struck by a motor vehicle may be impounded and taken into protective care by an ACO for the purposes of rendering emergency veterinary treatment or for the purposes of identifying and notifying the owner. The owner shall be responsible for the costs incurred with impounding the animal and taking it into protective care.
- E. Emergency vehicles in the course of emergency duty are excluded from this provision with the exception of reporting the incident.

- F. The ACO is not responsible for the pick up or disposal of cats or dogs, livestock, wild animals, or any animal killed on interstate highways, state, or county roads. To report a dead animal located on a state maintained road, residents should contact the New Mexico Department of Transportation. To report a dead animal located on a Rio Arriba County road, residents should contact the Rio Arriba Public Works Department.
- G. It shall be the responsibility of the owner, or person responsible for the maintenance of a private drive or road, to remove animal carcasses from private drives and roads.

7.17 KEEPING OF DISEASED OR PAINFULLY CRIPPLED ANIMALS

- A. It is unlawful for any person to have, keep, or harbor any animal which is afflicted with any incurable or infectious disease or is in any painfully crippling condition, except as hereinafter provided.
- B. The ACO may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be euthanized humanely as soon as practicable.
- C. In the case of euthanization of such animal, the ACO shall serve a written notice to the owner of such action. This Section shall not be construed to include animals receiving veterinary care.

7.18 DEAD ANIMALS

- A. Within twenty-four (24) hours of death of an animal, the owner shall dispose of the carcass by burial at least three (3) feet underground in a suitable location, or by other means approved by an ACO.
- B. It shall be unlawful to bury an animal within three hundred (300) feet of the high water mark of a watercourse or domestic water well.

7.19 BIRDS

- A. It is unlawful for any person to confine any bird unless provisions are made for the proper feeding and the furnishing of water to such bird at intervals not longer than forty-eight (48) hours.
- B. No person shall confine any bird in a crate, box, or other enclosure which does not permit each bird confined therein to stand in a naturally erect position.

ARTICLE 8 **FILING OF COMPLAINTS**

8.1 WRITTEN COMPLAINT REQUIREMENT

- A. Any person wishing to report a violation of this Ordinance shall submit a written complaint form to the Animal Control Department. Written complaint forms can be obtained from an ACO.
- B. For any alleged violations of this Ordinance an ACO may require, before further action or investigation, a written complaint form be submitted.

- C. A written complaint shall contain the following information:
 - i. Name and contact information of person filing the complaint;
 - ii. date, time, and location of where violation is said to have occurred;
 - iii. description of the nature of the violation including a description of the animal involved in the violation;
 - iv. any other information or evidence, such as photographs, that are relevant to the complaint.
- D. Once the written complaint is filed, the ACO will determine what further action is required.
- E. It is unlawful for any person to make a false report to an ACO regarding any animal in danger or stray or regarding any supposed violation of this Ordinance.

ARTICLE 9
DENIAL AND REVOCATION OF PERMITS; APPEALS

9.1 DENIAL OF PERMIT

- A. If an application for a specific permit, as provided for in this Ordinance, is denied because the application does not sufficiently meet the permit standards and requirements as required by this Ordinance, the applicant shall be provided with a written notice of denial outlining specifically why the application does not meet the standards and requirements of the Ordinance.
- B. The applicant shall have thirty (30) days from the date provided on the written notice of denial to address the concerns listed in the written notice of denial and submit an amended permit application for re-consideration.
- C. If an amended permit is not submitted within the thirty (30) day period, the applicant shall be required to submit a new permit application.
- D. If an application is denied, or if the applicant fails to submit the required materials within the given time frame, the application fee shall not be refunded.

9.2 INSPECTION; NOTICE OF VIOLATION; REVOCATION OF PERMITS

- A. Permits issued in accordance with this Ordinance may be revoked for failure of the holder to comply with any and all provisions of this Ordinance, or any other applicable laws or regulations.
- B. If a permit holder is suspected to be in violation of this Ordinance, an ACO shall complete an inspection of the premise and an inspection report. If, upon inspection, a violation of the Ordinance is discovered the ACO shall serve a written notice of violation to the permit holder. The notice shall include, at a minimum, the following information:
 - i. A description of the specific violation committed;
 - ii. a specific and reasonable time period in which the violation may be corrected;
 - iii. a statement that a failure to comply with the standards of the Ordinance within the given time period may result in a revocation of the permit;
- C. If upon inspection, the ACO determines that there is an immediate threat to the animals being held on the premise or to the public health and welfare, the license or permit may

be immediately revoked, the animals may be impounded by the ACO, and the owner or operator of the premise may be issued a citation.

- D. If the owner fails to comply with the standards of this Ordinance within the given time period stated on the notice of violation, the ACO shall revoke the owner's permit and shall serve the owner with a notice of revocation, unless the owner provides the Animal Control Department, prior to the expiration of the given time period, a written request for an extension of that time period. The written request shall include a justification for the request.
- E. In cases where permits are revoked, all animals received, purchased, owned, or kept under the authority of the permit shall be surrendered to the ACO for impoundment. If the cited violations are not corrected within the timeframe designated by the ACO, the animals shall become the property of Rio Arriba County and may be adopted out, may be euthanized, or impounded for an additional period, at the discretion of the Animal Control Department.
- F. The holder of the professional animal permit shall be responsible for all impoundment fees associated with the impounding of animals due to a violation of this Ordinance.

9.3 APPEAL PROCEDURES FOR DENIED OR REVOKED PERMITS

- A. A person whose application for a permit has been denied, or a current permit holder who has their permit revoked may submit to the Animal Control Department, a written request for an appeal hearing in front of the County Manager or designated hearing officer.
- B. The written request must be received by the Animal Control Department within five (5) days of receipt of notice of decision from the County and must include, at a minimum, the name of the person requesting the appeal hearing and the reason for the hearing.
- C. The Animal Control Department shall schedule the hearing within a reasonable time frame from the date of receipt of the request for an appeal hearing. The appeal hearing shall afford the applicant the basic safeguards of due process.

ARTICLE 10

PENALTY; SEVERABILITY; EFFECTIVE DATE

10.1 PENALTIES

- A. Fees for citations issued for a violation of this Ordinance shall be listed in Appendix A.
- B. Except as otherwise provided, a person convicted of a violation of this Ordinance shall be guilty of a misdemeanor and may be punished by a fine not exceeding \$300.00, imprisonment for a term not exceeding ninety (90) days, or by both such fine and imprisonment.
- C. A person convicted of extreme animal cruelty, as defined in this Ordinance and by N.M.S.A 1978, 3-18-1, shall be guilty of a fourth degree felony and may be punished by a fine not exceeding \$5,000.00, imprisonment for a term not exceeding eighteen (18) months, or by both such fine and imprisonment.
- D. Notwithstanding any of the stated penalties, in the event any animal damages property, whether public or private, or causes injury to any person or animal, and such damage or injury is found to have been an element of the violation of any provision of this

Ordinance, a court of competent jurisdiction may require the defendant to make restitution within a reasonable time, to the victim of said damage or injury.

10.2 SEVERABILITY

If any of these 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.

10.3 EFFECTIVE DATE

As necessary to protect the public health, safety, and welfare, this Ordinance shall take effect immediately upon recordation by the County Clerk.

FINAL DRAFT

APPENDIX A: FEE SCHEDULE

LICENSES AND PERMITS			
	1 year	3 year	
Animal License (Without microchip)	\$10	\$25	
Animal License (with microchip)	\$5	\$15	
Intact Animal Permit	\$60	N/A	
Exotic Animal Permit	\$10	\$30	
Guard Dog Permit	\$10	\$30	
Canine Hybrid Permit	\$100	N/A	
Professional Animal Care Permit	\$50	N/A	
CITATIONS AND FEES			
	1st Citation	2nd Citation	3rd Citation
Citations	\$50	\$100	\$200
Animal pick-up fee	\$25/per animal		
Animal pick-up fee (Elderly/Disabled)	\$10/per animal		
Euthanasia fee	\$25/per animal		
Dog trap replacement fee	\$250		
Cat trap replacement fee	\$65		

**REVIEWED, APPROVED, AND ADOPTED THIS ___ DAY OF _____,
2010, BY THE RIO ARRIBA BOARD OF COUNTY COMMISSIONERS:**

**ELIAS CORIZ
DISTRICT I COMMISSIONER**

**ALFREDO MONTOYA
DISTRICT II COMMISSIONER**

**FELIPE MARTINEZ
DISTRICT III COMMISSIONER**

ATTEST:

MOISES A. MORALES, JR., RIO ARRIBA COUNTY CLERK

CERTIFICATE OF FILING

I, MOISES A. MORALES, JR., County Clerk, do hereby certify that the foregoing ordinance designated as Ordinance 2010-02 was filed in my office on the _____ day of _____ 2010 in Book Number _____ Pages _____

MOISES A. MORALES, JR., COUNTY CLERK