

## CITY OF LOS LUNAS

**6.04.010 DEFINITIONS.**

For purposes of this chapter, the following words shall have the meanings set out in this section:

- “Abandon” means where an owner has relinquished all right, title, claim and possession of an animal with the intent of not reclaiming it or resuming its ownership, possession or its enjoyment.
- “Adoption” means to take by choice and assume responsibility for proper care and keeping of an animal in accordance with this chapter.
- “Animal” means dog, cat or any other vertebrate, excluding the human species and those animals under the jurisdiction of the New Mexico Department of Game and Fish.
- “Animal control center (shelter)” means any establishment authorized by the village of Los Lunas for the care and custody of impounded animals.
- “Bite” means any puncture or tear of the skin inflicted by the teeth of an animal.
- “Council” means the governing body of the village of Los Lunas.
- “Confinement” means the restriction of movement of an animal to the premises of its owner, or to the premises of one charged with the care and control of the animal.
- “Estray” means any animal running at large and unattended.
- “Guard dog” means a dog that is used to defend, patrol, or protect property or persons.
- “Hobby breeder” means a small-scale dog breeder who owns no more than three breeding female dogs (older than six months), that are registered with a recognized registry organization.
- “Impoundment” means the taking into custody a stray, vicious animal or an animal alleged to be vicious, by an animal control officer or municipal police officer, and the detention of the animal in an animal control center.
- “Leash” means chain, strap or cord of sufficient substance to hold under control the animal attached thereto and shall be no longer than eight feet.
- “Livestock” means horses, cattle, pigs, sheep, goats, rabbits and/or poultry.
- “Kennel” means any person, partnership or corporation that is engaged in the maintenance and shelter of animals not their own for profit, or that is engaged in breeding and sale of animals for profit.
- “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 village of Los Lunas.
- “Owner” of an animal is a person who owns, harbors or keeps, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care, or who permits an animal to remain on or about his premises.
- “Petshop” means any person, partnership or corporation who

is engaged in the buying and selling or grooming of animals for profit.

- “Premises” are defined as a parcel of land and the structures thereon.
- “Run at large” means to be free of physical restraints and go beyond the boundaries of the premises of the owner.
- “Service animal” means an animal which has been trained by a recognized service animal trainer to assist a blind person, a hearing impaired person, or a mobility impaired person. The term shall also include an animal that is deemed necessary by a physician licensed to practice in the state of New Mexico. Service animal means an animal which has been trained by a recognized service animal trainer to assist a blind person, a hearing impaired person, or a mobility impaired person.
- “Veterinarian” means a person with a doctor of veterinary medicine degree licensed to practice in the state of New Mexico.
- “Vicious animal” means any animal which shall bite or in any other manner attack or attempt to attack any person or other animal within the village, except that any animal which bites, attacks, or attempts to attack any person unlawfully upon its owners or keepers' premises, or which is provoked to attack, shall not be deemed to be a vicious animal.
- “Village of Los Lunas” or “village” includes the land area within the annexed boundaries of the village of Los Lunas, including privately owned land, state owned and federal owned land.
- (Ord. 264 (part), 1999; Ord. 161 §1, 1989)

**6.04.020 DOMESTIC ANIMALS TO BE PERSONAL PROPERTY.** Dogs, cats and other animals shall be deemed and considered as personal property, and all remedies given for the recovery of personal property and of damages for injuries thereto are extended to them. (Ord. 161 §2, 1989)

**6.04.030 RESTRAINT REQUIRED.**

- A. Dogs are permitted on the streets or public places of the village only if they are secured on a leash not exceeding eight feet in length, under the immediate physical control of the person having custody thereof. This provision does not apply when such an animal is in a bona fide animal show authorized by the village and/or authorized by appropriate animal authorities.
- B. Dogs shall not be allowed at village-sponsored events. This restriction shall not apply to service animals or to animals which are authorized to participate in such events.
- C. Service animals shall be admitted to any building open to the public and all public accommodations such as restaurants, hotels, hospitals, swimming pools, stores, common carriers, and theaters, provided that the person

needs the assistance of the service animal.  
(Ord. 264 (part), 1999; Ord. 161 §3, 1989)

**6.04.040 ANIMAL CONTROL AUTHORITY.**

**A. Authority of the Animal Control Officer and Municipal Police Officer to Enter Premises.**

1. For the purposes of discharging their duties imposed by this chapter, the animal control or municipal police officers are authorized to enter upon any manned premises if they have reasonable cause to believe a violation of this chapter has been committed; or if any provisions of this chapter or any of the laws of the state of New Mexico relating to the care, treatment, control and prevention of cruelty to animals are being violated.
2. If, however, the owner or occupant of any dwelling or premises objects to inspection, as stated in this section, a warrant for the inspection of the dwelling and premises shall be obtained and presented by the animal control officer or municipal police officer. A search warrant will be obtained from a court of competent jurisdiction prior to inspection, when permission is denied.

**B. Authority of Animal Control or Municipal Police Officer to Enter Private Land.** For the purpose of discharging their duties imposed by this chapter, the animal control officer, his duly appointed deputies and municipal police officers are authorized and it is declared to be their duty to enter upon private land for the purposes of hot pursuit or for impounding any animal found running at large.

**C. Impounding Estrays.**

1. It shall be the duty of the animal control or municipal police officer to take up and impound or cause to be impounded any stray animals found in the village.
2. If the stray animal is wearing a license or bears other identification, the animal control officer shall to notify the owner or his agent of the animals impoundment by registered or certified mail to the owner or his agents last known address. If after three full working days the owner or his agent has not redeemed the animal, the animal may be adopted, sold, or euthanized in a humane manner.
3. If the stray animal is not wearing a license or other identification, and after three full working days no one has appeared to redeem the animal, the animal may be adopted or euthanized in a humane manner.
4. If the animal control officer notified the owner or his agent of the animals impoundment and if the owner or his agent has not appeared to redeem the animal after three full working days, as specified in this section, then the village or its duly authorized agents shall not be liable to the animal's owner or his agent for the adoption or euthanization of the impounded animal.
5. If the animal control officer is unable to notify the

owner because the animal does not have a license or other visual identification and the animal is not redeemed within three full working days, the village or its duly authorized agents shall not be liable to the animal's owners for the adoption, sale or euthanization of the animal.

6. The stray animal may be redeemed from the pound by its owner or agent by payment to the village of the impounding fee plus payment of the license fee for the current year (if the animal was unlicensed and a license is required), payment of vaccination charges (if necessary), and any medical expenses incurred by the impounding authority. Any stray animal which is not redeemed by its owner within three full working days, as specified in this section may be adopted by another person, by the payment to the village of the license fee for the current year (if the animal was unlicensed and a license is required), payment of vaccination charges (if necessary) and any medical expenses incurred by the impounding authority.
7. Any person finding any stray animal shall notify the animal control officer or a municipal police officer as soon as possible, and shall surrender the stray to the animal control officer or a municipal police officer upon demand.

(Ord. 264 (part), 1999; Ord. 161 §4, 1989)

**6.04.050 LICENSING AND VACCINATIONS REQUIRED.**

**A. Vaccinations.** All dogs and cats shall be vaccinated as required by state law. It shall be the responsibility of the owner to comply with the regulations prescribed by the New Mexico Department of Health (7 NMAC 4.2). In the village, dogs and cats over the age of three months must be vaccinated against rabies, and so tagged, by a licensed veterinarian. Upon demand by the animal control officer or municipal police officer, the owner of the dog(s) and/or cat(s) shall present evidence that the animal has been vaccinated.

**B. Licensing.** Any person harboring or maintaining any dog over three months of age, within the village, shall obtain a license for each dog. Persons who are visiting or temporarily remaining within the village for less than thirty consecutive days shall be exempt from this licensing requirement. Licenses may be issued only by the village or a local licensed veterinarian. Licenses shall expire one year after the date of issuance of the license. The village animal control officer shall keep a record of all licenses issued. A current rabies vaccination certificate shall be presented at the time of the application for the license.

1. **Affixing Tags.** A current license tag number shall be affixed to the licensed dog at all times in a reasonable manner.
2. **Fees.** The annual license fee shall be three dollars for each neutered or spayed dog, and five dollars

for each unsprayed or unneutered dog. In the event a tag is lost, a replacement tag shall be obtained for a charge of one dollar. Each kennel or petshop with ten dogs or more in possession shall pay an annual fee of fifty dollars in lieu of licensing individual dogs, and such fee will cover all dogs kept by such business during the year.

3. Veterinarians Issuing Licenses. Each veterinarian who issues licenses shall deliver to the village animal control officer by the fifteenth day of the month information regarding all licenses issued during the preceding month. Veterinarians issuing licenses may add a reasonable service charge to the cost of each license issued as reimbursement for the cost of distributing the license.
4. The owner who intentionally or unintentionally breeds dogs must have a current hobby breeders license or shall pay a litter fee of twenty-five dollars for each litter. The twenty-five dollar fee may be refunded at the time proof of sterilization of the female animal is submitted and verified by the village but no later than two months from the time the female dog or cat delivers a litter. Each hobby breeder shall pay an annual fee of fifty dollars in lieu of fees for individual litters, and such fee will cover all litters during the calendar year. An owner shall not advertise, sell, barter, exchange or give away any dogs within the village boundaries unless the litter fee is displayed legibly. An owner shall furnish the litter fee or hobby breeder permit number to any prospective recipient requesting the number.

(Ord. 264 (part), 1999; Ord. 189 (part), 1992; Ord. 161 §5, 1989)

**6.04.060 ANIMALS RUNNING AT LARGE.**

- A. Any person owning or having charge or control of any animal shall keep such animal on their premises. No animal shall be running at large or unleashed on any street, alley, sidewalk, vacant lot, public property, other nonenclosed space in the village or on private property.
- B. Any animal found running at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and, if observed by the animal control or municipal police officer shall be taken up and impounded. Cats are not required to be leashed. However, cats shall be confined to the owner's property.
- C. It is unlawful for any person to chain or stake any animal on any unenclosed premises in such a manner that such animal may go beyond the property line. (Ord. 237 (part), 1996; Ord. 161 § 6, 1989)

**6.04.070 ANIMAL FIGHTING PROHIBITED.**

It is unlawful for any person to promote, stage, hold, conduct, carry on or attend any game, exhibition, or fight in which one or more animals are engaged for the purpose of

injuring, killing, maiming or destroying themselves or any other animals or to train and/or promote any of the activities in this section. (Ord. 161 § 7, 1989)

**6.04.080 CRUELTY TO ANIMALS PROHIBITED.**

- A. It is unlawful for any person to wilfully or maliciously kill or maim any animal; except that reasonable force may be employed to drive off vicious or trespassing animals. It is unlawful to poison dogs or cats or other animals normally considered household pets.
- B. It is unlawful for any person to neglect to provide any animal in his charge or custody with proper food, drink, shade or shelter, or to carry any animal in or upon any vehicle in a cruel or inhumane manner, or to keep any animal under unsanitary or unhealthy conditions.
- C. Whenever the animal control officer finds that any animal is without proper care, because of injury, illness, confinement or voluntary absence of the owner or person responsible for the care of such animals, he may impound such animal for protective care. In the event of sickness or injury of the animal, upon the advice of a license veterinarian, the animal control officer may take such action as called for to prevent undo pain and suffering, including immediate destruction of the animal.
- D. It is unlawful for any person to abandon any animal in the village.
- E. Housing facilities for dogs and cats shall be structurally sound and constructed of nontoxic materials. Interior floors shall be of smooth and easily cleanable construction and impervious to water. The premises shall be kept clean, sanitary and in good repair in a manner which will protect the dogs and cats from overcrowding. Dogs and cats shall be provided with adequate space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable normal position, and to walk in a normal manner. Outside housing shall protect the dogs and cats from weather conditions that may be detrimental to the health of the animals.

(Ord. 264 (part), 1999; Ord. 237 (part), 1996; Ord. 161 §8, 1989)

**6.04.090 DISTURBING PEACE--PROHIBITED--NUISANCE.**

- A. Any animal that habitually or continuously barks, howls or otherwise disturbs the peace of the inhabitants of the village, or are kept or maintained in such a manner or in such numbers as to disturb by noxious or offensive odors or otherwise endanger the health and welfare of the inhabitants of the village are declared to be an animal nuisance. Complaints filed pursuant to this section may be filed in writing with the animal control officer, and shall include the name of the complainant and the name and address of the person(s) permitting the nuisance to occur and to continue.
- B. No person or household shall own, harbor or keep more than two dogs or cats in any combination thereof over

the age of three months on property less than one-half acre in size. In the event the property is greater than one-half acre in size, the person or household may own, harbor or keep up to four dogs or four cats, or any combination thereof only if the property is zoned "Agricultural/Residential." In the event the property in question is greater than one-half acre in size, but is not zoned "Agricultural/Residential," no person or household shall own, harbor or keep more than two dogs or cats or any combination thereof over the age of three months.

- C. Private criminal complaints may be filed in municipal court by citizens affected by any animal disturbing the peace. All complaints filed pursuant to this section shall be in writing, stating the name and address of the person(s) permitting the nuisance to occur and to continue.

(Ord. 264 (part) 1999; Ord. 238, 1996; Ord. 237 (part), 1996; Ord. 189 (part), 1992; Ord. 161 §9, 1989)

**6.04.100 VICIOUS ANIMALS.**

- A. Vicious animals are further defined as follows:
  1. Any animal which kills or severely injures (so as to result in muscle tears or disfiguring lacerations, require multiple sutures, corrective or cosmetic surgery) a person or domesticated animal. It does not include an animal which bites, attacks or injures a person or animal, which is unlawfully upon its owner's premises, or which is provoked.
  2. 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; or
  3. 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
  4. An animal which, because of its poisonous bite or sting, would constitute a significant hazard to the public.
- B. It is unlawful for any person to own or keep a vicious, dangerous or ferocious animal in the village. Any person attacked by an animal which is on public property may use reasonable force to repel the animal.
- C. It is unlawful for any person to keep any breed of animal or any trained animal, which is of a certain breed or training, and liable to attack and injure human beings, unless such animals are securely kept so as to prevent injury to any person, or other animals.
- D. Any animal which injures or attacks a human being shall be impounded and may be destroyed if it is shown that the animal is vicious. For the purpose of this chapter, an animal shall be deemed vicious if the animal bites a human being while the person is on public property, or on property of someone other than that of the owner of the animal. The municipal court shall, after

the animal is impounded, conduct a hearing and determine if the animal is vicious. If the court determines that the animal is vicious, the animal shall be destroyed and the remains sent to the proper agency for testing.

- E. Any attack by a vicious animal may be repelled by the use of reasonable force. When a judicial determination is made that an animal is vicious, the court may in addition to fine or imprisonment of the owner of said animal, order the animal control officer to have such animal destroyed.
- F. No person shall keep or harbor a vicious animal. The animal control officer shall humanely destroy a vicious animal or require the owner either to provide proof acceptable to the animal control officer that the animal has been destroyed or surrender the animal to the animal control officer for humane destruction.
- G. No person shall maintain a dangerous animal in a manner which constitutes a threat to any other person or other animal. \

(Ord. 237 (part), 1996; Ord. 161 § 10, 1989)

**6.04.110 DESTRUCTION OF DOGS.**

- A. Dogs Killing or Injuring Livestock or Other Dogs in Presence of Municipal Police Officer or Animal Control Officer. The animal control officer or municipal police officer has the authority to destroy a dog(s) if it is in the act of wounding or killing livestock, or other animals, or in attacking humans. There shall be no liability of the animal control or municipal police officer in damages or otherwise for such killing.
- B. Dogs Killing or Injuring Livestock or Other Dogs Not in Presence of Municipal Police Officer or Animal Control Officer.
  1. The owner or keeper of any dog which kills or injures any livestock or other animals shall be liable for all damages that his dog has caused to the owner of the livestock, or animal which was killed or injured.
  2. Any person having knowledge that a dog has killed or injured livestock, or any other animal, shall report this to the animal control authority, or municipal police. Upon receiving such a complaint, the animal control officer or the municipal police officer having reason to believe that the dog did injure or kill livestock, or other animals, the dog shall be impounded. A complaint shall be filed and hearing shall then be had within a reasonable time to determine whether the dog did in fact kill or injure livestock, or another animal.
  3. Should the court determine that the dog in question did in fact kill or injure livestock, or another animal, it shall order the animal control officer to have the dog killed in a humane manner.
- C. Killing of Dogs Running in Packs. The animal control officer or municipal police officer are authorized to destroy in a humane manner any stray dogs within the village, which are running in packs who are potentially

dangerous to humans, other animals or livestock.  
(Ord. 161 § 11, 1989)

**6.04.120 GUARD DOGS.**

Housing facilities for dogs and cats shall be structurally sound and constructed of nontoxic materials. Interior floors shall be of smooth and easily cleanable construction and impervious to water. The premises shall be kept clean, sanitary and in good repair in a manner which will protect the dogs and cats from overcrowding. Dogs and cats shall be provided with adequate space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable normal position, and to walk in a normal manner. Outside housing shall protect the dogs and cats from weather conditions that may be detrimental to the health of the animals. (Ord. 264 (part), 1999)

**6.04.130 RABIES--VACCINATION REQUIRED.**

- A. It is unlawful to keep any unvaccinated dog, cat, ferret or any animal which has shown any symptom of rabies except that, if such animal has bitten a human being it shall be confined until a determination is made whether the animal is vicious or be euthanized and have the necessary samples sent for necessary testing for rabies. If the animal is determined to be vicious, it shall be destroyed and have necessary testing done. If the animal is determined not to be vicious, it shall be held for a ten-day period. If the animal dies during the confinement period, all necessary laboratory inspections will be conducted by the district health officer.
- B. If no action is taken against the animal or its owner, after the three working days period, the owner may apply to the village to have the animal returned. If the village or property authority designated representative determines the animal is not vicious and that all of the costs and fees for the animal's care and confinement, including vaccinations for rabies virus are paid, the animal may be returned. (Ord. 264 (part), 1999)

**6.04.140 DOGS OR CATS IN MATING SEASON TO BE CONFINED.** Any unsprayed female dog or cat in mating season (estrus) shall be confined during such period of time in a house, building or secure enclosure so that other dogs or cats are not attracted to the animal. Such enclosure shall be constructed so that no other dog or cat may gain access to the confined animal, except for intentional breeding purposes. (Ord. 264 (part), 1999)

**6.04.150 RESISTING OFFICER PROHIBITED.**

- A. It is unlawful for any person to hinder, resist or oppose the animal control or municipal police officer in the performance of their duties.

**6.04.160 PERMITTED PREMISES.**

- A. Permit Required.
  - 1. No person shall operate a kennel, guard dog site or

hobby breeder site without a valid permit issued by the animal control officer.

- 2. A fine of one hundred dollars will be assessed for any violations.

B. Permit Applications.

- 1. Persons who wish to apply for a permit shall file on forms provided by the village. The application shall require information sufficient to assure the animal control officer that the applicant and facilities are adequate to care for the animals in a manner that protects the public and the animals.

C. Permit Requirements.

- 1. No permit is transferable from one person or place to another person or place.
- 2. A valid permit shall be posted in a conspicuous place at each permitted premise.
- 3. A permit holder shall notify the animal control officer of any changes in operations which may affect the status of the permit and shall keep the village informed of any changes in name, address, home and business telephone numbers.
- 4. Both the person in charge of permitted premises and the owner of the permitted premises shall be responsible for complying with this section.
- 5. At each permitted premises a current record shall be kept which describes all animals owned, purchased or received, and the final disposition of each animal.
- 6. Permits shall expire one year after the date of issuance of the permit. An application for renewal, accompanied by a current certificate of inspection issued by the animal control officer, shall be filed at the village thirty days before the date of expiration. Failure to renew permits as specified shall result in the expiration of the permit, or in the assessment of a late fee of ten dollars in addition to the cost of renewing the permit.

D. Facilities and Care Applicable to Kennel Permit.

- 1. Dog and/or cat housing facilities must be structurally sound and shall be constructed of nontoxic materials. This facility shall be maintained in good repair and kept clean and sanitary at all times so as to protect animals from disease and injury. Animals maintained in pens, cages, or runs for periods exceeding twenty-four hours must be provided with adequate space for exercise, to prevent overcrowding, and to permit adequate ventilation and temperature control to provide for the animals comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the dog and/or cat from sunlight, rain, snow or cold weather detrimental to the animal's health. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards. Animals shall be provided with sufficient fresh clean and wholesome food and water. Food

and water containers must be kept clean. Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care.

- E. Access to Permitted Premises.
  1. The animal control officer shall be allowed to enter a permitted premise, following proper notification of permit holder or applicant, for the purpose of inspection prior to issuance of permit, renewal of permit, or for investigation of complaint.
- F. Suspensions, Revocation of Permits.
  1. When the animal control officer discovers that a permitted premises is in violation of this section, he shall give notice of this violation to the permit holder, operator or person in charge by means of an inspection report or other written notice. The notification shall state that failure to comply with the inspection report issued in accordance with the provisions of this section may result in immediate suspension or revocation of the permit.
  2. Permits may be suspended for thirty days to allow permit holder to comply with the requirements of this section or other applicable laws, ordinances, or regulations.
  3. Permits may be revoked for serious or repeated violations of the requirements of this section, or for violation of other applicable laws, ordinances or regulations. A permit shall be revoked for a minimum of one year. The permit shall be surrendered to the animal control officer upon suspension or revocation. A person whose permit has been suspended may apply for an inspection of the premises for the purpose of reinstating the permit by filing an additional application for a permit on a form required by the animal control officer. Within five working days after the application is received the animal control officer shall make an inspection. If the applicant and the site are in compliance with the requirements of this section and all other applicable laws, regulations, and ordinances, the permit shall be reinstated.
- G. Guard Dog Site.
  1. A person who wishes to use a guard dog shall first obtain a guard dog permit.
  2. In addition to the facilities, and care standard requirements of permitted premises set forth in this section, the area where the guard dog is housed, while not on duty, shall be secured in a manner which will prevent their escape. The off-duty housing area shall be kept locked when not in use. Guard dog premises shall be posted with warning signs at least twelve inches long on each side. The warning sign shall state "guard dog" or "guardian" and shall show a picture of an aggressive dog. The warning signs shall be posted not more than two hundred feet apart on the exterior of the fences or walls surrounding the site, and shall be posted at all

exterior corners of the site and every entrance to the site.

- H. Exceptions to Permitted Premises.
  1. The following are not required to obtain a permit.
    - a. A veterinarian hospital or clinic operated by a licensed veterinarian.
    - b. A bona fide research institution, using animals for research.
    - c. A publicly owned animal control center or shelter. (Ord. 264 (part), 1999)

**6.04.170 VIOLATION--PENALTY.**

- A. Any person who shall violate any provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than five hundred dollars, or imprisonment for not more than ninety days or both.
- B. Citations may be issued to the custodian or owner of the animal violating the following: stray dog; the impounding fee shall be twenty-five dollars for the first impoundment within a twelve-month period, fifty dollars upon a second impoundment within the time period, seventy-five dollars upon the third impoundment within the time period, and three hundred dollars upon every impoundment after the third impoundment within the preceding twelve-month period; ten dollars for a dog with no license tag. (Ord. 264 (part), 1999)