

ARTICLE I. GENERAL PROVISIONS

Secs. 6-1--6-29. Reserved.

Sec. 6-30. Short title and legislative intent.

(a) This chapter shall be known and may be cited as the "Bernalillo County Animal Control Ordinance."

(b) It is the intent of the board of county commissioners that enactment of this chapter will protect animals from neglect and abuse, will protect residents from annoyance and injury, will encourage responsible ownership of animals as pets, will assist in providing housing for animals in a control center and will partially finance the animal control and protection department's functions of housing, licensing, enforcement and recovery. It is the intent of the board of county commissioners to organize and utilize advisory groups to assist with improving public awareness about subjects pertaining to the enactment of this chapter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-31. Definitions.

For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Abandon means to leave an animal for more than 24 hours without making effective provisions for its proper feeding and care.

Animal means any vertebrate member of the animal kingdom except humans.

Animal control and protection department means the staff, facility, programs, pound, lot, premises, and buildings maintained by the county for the implementation of the control and care of animals.

Animal control officer means a Bernalillo County Animal Control and Protection officer or supervisor.

Animal Fighting Paraphernalia includes equipment that any reasonable person would ascertain is used for animal fighting purposes which include, but is not limited to (1) instruments designed to be attached to the leg of a bird, such as a boxing gloves, knife, gaff, or other sharp instrument, (2) items to train and condition dogs to fight including, but not limited to, hides or other material used as hanging devices to strengthen and/or condition dogs, wooden sticks or handles used to pry open dog's jaws, performance enhancing drugs or substances, or food or water additives, and (3) the presence of any animal that appears to be a fighting animal alone or together with animals suspected of being used as bait animals including but not limited to rabbits, cats, and other dogs.

Bait Animal is an animal used to train and/or condition other animals to fight and includes but is not limited to dogs, cats, and rabbits exposed to attack by other animals used or trained to be used in fighting or to make the attacking animal more confident and aggressive.

Bite means an actual puncture or tear of the skin inflicted by the teeth of an animal.

Breeding means permitting, either intentionally or unintentionally, a female dog or cat to produce offspring.

Canine hybrid means

- (1) Any canine which has or had a pure wolf or pure coyote as a parent or grandparent; or
- (2) An animal represented by its owner to an animal control officer, law enforcement officer, or to a veterinarian to be the offspring, cross, mix, or hybrid of a wolf or coyote within the preceding two generations; or
- (3) Any animal which, because of its pure wolf or pure coyote ancestry, cannot be vaccinated against rabies.

Confinement means detention or isolation of an animal.

County means the area within the jurisdictional boundaries of the County of Bernalillo, including privately owned land, excluding the area within the limits of any incorporated municipality or within the jurisdiction of the United States Government or the State of New Mexico.

County Manager means the County Manager of Bernalillo County or his or her designated representative(s).

Dangerous animal means any of the following:

- (1) An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or another animal which is off the property of the owner of the animal in question; or
- (2) An animal which, when unprovoked, injures a person in a manner which does not result in muscle tears or disfiguring lacerations, or require extensive corrective or cosmetic surgery; or
- (3) An animal which, because of its poisonous sting or bite, would constitute a significant hazard to the public.

Director means the Director of the Animal Control and Protection Department of Bernalillo County.

Enclosed means a parcel of land completely surrounded at the perimeter by a wall or fence of sufficient height and strength to contain animals within, or by an electric or invisible fencing that has been approved by the county manager or his designee.

Establishment means a place of business together with its grounds and equipment.

Grooming parlor means an establishment or part thereof maintained for the purposes of performing cosmetological services for animals.

Guard dog means a dog that is used to protect a commercial property, but excludes a dog used exclusively to guard livestock.

Hobby breeder site means a non-commercial animal facility or premises operated by a person involved in controlled breeding of dogs or cats which are registered with a recognized registry organization, or which are a member of a breed which is not eligible to be registered, if that breed has been approved by the county manager or his designee. The resultant offspring are not sold for resale to commercial outlets or for the purpose of research, testing, or laboratory experimentation.

Household means the collection of individuals, related or not, who reside at one street address.

Kennel means a commercial establishment operating for intended profit where dogs or cats are boarded, kept, or maintained; or sold or bred for either resale to commercial outlets or for the purposes of research, testing, or laboratory experimentation.

Kennel area a secure space within which an animal is confined.

Licensed veterinarian means an individual with a doctor of veterinary medicine degree who is licensed to practice in the state.

Livestock means horses, cattle, pigs, sheep, goats, rabbits, fowl, or any other domestic animals typically used in the production of food, fiber, or other products or activities defined by the county manager or his designee as agricultural.

Multiple animal site means a non-commercial animal facility or premises where more than six dogs, or cats, or any combination thereof, over three months of age are kept or maintained, and where the animals are not bred or sold for resale to commercial outlets, nor for the purpose of testing, research, or laboratory experimentation. All animals, ~~except show animals,~~ at a multiple animal site must be spayed or neutered.

Owner means a person 18 years of age or older or the parent or guardian of a person under 18 years of age who owns, harbors, keeps an animal, has one in his care, or permits an animal to remain on or about the premises owned or controlled by him.

Person means an individual, household, firm, partnership, corporation, company, society, association or legal entity, and every officer, agent or employee thereof.

Pet shop means any premises, or part thereof, open to the public which engages in the purchase, sale, exchange or hire of animals of any type, except the term shall not apply to premises used exclusively for the sale of livestock.

Premises means a parcel of land and the structures thereon.

Professional animal establishment means any kennel, grooming parlor, or pet shops, with the exception of state inspected veterinary hospitals and federally inspected laboratory facilities and zoos.

Qualified assistance animal means

- (1) A dog trained or being trained by a recognized school for training dogs to assist persons with disabilities; or
- (2) An animal recognized as a service animal pursuant to the Americans with Disabilities Act of 1990; or
- (3) Any other animal approved by the governor's committee on concerns of the handicapped as acceptable in public places and trained to provide some special assistance to a person with a disability.

Quarantine means detention or isolation of an animal in order to observe for rabies.

Shelter means a non-profit animal facility operated by a municipality or member of a recognized animal humane association for the purpose of bringing aid and comfort to five or more dogs or cats, and where animals are not bred.

Show animal means a dog or cat, not used for breeding, which is registered with a recognized registry organization, or is a member of a breed which is not eligible to be registered if that breed has been approved by the county manager or his designee, and which is involved in controlled animal showing.

Sterilized means to be rendered permanently incapable of reproduction.

Stray means an animal found running at large.

To run or running at large means any animal free from physical restraint beyond the boundaries of the owner's premises.

Vaccination means protection provided against rabies by inoculation with a vaccine as required by § 77-1-3 NMSA 1978 (1993 Repl.).

Vicious animal means an animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, or extensive corrective or cosmetic surgery) a person or domesticated animal.

Vicious animal does not include an animal which bites, attacks or injures a person or animal that is unlawfully upon

its owner's premise. The provocation of an animal by a person is an affirmative defense to a charge of keeping or harboring a vicious animal. ~~or which is provoked~~
(Ord. No. 99-4, 4-6-99)

Cross references: Definitions generally, §1-2.

ARTICLE II. ADMINISTRATION

Sec. 6-32. Rules and regulations.

Reasonable rules and regulations may be prescribed by the county manager to carry out the intent and purpose of this chapter, pursuant to standards created by this chapter. The county manager may delegate his powers to the director as he may deem expedient. The director may delegate such powers to the duly appointed animal control officers as he may deem expedient. An animal control officer shall wear a uniform and shall carry appropriate identification. Identification is to be surrendered to the County upon cessation of employment.

(Ord. No. 99-4, 4-6-99)

Sec. 6-33. Procedures for complaints.

A complaint alleging any violation of this chapter may be filed with the animal control and protection department by a person who has personal knowledge of such violation and who can identify the owner of the animal involved or the premises where the animal is located. The county manager may require the complainant to provide his name and address and swear to and affirm the complaint.

It [APJ6] is unlawful for any person to intentionally make a report to the County Manager or designee, which that person knows to be false at the time of making it, alleging a violation by another person of any violation of the Bernalillo County Animal Control Ordinance.

(Ord. No. 99-4, 4-6-99)

Sec. 6-34. Procedure for county manager and animal control officers.

(a) The county manager, director and animal control officers shall have the authority, and are directed to investigate upon probable cause, any alleged violation of this chapter or of any law of the State of New Mexico relating to the care, treatment, control and prevention of cruelty to animals.

(b) Animal control officers are authorized to inspect premises 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. No warrant shall be necessary if probable cause exists to believe that there is an emergency requiring such inspection or investigation.

(c) Whenever the county manager has probable cause to believe that a person has violated this chapter, the county manager may prepare a criminal complaint to be filed with the appropriate court or prepare a citation for the alleged violator to appear in court. [APJ7]The citation shall contain the name, address and telephone number, if known, of the

person violating this chapter, the driver's license number of such violator, if known, the code section allegedly violated, and the date and place when and where such person allegedly committed the violation, and the location where such person shall appear in court and the deadline for appearance. The county manager shall present the citation to the person he has probable cause to believe violated the code section in order to secure the alleged violator's written promise to appear in court by having the alleged violator sign a copy of the citation. The county manager shall deliver a copy of the citation to the person promising to appear.

(d) If the alleged violator refuses to give his written promise to appear, the county manager shall prepare a criminal complaint with the Bernalillo County Metropolitan Court.

(e) Neither the county manager, the director or the animal control officer shall have the authority to dismiss a citation.

(Ord. No. 99-4, 4-6-99)

Sec. 6-35. Fees.

Fees for licenses and permits required pursuant to this chapter shall be established and adopted through resolution adopted by the board of county commissioners.

(Ord. No. 99-4, 4-6-99)

Sec. 6-36. County animal control facilities.

(a) There are established one or more county animal control facilities which shall be located in such numbers and at such sites as shall be designated by the board of county commissioners.

(b) The animal control facilities shall be operated to provide service to the general public during the hours set by the county manager or his designee.

(Ord. No. 99-4, 4-6-99)

ARTICLE III. ANIMAL CONTROL AND IMPOUNDMENT PROCEDURES

Sec. 6-37. Impounding animals.

(a) An animal control officer may take up and impound in any designated animal control facility a stray or any animal kept or maintained contrary to the requirements of this chapter.

(1) The animal may be confined in accordance with the facilities regulations.

(2) The owner shall be responsible for all impound fees, boarding fees, and other costs whether or not the animal is reclaimed.

(3) Any stray which is not reclaimed and cannot be sold may be destroyed in accordance with the impound facility's regulations.

(b) An animal control officer may take up and impound in any designated animal control facility stray or any livestock kept or maintained contrary to the requirements of this chapter.

(1) The owner shall be responsible for all reclaim fees, boarding fees, and other costs at time of reclaim.

(2) The Animal Control and Protection Department may require inspection of enclosures for livestock prior to reclaim.

(3) The County Manager or designee is hereby authorized to place for adoption unclaimed livestock that has been impounded by the county and to execute adoption papers to the purchaser at the end of a 10-day waiting period.

a. Adoption of large livestock may be done after submitting a sealed bid to the Animal Control and Protection Department.

b. Adoption of small livestock may be done after paying an adoption fee to the Animal Control and Protection Department.

~~(bc)~~ The director shall maintain, for a reasonable period of time or as required by statute, a record of all animals impounded. At least the following information shall be included:

- (1) A complete description of the animal;
- (2) The manner and date of its acquisition;
- (3) The date, manner, and place of impoundment;
- (4) The impoundment number;

~~(ed)~~ Owners requesting removal of an animal shall be required to sign an owner's release at the time of impoundment.

~~(de)~~ If a stray animal is not wearing a current rabies tag and is deemed critically injured or critically ill an animal control officer may deliver the animal to a licensed veterinarian for euthanization. A report must be filed with the county manager.

~~(ef)~~ Whenever the county manager or his designee finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence of the owner or person responsible for the care of such animal, the county manager or his designee may take up such animal for protective care. The owner of the animal may reclaim the animal after paying all required fees and costs imposed by the impound facility. If the animal is unclaimed at the end of the protective custody period, the animal maybe humanely destroyed or otherwise disposed of by the impound facility.

(Ord. No. 99-4, 4-6-99)

Sec. 6-37A. Seizure of Animals.

(a) A Peace Officer or Animal Control Officer who reasonably believes that the life or health of an animal is endangered due to violation of any provision in this chapter may apply to the district court, magistrate court, or the metropolitan court for a warrant to seize the animal(s).

(b) If the court finds probable cause that the animals life or health is endangered as a result of the violation of any provision of this chapter, the court shall issue a warrant for the seizure of the animal. The court shall also schedule a hearing on the matter as expeditiously as possible within thirty days unless the county demonstrates good cause for a later time.

(c) Written notice regarding the time and location of the hearing 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.

(d) 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.

(e) At the option and expense of the owner, the seized animal may be examined by a veterinarian of the owner's choice.

Cross Reference: State law reference, Seizure of Animals, NMSA 1978, § 30-18-1.1 (1999)

Sec. 6-37B. Seizure of Livestock.

(a) A Peace Officer or Animal Control Officer who reasonably believes that the life or health of livestock is endangered because of the violation of any provision in this chapter may apply to district court, magistrate court, or the metropolitan court for a warrant to seize the allegedly endangered livestock.

(b) On a showing of probable cause to believe that the life and health of livestock is endangered as a result of the violations of any provision of this chapter, the court shall issue a warrant and set the matter for hearing as expeditiously as possible within thirty days unless the county demonstrates good cause for a later time. Seizure as authorized by this section shall be restricted to only those livestock allegedly being kept in a manner that their life or health is endangered. The Animal Control and Protection Department shall establish procedures for preserving evidence of violations of this chapter.

(c) The court executing the warrant shall notify the Animal Control and Protection Department, have the livestock impounded, and give written notice to the owner of the livestock of the time and place of the court hearing.

(d) After all interested parties have been given an opportunity to present evidence at the hearing and if the court finds that the owner has endangered life or health of the livestock by violating any provision contained in the chapter, the court shall order the impoundment of the livestock until the resolution of proceedings for the ordinance violations. If the court does not find that probable cause exists that the owner has violated any provision in this Chapter, the court shall order the livestock returned to the owner.

(Ord. No. 99-4, ___ - -05

Cross Reference: State law reference, Livestock code, NMSA 1978, § 77-18-2 (1999)

Sec. 6-38. Retention of strays.

(a) No person shall, without the knowledge and consent of the owner, hold or retain possession of any animal for more than 24 hours without first reporting the possession of the animal to the animal control and protection department.

(1) The report shall contain the person's name and address, a true and complete statement of the circumstances under which he took up the animal, and the precise location where the animal is confined.

(2) No person having such an animal in his possession shall refuse to immediately surrender the animal to an animal control officer upon demand.

(b) Duly incorporated humane societies or the rescue arms of accredited dog and cat clubs capable of providing proper confinement, shelter, and care for stray or lost animals shall be allowed to assume the care of such animals after notifying the animal control and protection department of each animal taken in.

(1) The owner of a stray animal wearing a rabies tag or other form of identification shall be notified that the animal has been impounded.

(2) If the owner is not located within three working days the society may assume responsibility for finding the animal a new home.

(Ord. No. 99-4, 4-6-99)

ARTICLE IV. PERMITS REQUIRED

Sec. 6-39. ~~Permits required. General provisions~~

(a) No person shall operate a professional animal establishment, hobby breeder site, multiple animal site, or a shelter without a valid permit. A person may obtain a permit under the following conditions:

(1) Payment of an annual permit fee at the office of the animal control and protection department. Failure to renew the permit within 30 days of the expiration date shall result in the assessment of a penalty fee in addition to the cost of the permit.

(2) Demonstration of a certification of zoning and land use from the Bernalillo County Zoning Department.

(3) All owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the animal control and protection department shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

~~Annual inspection of the premises used for keeping animals by an animal control officer.~~

- (4) Animal housing facilities shall be structurally sound and constructed of nontoxic materials. Interior floors shall be smooth, easily cleanable construction and impervious to water. The premises shall be kept clean, sanitary and in good repair in a manner which will protect animals from disease and injury.
- (5) Animals maintained in pens, cages or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species. Such cages holding cats must contain a litter box.
- (6) Posting of the permit in a conspicuous place on the premises.
- (7) Permits are not transferable.
- (8) Adequate weatherproof housing shall be provided in all permitted premises with proper ventilation and temperature, and sufficient lighting and shade.
- (9) Outside housing shall protect animals from weather that may be detrimental to the health of the animals.
- (10) Restraint of animals shall be accomplished by adequate fencing maintained at all times to contain the animals, or by the use of tethers or chains that are tangle-free, well-fitted, and equipped with a swivel device for attachment to the animals collar or harness.
- (11) Provisions shall be made for the removal and proper disposal of animal and food waste, soiled bedding, dead animals and debris. Animals shall be removed from cages and protected from water and cleaning agents during cleaning. Disposal facilities shall be operated in a manner which will minimize vermin infestation, odors and disease. Adequate drainage shall be maintained.
- (12) Excessive and night-time noise shall be eliminated.
- (13) ~~Unneutered-Unsterilized~~ adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purposes. Animals shall be housed in compatible groups.
- (14) Vicious, diseased or injured animals and animals that have bitten a person shall be individually caged.
- (15) Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
- (16) Sanitary, pest-free storage of food and bedding shall be provided.
- (17) Each animal shall be observed daily by the person in charge. Programs for disease control and prevention shall be maintained and available for examination by an Animal Control Officer. Sick, diseased, injured, lame or blind animals shall be provided with appropriate veterinary care. Humane euthanasia will be provided when necessary. The person in charge who suspects an animal of being rabid shall immediately notify the county manager or his designee and segregate the animal.

Sec. 6-39A. Professional Animal Permit, Hobby Breeder Permit, Multiple Animal Permit, Shelter Permit

~~(181)~~ The number of adult dogs or cats, or any combination thereof, which a hobby breeder site or multiple animal site permit holder may keep is established by the following factors:

a. The area of the permitted hobby breeder site or multiple animal site shall be limited to ten percent of the total area of the premises.

b. Within the kennel area of a hobby breeder site or multiple animal site, 75 square feet of area shall be provided for each dog weighing under 30 pounds; 100 square feet for each dog weighing between 30 and 59 pounds, 125 square feet per dog over 60 pounds, and 25 square feet of space per cat.

~~(192)~~ For shelters, the property must provide at least 75 square feet of area for each dog weighing under 30 pounds; 100 square feet for each dog weighing between 30 and 59 pounds, 125 square feet per dog over 60 pounds, and 25 square feet of space per cat.

~~(3)~~ For shelters, hobby breeder sites, and professional animal establishments a record shall be kept of animal inventory, disposition, and inoculations and available for examination by an Animal Control Officer.

~~(b)~~ Sec. 6-39B. Guard dog permit

~~(a)~~ No person shall use a guard dog without a valid permit. A person may obtain a guard dog permit under the following conditions:

(1) Submission of an application which shall include sufficient information to identify the name and address of the owner of the commercial property and the name and address of the owner of the guard dog, and payment of an annual guard dog permit fee; and

(2) The area where the guard dog is to be used shall be secured in such a manner as to prevent its escape.

a. The doors, windows, and all openings to the outside of a building in which a guard dog is on duty shall be secured to prevent its escape.

b. An outdoor property holding a guard dog shall be completely enclosed by a fence at least six feet in height and shall effectively contain the animal at all times.

(3) The property using a guard dog shall be posted with warning signs at least 12 inches long on each side.

a. The warning signs shall state "guard dog" and "guardia" and shall show a picture of an aggressive dog.

b. The warning signs shall be posted not more than 200 feet apart on the exterior of the fences and walls surrounding the property and shall be posted at all exterior corners of the site and at every entrance to the site.

(4) A guard dog found running at large may be impounded.

(5) A guard dog shall have a current rabies tag and a valid license tag securely affixed to its collar or harness.

- (c) Access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the animal control and protection department shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

(Ord. No. 99-4, 4-6-99)

Sec. 6-40. Intact animal permit.

~~(a) An intact animal permit shall be issued at the request of the owner of an impounded unsterilized dog or cat. Any person reclaiming an impounded unsterilized dog or cat will obtain an intact animal permit. The permit shall be issued upon payment of the required permit fee and proof that they possess a current county license and rabies vaccination for the animal. The permit will be renewed annually until proof of sterilization has been provided to the Animal Control and Protection Department.~~

(b) An intact animal permit shall be revoked without refund of the fee upon the second impoundment of the animal within a 12 month period.

- (1) Upon the revocation of the intact permit the animal will be required to be sterilized within 30 days of reclaim.

(Ord. No. 99-4, 4-6-99)

Sec. 6-41. Litter permit.

(a) An owner who intentionally or unintentionally breeds a dog or cat and who does not have a current professional animal permit or hobby breeder permit shall purchase a litter permit for each litter.

(b) The litter permit fee shall be refunded if proof of sterilization of the reproducing female is submitted to the department within 60 days after the permit is issued.

(c) The owner shall not advertise, barter for, sell, or give away any puppy or kitten unless the applicable permit number is displayed legibly in all advertisements. The owner shall furnish the litter permit number or hobby breeder permit number to any potential recipient upon request.

(d) Puppies and kittens can only be bartered for, sold, given away or other transfer or conveyance from the residential location listed on the litter permit or hobby breeder permit. Puppies or kittens being bartered for, sold, given away or other transfer or conveyance on public or commercial property even with the owner's permission are in violation of this ordinance.

(Ord. No. 99-4, 4-6-99)

ARTICLE V. OWNER'S DUTIES

Sec. 6-42. Animals biting persons.

(a) The owner of an animal that bites a person and a person bitten by an animal have a duty to report that occurrence to the animal control and protection department within 24 hours of the occurrence. The owner of an animal that bites a person shall surrender said animal to an animal control officer if the officer deems it necessary to impound said animal for a period of observation.

(b) A physician who renders professional treatment to a person bitten by an animal shall report to the county manager that he has rendered professional treatment within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall report the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the animal control and protection department in ascertaining the immunization status of the animal.

(c) An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the animal control officer. The owner of the animal shall bear the cost of confinement.

(d) If the owner will not confine the animal, the animal control officer may take up and impound the animal into protective custody for the period of the quarantine and the owner shall pay all related costs of the impoundment prior to reclaiming the animal.

(e) The animal control officer may consent to confinement of the animal on the owner's premises. The premises where the home confinement is to occur shall be inspected and approved for such purpose by the animal control officer. The owner of the animal shall be required to enter into an indemnity agreement on a form approved and prescribed by the county manager for such home confinement.

(f) If the animal shows signs of sickness, abnormal behavior, or if the animal escapes confinement, the person shall immediately notify the animal control and protection department. The person having custody of an animal that dies during the confinement period shall notify the animal control and protection department and surrender the carcass of the animal to an animal control officer.

(g) If an officer deems it necessary to impound an animal for observation for violation of the above conditions and/or severity of the bite, the owner cannot remove the animal from observation until the observation period is complete. The owner shall bear the cost of confinement.

(h) If an officer deems it necessary, any animal over 18 months of age that has bitten a person shall be required to purchase an Intact Permit or provide proof of sterilization within 30 days of occurrence.

(i) It is unlawful for a person to keep an animal known to have bitten any person on two separate incidents. The owner has a duty to destroy said animal humanely or surrender such an animal to the animal control and protection department for proper humane euthanization upon the order of the court.

(1) This does not include an animal which bites, attacks, or injures a person unlawfully upon its owners premise, or which is provoked.

(Ord. No. 99-4, 4-6-99)

Sec. 6-43. Animal license.

(a) It is unlawful for any person to own or harbor a dog, cat, or ferret over the age of three months without obtaining a license for such animal. Persons who are not county residents and who keep such an animal in the county for less than 30 consecutive days shall be exempt from this license requirement.

(b) Applications for licenses shall be made on forms provided by the animal control and protection department. All applications shall include the name of the legal owner of the animal, the mailing address and physical address of the owner. It is unlawful for any person to knowingly falsify information concerning animal ownership, the owner's address, animal description, or any other information required on the application.

(c) Licenses shall ~~expire~~ be purchased for one year ~~from the date of issue~~. A three-year license may be purchased for a dog, cat, or ferret if the animal has a current three-year rabies certificate, which is good for at least two-thirds of the licensing period. A one-year or three-year license must be renewed upon its expiration date. Failure to renew the license within 30 days of the expiration date shall result in the assessment of a penalty fee in addition to the cost of the license.

(d) A current rabies certificate must be presented at the time of applying for a license.

(e) Proof of permanent identification by microchip must be presented at the time of applying for a license.

(ef) A current license tag shall be securely affixed to the collar or harness which shall be worn by a dog, cat or ferret unless the animal is being housed in a kennel or veterinary hospital, or appearing in an approved animal show, or is being trained; provided, however, that the person who is training the animal shall have in his personal possession a valid license tag for each animal and shall immediately display the license upon request by the animal control and protection department.

(fg) License tags shall not be transferred from animal to animal.

(gh) Proof of qualification for a license for a sterilized animal can only be made with a written certificate from a licensed veterinarian stating that the animal has been neutered or spayed.

(h) The license fee shall not apply to qualified service animals ~~or to animals owned by the holder of a hobby breeder site permit or a multiple animal site permit~~. All other licensing requirements shall apply.

(Ord. No. 99-4, 4-6-99)

Sec. 6-44. Number of animals allowed.

(a) No person or household shall own, harbor or keep more than a combined total of four dogs, cats in any combination thereof over the age of three months without a valid professional animal permit, hobby breeder site permit, multiple animal site permit, or shelter permit.

(1) A household may have up to six dogs or cats or any combination thereof provided that all of the animals shall be sterilized.

a. For number of animal (Sec. 6-44(a)(1)) purposes a medical waiver certificate may be acceptable in cases when the sterilization of an animal would pose a substantial threat to the health of the animal. The certificate

shall be on official letterhead from a licensed veterinarian and shall contain the name and address of the owner of the animal, a description of the animal, the medical condition prohibiting sterilization, and the date upon which the animal may be sterilized. A medical waiver certificate must be resubmitted annually. This does not waive the unsterilized license fee.

(b) No person or household shall permit or allow the breeding of a dog or cat in the absence of a valid hobby breeder site permit, professional animal permit or litter permit.

(c) No person or household may own, harbor or keep more than four canine hybrids, all of which must be sterilized, and such ownership of canine hybrids shall not result in a combined number of dogs, cats or canine hybrids totaling more than six.

(Ord. No. 99-4, 4-6-99)

Sec. 6-45. Restraint of animals.

(a) A person owning or having charge, custody, care, or control over ~~a dog~~ animal, including livestock shall keep the ~~dog~~ animal upon his own premises by either a secure ~~dog~~ run or kennel, an enclosure surrounding the perimeter of his property, ~~or~~ on a chain not less than twelve feet in length with a swivel devise attaching the animal's collar to the chain or leash, or any other acceptable means associated with species of animal.

(b) A dog is permitted on the street and in other public places only if on a secure leash not exceeding six feet in length. Remaining species of animals must be secured in a fashion acceptable for the species of animal. A person physically capable of controlling and restraining the animal must exercise immediate custody. This section does not apply when ~~a dog~~ animal is participating in a bona fide animal show authorized by the county or appropriate school authorities.

(c) Nothing in this section shall be construed as allowing any animal under physical restraint to commit any act defined as unlawful in this chapter.

(d) A person who uses electric or invisible fencing designed to confine an animal to his property must clearly post a notice in two separate locations upon the property that such a devise is in use.

(Ord. No. 99-4, 4-6-99)

State law references: Authority to prohibit the running at large of animals, NMSA 1978, §§4-37-1, 3-18-3(A)(2), 77-1-12.

Sec. 6-46. Vaccinations.

(a) It is the duty of any person(s) owning or keeping a dog, cat, or domestic ferret over the age of three months to have the animal vaccinated against rabies as prescribed by Section 77-1-3 NMSA 1978 as amended. The county manager may require that other animals have annual rabies vaccines.

(b) The veterinarian administering anti-rabies vaccines to any animal shall issue the owner or keeper of the animal a numbered vaccination certificate. The certificate shall

contain the name and address of the owner of the animal, a description of the animal vaccinated, the date of vaccination, and the date immunity expires.

(c) The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number. A current rabies tag shall be affixed by the owner or keeper to a collar or harness worn by the animal at all times unless the animal is being kept in an approved kennel or veterinary hospital, is being trained by a professional trainer or is appearing in an approved show.

(d) It is unlawful for the owner of any dog, cat, domestic ferret or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the county manager. This subsection does not apply to any animal in control of the Albuquerque Municipal Zoo or shelters.

(e) For licensing purposes a medical waiver certificate may be acceptable in cases when the rabies vaccination of an animal would pose a substantial threat to the health of the animal. The certificate shall be on official letterhead from a licensed veterinarian and shall contain the name and address of the owner of the animal, a description of the animal, the medical condition prohibiting vaccination, and the date upon which a vaccination may be given. A medical waiver certificate must be resubmitted annually.

(Ord. No. 99-4, 4-6-99)

Cross references: Health and Sanitation, Ch. 42. State law reference Rabies Control Generally, NMSA §§ 77-1-5, 77-1-6, 77-1-10.

ARTICLE VI. PROHIBITED ACTIVITIES

Sec. 6-47. Abandonment.

It is unlawful for a person to abandon an animal.

(Ord. No. 99-4, 4-6-99)

Sec. 6-48. Admission of qualified assistance animals to public places.

Notwithstanding any other provision of law, a qualified assistance animal shall be admitted to any building open to the public and to all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers and theaters; provided that the qualified assistance animal is under the control of a person with a disability or a trainer of assistance animals. No person shall be required to pay any additional charges for his qualified assistance animal, but shall be liable for any damage done by his qualified assistance animal.

(Ord. No. 99-4, 4-6-99)

State law references: Similar Provisions, NMSA 1978, §§28-11-2 through 28-11-4.

Sec. 6-49. Animals disturbing the peace.

(a) It is unlawful for a person to allow an animal to persistently or continuously bark, howl or make noise common to their species or otherwise disturb the peace and quiet of inhabitants of the county.

(b) It is unlawful to keep or maintain an animal in such an unclean or unsanitary manner that it disturbs others by noxious or offensive odors.

(Ord. No. 99-4, 4-6-99)

Cross references: Noise By Animals and Fowl, §30-120; Offenses Against Public Peace and Order, §54-56 et seq.

Sec. 6-50. Animals killing or injuring livestock or protected wildlife.

(a) It is unlawful for a person to keep an animal known to have killed or injured livestock or protected wildlife. The owner has a duty to destroy said animal humanely or surrender such an animal to the animal control and protection department for proper humane euthanization upon the order of the court.

(b) An owner of livestock shall have the right to kill an animal that has injured or killed livestock or protected wildlife while it is upon property controlled by the owner of the livestock.

(Ord. No. 99-4, 4-6-99)

State law references: Dogs Killing or Injuring Livestock, NMSA 1978 §77-1-2.

Sec. 6-51. Animals on unenclosed properties.

It is unlawful for a person to harbor, chain, stake out, graze, or herd an animal on an unenclosed premises in such a manner that may allow the animal to go beyond the property line.

(Ord. No. 99-4, 4-6-99)

Sec. 6-52. Animal poisoning.

(a) It is unlawful for a person to make accessible to any animal, with the intent to cause harm or death, any substance which has been treated or prepared with a harmful poisonous substance.

(b) This section does not apply to placement of such substance(s) in order to control vermin of significance to the public health.

(Ord. No. 99-4, 4-6-99)

Sec. 6-53. Animals running at large.

(a) It is unlawful for a person to allow or permit any animal to run at large in or on any alley, street, sidewalk, vacant lot, public property, other unenclosed place in the county, or private property without the permission of the property owner.

(b) An animal permitted to run at large in violation of this section is declared to be a nuisance and a menace to the public health and safety. Such animal may be taken up and impounded. An animal control officer may go upon private property in pursuit of an animal which is running at large unless permission to make such pursuit is explicitly refused by the occupant. An officer may not enter a private building or residence in pursuit of an animal.

(c) A working dog performing such acts as herding or search and rescue that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing its duties. A hunting, obedience, tracking or show dog that is under the control and supervision of the owner or handler shall not be considered as unleashed while performing in those capacities.

(d) It is unlawful for an owner, manager, agent, or governing board of any multiple dwelling unit, including mobile home parks and gated communities, to permit any animal to run at large upon the common areas of the multiple dwelling unit.

(Ord. No. 99-4, 4-6-99)

Sec. 6-54. Injury to animals by motorists.

Every operator of a motor or self-propelled vehicle upon the streets and ways of the county shall immediately upon injuring, striking, maiming or running down any animal provide immediate notification to the county manager or his designees, furnishing sufficient facts relative to the incident. Such animal shall be deemed an uncared for animal within the meaning of section 6-37(e) of this chapter. Emergency vehicles are excluded from this provision.

(Ord. No. 99-4, 4-6-99)

Sec. 6-55. Animals transported in vehicles.

(a) It is unlawful for a person to carry an animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. Animals carried in the open bed of a truck must be crated or restrained upon a non-metal mat so they cannot fall or jump from the truck.

(b) If an animal control officer determines that an animal in a closed vehicle is in immediate danger of serious injury or death, the officer may enter the vehicle, by whatever means necessary, and impound the animal into protective custody.

(Ord. No. 99-4, 4-6-99)

Sec. 6-56. Animal waste.

It is unlawful to permit an animal to defecate on public or private property other than the property of the owner of the animal unless such animal waste is immediately removed and properly disposed of by the person having custody of the animal.

(Ord. No. 99-4, 4-6-99)

Sec. 6-57. Breaking into animal control facilities or vehicles.

It is unlawful for a person to break into any pound, center, facility, or vehicle wherein animals are impounded, or to in any manner remove or assist in the removal of any animal or equipment from such.

(Ord. No. 99-4, 4-6-99)

Sec. 6-58. Care and maintenance.

(a) It is unlawful for a person to fail, refuse or neglect to provide any animal in his charge or custody such care and husbandry as to maintain the good health and well-being of the animal. Such care and husbandry shall include, but not be limited to, adequate food, potable water, adequate living area, professional veterinary care and necessary grooming to maintain good health and protection from extreme weather elements.

(b) Any animal, except horses, cattle, pigs, sheep or goats, habitually kept outside shall be provided with a structurally sound, weatherproof enclosure, large enough to accommodate the animal.

(Ord. No. 99-4, 4-6-99)

Sec. 6-59. Confinement of female dogs or cats in mating season.

(a) A person in control of a female dog or cat in mating season shall confine such dog or cat 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 female dog or cat in mating season in any manner that creates a public nuisance.

(Ord. No. 99-4, 4-6-99)

Sec. 6-60. Cruelty to animals.

(a) It is unlawful for a person to recklessly, willfully or maliciously kill, maim, disfigure or torture; beat with a stick, 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.

(b) It is unlawful for a person to fail to provide necessary sustenance, fail to provide necessary basic 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.

(Ord. No. 99-4, 4-6-99)

Sec. 6-61. Fights.

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

(1) It is unlawful for any person to sell, receive, possess, transport, loan, or give away any animal fighting paraphernalia.

(2) It is unlawful for any person to raise, train, condition, sell, receive, possess, transport, loan, or give away animals for fighting purposes whether or not the fight is to be conducted inside or outside the jurisdiction of Bernalillo County.

(3) No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.

(b) Nothing in this section shall prohibit a person from engaging in legal hunting practices as allowed by state wildlife authorities.

(Ord. No. 99-4, 4-6-99)

State law references: Dog Fighting and Cockfighting^[APJ34], NMSA 1978 §3-18-9)

Sec. 6-62. Fowl; impounding or crating.

It is unlawful for a person to confine any wild or domestic fowl or birds unless provisions are made by such person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than 12 hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure unless such fowl or bird is in a natural erect position unless such position causes injury or damage to the fowl or bird.

(Ord. No. 99-4, 4-6-99)

Sec. 6-63. Hobbling.

(a) It is unlawful for any person to hobble, chain, or stake livestock or other animals by any means which may cause injury or damage to said animal.

(b) It is unlawful for any person to hobble, chain, or stake livestock or other animals so that they become entangled or are prevented access to any and all care and maintenance items required by section 6-58 of this chapter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-64. Interference with the county manager in the performance of his duties.

(a) No person shall attack, assault or in any way threaten or interfere with the county manager or ~~his~~ designees in the performance of the duties required by this chapter.

(b) No person shall conceal one's true name or identity or disguise oneself with the intent to obstruct due execution of the law or with the intent to intimidate, hinder or interrupt an Animal Control Officer in the legal performance of his or her duties.

(c) No person shall interfere with or tamper with any equipment used by Animal Control Officers, including release of animals contained in such equipment.

(d) No person shall engage in conduct that would agitate, obstruct, oppose, or distract an Animal Control Officer in the legal performance of his or her duties.

(Ord. No. 99-4, 4-6-99)

Sec. 6-65. Keeping a seriously sick or injured animal.

(a) It is unlawful for a person to have, keep or harbor an animal which is seriously sick or injured, including starvation, without providing proper veterinary care.

(b) The county manager may require the owner to provide a letter of health evaluation from a licensed veterinarian describing the condition of the animal and the treatment provided. The animal control and protection department may utilize a standard body scoring system to evaluate the condition of an animal.

(c) In the absence of proper veterinary care, the county manager may impound such a seriously sick or injured animal in accordance with the provisions of this chapter.

(d) Any such animal impounded may be destroyed humanely or otherwise disposed of according to the normal procedures of the impound facility as soon thereafter as is conveniently possible.

(Ord. No. 99-4, 4-6-99)

Sec. 6-66. Sale and display of animals.

(a) ~~A No~~ person shall only sell, offer for sale, barter, give away or otherwise dispose of an animal upon a street, sidewalk or public park at the physical address listed on the appropriate permit issued by the County Manager or designee.

(b) No person shall offer for sale, sell, barter or give away turtles except in conformance with the appropriate federal regulations.

(c) No person shall offer an animal as a prize, giveaway or award for a contest, game, sport or as an incentive to purchase merchandise.

(d) Animal exhibits.

(1) No person shall operate, conduct, or maintain a permanent or temporary commercial animal show, circus, animal exhibition, animal ride, petting zoo or carnival without first having obtained a permit from the animal control and protection department. Conditions for permit approval include provisions for the humane care and treatment of the animals and the protection of public safety. Permits shall not be issued upon verification that within the preceding 12 months the applicant has been convicted of charges of animal cruelty, abuse, or neglect, or has violated the Federal Animal Welfare Act.

(2) No person shall operate, conduct or maintain any animal exhibit under conditions that pose a danger to the public or the animals. Specific requirements shall be available upon request to the animal control and protection department.

(3) The following are exempt from the requirements of this section:

- a. Individuals or groups holding a State of New Mexico ~~Wildlife Rehabilitation or Educational Use Permit~~ regulated permit or a federally regulated permit.
- b. Events sponsored by a municipal zoo or aquarium facility.
- c. Competitive sporting events.

(4) Persons involved in these exempt activities shall comply with all other applicable sections of this chapter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-67. Sterilization agreements/contracts.

It shall be unlawful for a person to possess any unsterilized animal when such animal is required to be sterilized under the terms of any applicable sterilization agreement or contract originating from any municipal or non-profit shelter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-68. Unlawful use of rabies tag.

It is unlawful for any person to remove or transfer any rabies tag from one animal to another. It is unlawful for any person to manufacture or cause to be manufactured or to have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing or permitting required under this chapter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-69. Vicious or dangerous animals.

(a) It is unlawful for any person to keep or harbor a vicious animal. When an animal control officer has probable cause to believe that an animal is vicious, the officer may take up and impound the animal into protective custody awaiting appropriate court proceedings. Following judicial determination that an animal is vicious, the court having jurisdiction over the enforcement of this chapter, shall, in addition to any fine or imprisonment imposed for violation of this section, order the owner or keeper of such vicious animal to destroy it humanely or turn such animal over to the county manager or his designee for destruction.

(b) It shall be unlawful to maintain a dangerous animal in a manner which constitutes a threat to any person or other animal.

(Ord. No. 99-4, 4-6-99)

State law references: Vicious Animals, NMSA 1978 §77-1-10)

ARTICLE VII. WILD OR EXOTIC ANIMALS; CANINE HYBRIDS

Sec. 6-70. Wild animals.

(a) It shall be unlawful for a person to own, harbor, or keep on any private or public property in the county any wild or exotic animal of a species that in its natural life is dangerous or ferocious. Such animals, though they may be trained and domesticated, remain a danger to others, and include:

- (1) Wolves, foxes, coyotes, dingoes, and other members of the non-domestic canine families.
- (2) Lions, pumas, panthers, mountain lions, wild cats, and other members of the non-domestic feline families.
- (3) All bears (ursidae), including grizzly bears, black bears, brown bears, etc.
- (4) Raccoons (procynnidae), including eastern raccoon, desert raccoon, ring tailed cat, etc.
- (5) Primates (hominidae), including all non-human great apes other than qualified service animals.
- (6) Skunks.
- (7) Bats.
- (8) Non-indigenous poisonous snakes.
- (9) Alligators, crocodiles, caimans, or poisonous lizards.
- (10) Venomous fish and piranha.

(b) This section shall not apply to municipal zoos and aquarium facilities, veterinary facilities, or individuals holding a State of New Mexico regulated permit or a federally regulated permit.~~Wildlife Rehabilitation or Educational Use Permit.~~

(c) Any person who lawfully holds or keeps a wild or exotic animal as defined in this section in the unincorporated areas of the county prior to the effective date of this chapter may maintain that individual animal until its death under the following conditions:

- (1) Submission of an application for a wild animal permit to the county within 60 days of the effective date of this chapter and payment of the annual permit fee.
- (2) Provision of adequate facilities to prevent the animal from escaping, injuring the public, or creating a public nuisance.
- (3) Compliance with all applicable requirements set forth in this chapter.
- (4) No additional wild or exotic animals may be added to the premises by acquisition or breeding as of the effective date of this chapter.

(Ord. No. 99-4, 4-6-99)

State law references: Predatory Wild Animals, NMSA 1978, § 7-15-1 et seq.

Sec. 6-71. Canine hybrids.

(a) No person shall purchase, sell, offer for sale, or advertise for sale any animal that is represented to be the offspring, cross, mix, or hybrid of a wolf or coyote.

(b) No person shall possess a canine hybrid without a valid canine hybrid permit. A person may apply for such a permit under the following conditions:

(1) Submission of a permit application.

(2) Submission of written proof from a licensed veterinarian that all animals over the age of six months for which a permit is requested have been spayed or neutered.

(4) All APJ351 owners of permitted property shall grant reasonable access to permitted premises. Upon presenting proper identification and at a reasonable hour, a representative of the animal control and protection department shall be allowed access to any permitted premises for the purpose of inspection. Permits may be suspended for failure to comply with the requirements of this chapter, as well as for violation of other applicable laws, regulations, and ordinances.

~~The applicant's property used for the housing of canine hybrids shall be open to annual inspection by an animal control officer.~~

(5) Payment of the annual permit fee.

(c) A permit shall not be issued until the applicant provides an adequate physical enclosure that completely and effectively confines all animals to the property of the owner. An animal control officer shall determine the adequacy of the enclosure.

(1) A minimum livable area of 400 square feet must be provided for up to two canine hybrids, with an additional 100 square feet per animal for each additional hybrid. An exception to this subpart may be granted if the animal owner submits a written plan of adequate housing and exercise to the animal control and protection department and such plan is approved by the department.

(2) Permanent chaining or tethering may not be used as the sole method to contain a canine hybrid to the property of the owner.

(d) A canine hybrid permit will not be issued for the ownership of more than four canine hybrids.

(e) Each canine hybrid must wear a collar or harness displaying an identification tag bearing the name, address, and phone number of the owner at all times while it is on and off of the owner's premises. While off of the owner's premises the hybrid shall be on a secure leash not more than six feet in length and in the immediate custody of a person physically capable of controlling and restraining the animal.

(f) Nothing in this section shall relieve the holder of a permit from complying with all other applicable sections of this chapter.

(Ord. No. 99-4, 4-6-99)

ARTICLE VIII. PENALTIES

Sec. 6-72. Penalty.

Except as provided in this chapter, violations of this chapter are punishable as provided in § 1-6 of the Bernalillo County Code.

(Ord. No. 99-4, 4-6-99)

Sec. 6-73. Suspensions, revocations of permits.

(a) When the county manager discovers that a permitted premises is in violation of this chapter, he shall give notice of the violations to the permit holder, operator or person in charge by means of an inspection report or other written notice. The notification shall:

- (1) Set forth each specific violation.
- (2) Establish a specific and reasonable period of time for the correction of the violation.
- (3) State that failure to comply with a notice issued in accordance with the provisions of this chapter may result in immediate suspension or revocation of the permit.
- (4) State that an opportunity for appeal from a notice or inspection findings will be provided if a written request for a hearing is filed with the county manager within five days of receipt of the notice.

(b) Notices under this section shall be deemed properly served and received when the original inspection report or other notice has been personally served on the person in charge, or sent by registered or certified mail to the last known address of the permit holder.

(c) Permits may be suspended for failure of the holder to comply with the requirements of this chapter or other applicable laws, ordinances or regulations. The suspension may be lifted when the county manager determines the violations have been corrected.

(d) Permits may be revoked for serious or repeated violations of the requirements of this chapter, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for one year. The permit shall be surrendered to the county manager upon suspension or revocation.

(1) A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit. If the applicant and the site are in compliance with the requirements of this chapter and all other applicable laws, ordinances and regulations, the permit shall be reinstated. The reinstated permit shall expire on the date of expiration of the previously-suspended permit.

(2) If an exotic or wild animal permit is suspended or revoked, all animals received, purchased, owned or kept under the authority of the permit shall be surrendered to the county manager for impoundment. After a period of at least seven days, if the violations of this chapter which resulted in suspension or revocation of the permit have not been corrected, the county manager may sell or dispose of the animal(s) as provided in this chapter. The applicant may appeal the suspension or revocation in the manner provided in section 6-74 of this chapter.

(Ord. No. 99-4, 4-6-99)

Sec. 6-74. Appeal procedures for permit denial, suspension or revocation.

(a) A person whose application for a permit or permit renewal has been approved on condition or denied and a permit holder whose permit has been suspended or revoked, may submit to the county manager a written request for a hearing. The written request must be received within five days of the applicant's receipt of the written notice from the county. The hearing shall be conducted within a reasonable time after the county manager receives the request for a hearing.

(b) Hearings shall be conducted by a hearing officer at a time and place designated by the county manager and shall be recorded. All witnesses shall be sworn or affirmed. Written notice of the time and place of the hearing shall be mailed to the applicant and the county manager.

(c) The applicant shall be afforded a fair hearing which provides the basic safeguards of due process which shall include:

(1) The opportunity to examine before the hearing and, at the expense of the applicant, to copy all documents, records and regulations of the county manager that are relevant to the hearing. Any document not made available by the county manager, after written request by the applicant, may not be relied upon by the county manager at the hearing.

(2) The right to be represented by counsel or other persons chosen as his representative.

(3) The right to present evidence and arguments in support of his appeal to controvert evidence relied on by the county manager, and to confront and cross-examine all witnesses on whose testimony or information the county manager relies.

(4) A decision based solely and exclusively upon the facts presented at the hearing.

(d) The hearing officer shall prepare a written report of his findings and decision within ten days after the hearing and shall provide copies to the parties.

(Ord. No. 99-4, 4-6-99)

Sec. 6-75. Severability clause.

If any section, paragraph, sentence, clause, word or phrase of this chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions of this chapter. The commission hereby declares that it would have passed this chapter and each division, section, paragraph, sentence, clause, word or phrase thereof irrespective of any provision being declared unconstitutional or otherwise invalid.

(Ord. No. 99-4, 4-6-99)

Sec. 6-76. Compilation.

This chapter shall be incorporated in and compiled as part of the Revised Ordinances of the Bernalillo County Code.

(Ord. No. 99-4, 4-6-99)

Sec. 6-77. Effective date.

This chapter shall take effect 30 days after final adoption of the county commission.
(Ord. No. 99-4, 4-6-99)

Bernalillo County Code
Chapter Six (Animals)

Fee Schedule

Pet Licenses	Yearly Fee	3-Year Fee
Unneutered or unspayed dog, cat, or ferret.....	\$40 <u>\$20</u>	<u>\$50</u>
Unneutered or unspayed dog, cat, or ferret owned by person 62 years of age or older.....	<u>\$4</u>	<u>\$10</u>
Neutered or spayed dog, cat, or ferret.....	\$2 <u>\$5</u>	<u>\$12</u>
<u>Pet License Late Fee (30 days or greater from date of expiration).....</u>	<u>\$25</u>	

(Written certification from a veterinarian is required showing rabies vaccination date, rabies tag number, and spay/neuter status. Pet license requirements, ~~but not individual license fees~~, shall apply to all animals at a Hobby Breeder Site, and Multiple Animal Site. Qualified service animals are required to be licensed; however they are exempt from the pet license fee. , and qualified service animals.)

Permits	Yearly Fee
Professional Animal Permit..... (pet shops, groomers, and commercial kennels)	\$50 <u>\$100</u>
Hobby Breeder Site Permit.....	\$25 <u>\$100</u>
Multiple Animal Site Permit.....	\$25 <u>\$50</u>
Shelter Permit	\$25 <u>\$100</u>
Guard Dog Permit.....	\$25 <u>\$100</u>
Canine Hybrid Permit.....	\$25 <u>\$100</u>
Litter Permit	\$25 <u>\$50</u>
<u>Fee</u> will be refunded if proof of sterilization of the female animal is submitted to the department of Animal Control and Protection within 60 days of issuance of the permit.	
Intact Animal Permit	\$50 <u>\$100</u>
<u>Exotic Animal Permit</u>	<u>\$25</u>
<u>Animal Exhibit Permit.....</u>	<u>\$100</u>
<u>Dangerous/Potentially Dangerous Animal Permit.....</u>	<u>\$100</u>
<u>Permit Late Fee (30 days or greater from date of expiration).....</u>	<u>\$25</u>

<u>Service Fees</u>	<u>Fee</u>
<u>Reclaim Fee for rabbits, chickens, peafowl, geese, ducks and Similar size and type species.....</u>	<u>\$15</u>
<u>Reclaim Fee for goats, sheep, pigs, and similar sized species.....</u>	<u>\$40</u>
<u>Reclaim Fee for Emu, Ostrich, and similar size species.....</u>	<u>\$50</u>
<u>Reclaim Fee for Horses, Cattle, and similar size species.....</u>	<u>\$100</u>
<u>Daily Boarding Fee for small livestock (accrues daily).....</u>	<u>\$5</u>
<u>Daily Boarding Fee for large livestock (accrues daily).....</u>	<u>\$8</u>
<u>Pick-up Fee - Livestock (requiring additional transport equipment - per trip).....</u>	<u>\$50</u>
<u>Delivery Fee - Livestock (requiring additional transport equipment - per trip).....</u>	<u>\$50</u>
<u>Owner Surrender Fee for small animals (dogs, cats, ferrets).....</u>	<u>\$100</u>
<u>Dead Small Livestock pick-up.....</u>	<u>\$50</u>
<u>For multiple dead livestock pick-up at the same location.....</u>	<u>\$25/animal</u>
<u>Dead Small Animal (dogs, cats, ferrets) – Owners.....</u>	<u>\$25</u>
<u>Adoption Fee.....</u>	<u>\$varies</u>
<u>Trap Rental Fee – rodent (Non-refundable).....</u>	<u>\$10</u>
<u>Trap Rental Fee – cat, skunk, raccoon (Non-refundable).....</u>	<u>\$15</u>
<u>Trap Rental Fee – dog (Non-refundable).....</u>	<u>\$30</u>

Service fees may be adjusted under extenuating circumstances.
Reclaim fees will be doubled upon each additional impound.