

CITY OF SANTA FE

CHAPTER V: ANIMAL CONTROL

5-1 SHORT TITLE; PURPOSE.

- A. This section may be cited as the “Animal Control Ordinance”.
- B. It is the intent of the governing body that this chapter will protect animals from cruelty, neglect and abuse; protect residents from annoyance and injury, assist in providing housing for animals in a control center, finance the functions of licensing and recovery, and to establish a program for the sterilization of animals.

(Ordained as Code 1973, § 4-1 by Ord. # 1979-2, § 4- 1 ; SFCC 198 1, § 6-2- 1)

5-2 DEFINITIONS.

As used in this chapter.

Animal means any vertebrate member of the animal kingdom excluding human beings.

Animal control center means the facility maintained and operated pursuant to the provisions of this chapter.

Animal control officer means an employee of the city, designated as such by the director, who has the authority of a peace officer to issue citations for violations of this chapter and performs such other duties relating to animal control as prescribed by the city manager.

Anti-escape provision means any housing, fencing or device which a guard dog cannot go over, under, through or around.

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

Commercial kennel means any commercial establishment or premises where ten (10) or more dogs or cats, over three (3) months of age, are boarded, kept or maintained for any purpose whatsoever, with the exception of state-inspected veterinary hospitals and shelters.

Commercial property means:

- A. A portion of land, buildings, or land and buildings in the city, zoned for, or utilized for commercial or business uses, including temporary sites; and
- B. Any vehicle utilized for commercial or business purposes in the city.

Director means the executive director of animal control.

Enclosed lot means a parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.

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

Grooming parlor means any establishment, or part thereof, or premises maintained for the purpose of offering animals cosmetological services for profit.

Guard dog means any dog that is utilized to protect commercial property, as defined above.

Handler means a person who trains dogs for socialization or dog shows or trials or a security person capable of controlling guard dogs.

Handler breeder or hobby breeder means any person

involved in controlled breeding of animals which are approved by a nationally recognized animal breeding organization, and are eligible to be so registered. Animals under the age of three (3) months are not required to be registered. Handler breeders or hobby breeders are subject to the professional animal permit requirements.

Hobby kennel means any private, non-profit premises operated by a person for the purpose of bringing aid and comfort to more than four (4) but not to exceed twelve (12) animals, which will not be used for the purpose of breeding.

Housing means any location where the guard dog is kept when not used for protection purposes.

Impound means to take-up and confine an animal in a humane manner.

Kennel means any commercial establishment or premises where ten (10) or more dogs or cats, over three (3) months of age, are boarded, kept or maintained for any purpose whatsoever, with the exception of state-inspected veterinary hospitals and shelters.

Licensed veterinarian means a person with a doctor of veterinary medicine degree, licensed to practice in the state.

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 city.

Owner of animal means a person who owns, harbors or keeps, 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.

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

Pet shop means any commercial establishment or premises or part thereof maintained for the purchase, sale, exchange or hire of animals of any type, except that - the term shall not include livestock auctions.

Police dog means any dog owned by a public agency and used in law enforcement activities under the direction of a handler.

Premises means a parcel of land and the structures thereon.

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

Running at large means not to be confined within a building, shelter, walled or fenced area or secured by a leash, rope, chain or other restraining device, unless under the direct control of the owner/handler or keeper.

Service animal means any animal trained to assist mobility impaired, blind, or deaf people or trained for and actively employed by a police department.

Shelter means any establishment owned and operated by a non-profit humane organization licensed to do business in the state.

Stray animal means any animal found running at large

beyond the boundaries of the premises of the owners.

Vaccination means protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the state.

Vicious animal means any animal which shall bite or in any other manner attack or attempt to attack any person or animal, except that any animal that bites, attacks, or attempts to attack any person or animal unlawfully upon its owner's or keeper's premises, without provocation, shall not be deemed a vicious animal.

Wild or exotic animal means any animal not normally considered domesticated and shall include, but not limited to:

- A. Class reptilia; order phidia, such as racers, boas, water snakes and pythons, and order loricata, such as alligators, caymans and crocodiles-,
- B. The following members of the class aves; order falconiforms, such as hawks, eagles and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries and emus; and
- C. Class mammalia; order carnivora; family felidae, such as ocelots, amrgays, tigers, jaguars, leopards and cougars, except commonly accepted domesticated cats; the family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted domesticated dogs, family mustelidae, such as weasels, martins, mink, badgers, family procynidae, such as raccoons; family ursidae, such as bears; and order marsupialia, such as kangaroos and common opossums; order edentata, such as sloths, anteaters and armadillos; order proboscidea, such as elephants; order primata, such as monkeys, chimpanzees and gorillas; order rodenta, such as porcupines; and order ungulata, such as antelope, deer, bison and camels.

(Ordained as Code 1973, § 4-2 by Ord. #1979-2, § 4-2; Ord. #1980-39, § 1; Ord. #1984-70, § 1; SFCC 1981, § 6-2-2; Ord. #1989-27, § 1)

5-3 ADMINISTRATION.

5-3.1 Administration of Chapter. The director is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the director to carry out the intent and purpose of the Animal Control Chapter. The director may delegate authority to his duly appointed control officers as he deems expedient to carry out the provisions of this chapter. (Ordained as Code 1973, § 4-3 by Ord. #1979-2, § 4-3. SFCC 1981, § 6-3-1)

5-3.2 Control Officers as Peace Officers for Issuance of Citations. The city police, the director and animal control officers have the authority of peace officers to issue citations for violations of this chapter and to perform such other duties as are prescribed by the city manager. An animal control officer shall wear a uniform, and a badge, and a name tag identifying him as an animal control officer. The badge shall be returned to the director upon the termination of his employment. (Ordained as Code 1973, § 4-4 by Ord. #1979-2, § 4-4; SFCC 1981, § 6-3-2)

5-3.3 Right of Entry of Control Officers. Animal control

officers, in the performance of their duties, may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals. (Ordained as Code 1973, § 4-5 by Ord. #1979-2, § 4-5; SFCC 1981, § 6-3-3)

5-4 ANIMAL CONTROL CENTERS

5-4.1 Established. There are established one (1) or more animal control centers in such numbers and locations as designated by the city. (Ordained as Code 1973, § 46 by Ord. #1979-2, § 4-6; SFCC 1981, § 6-4-1)

5-4.2 Hours of Business. The animal control center shall be kept open to the public for the transaction of business during the hours set by the director. (Ordained as Code 1973, § 4-8 by Ord. #1979-2, § 4-8; SFCC 1981, § 6-4-3)

5-4.3 Impoundment. It is the duty of the animal control officers to take-up and impound in the animal control center any stray or any animal kept or maintained contrary to this chapter. (Ordained as Code 1973, § 4-9 by Ord. #1979-2, § 4-9; SFCC 1981, § 6-4-4)

5-4.4 General Regulations.

- A. No person shall hold or retain possession of any animal of which he is not the owner, without the knowledge or consent of the owner, for more than twenty-four (24) hours without first reporting the possession to the director or his designee, giving his name and address, a true and complete statement of the circumstances, a description of the animal and the precise location where such animal is confined.
- B. It is unlawful for any person taking up an animal to fail to give the notice required in subsection A of this section, and for any person having such animal in his possession to fail or refuse to immediately surrender such animal to the director or his designee upon demand.
- C. A licensed stray shall be confined at the animal control center for a period of at least five (5) days during which time the owner shall be notified. If identification or notification of the owner is not possible, the animal control center may dispose of the animal, without notice, one (1) day after the required impoundment period and may either place the animal in an adoptive home, or may destroy the animal in a humane fashion, as the director may deem proper.
- D. An unlicensed stray animal shall be confined at the animal control center for a period of at least three (3) days. One (1) day after the required impoundment period, the director may either place the animal in an adoptive home, or may destroy the animal, in a humane fashion, as the center may deem proper.
- E. No animal that has been impounded by the animal control center will be adopted-out for the purpose of breeding or sale. Every dog and cat adopted from the center shall be neutered by a licensed veterinarian. A fee for the operation shall be paid to the animal control center or its designee by the person purchasing the dog or cat, prior to the release of the animal. Nothing in this subsection shall be construed as applicable to any dog or cat returned to the owner.



- F. Any stray aviane, bovine, equine, ovine, porcine or caprine animal which cannot be adopted may be destroyed following notice to the state livestock board. The time and place where the animal is to be destroyed shall be posted for five (5) days at the center and published once in a newspaper of general circulation. Any other stray animal not redeemed by its owner or placed with a new owner may be disposed of by the animal control center, at its discretion.
- G. It is the responsibility of an owner of an animal legally impounded to pay for boarding and other costs. The city shall establish appropriate fees and procedures for their collection. In addition, the owner shall pay any license fees due, cost of inoculations, fines imposed or other costs incurred in the care and maintenance of the animal. The animal control center shall not release any animal impounded at the center until all such fees, fines and costs are paid.
- H. The animal control center shall maintain records for a reasonable period of time, as determined by the city, of all animals impounded in the center. The record shall contain at least the following:
- (1) A complete description of the animal;
 - (2) The manner and date of its acquisition by the center;
 - (3) The date and manner of its disposal;
 - (4) The name and address of the purchaser of any animal; and
 - (5) All fees received.

(Ordained as Code 1973, § 4-10 by Ord. #1979-2, § 4-10; Ord. #1984-64, § 2; SFCC 1981, § 6-4-5) Editor's Note: For related state law, see § 77-1-9 NMSA 1978.

5-5 OWNER'S DUTIES.

5-5.1 Rabies Vaccinations.

- A. It is the duty of all persons owning or keeping a dog or cat over the age of three (3) months to have such animals vaccinated against rabies. The rabies vaccination shall be given in an amount sufficient to provide immunity from rabies for one (1) year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The director may require other animals to receive annual rabies vaccinations.
- B. The veterinarian administering anti-rabies vaccine to any animal shall issue to the owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the date of vaccination and the expiration date of the period of immunity.
- C. It is unlawful for the owner or keeper of any dog or cat to fail to exhibit its certificate of vaccination upon demand by the director or by any animal control officer.

(Ordained as Code 1973, § 4-11 by Ord. #1979-2, § 4-11; SFCC 1981, § 6-5-1) Editor's Note: For related state law, see §§ 77-1-6 and 77-1-10 NMSA 1978.

5-5.2. Rabid Animal. An animal that has rabies or shows

signs of having rabies and every animal bitten by another animal afflicted with rabies or that has been exposed to rabies shall be confined at once in a secure place by the owner. A person who knows or who has reason to know that an animal is infected with rabies or has been exposed to rabies shall, immediately upon learning of the infection, notify the animal control center and the state health and environment department as to the place where the animal is confined and shall surrender the animal to the animal control center upon demand. The animal control center shall then deal with the rabid animal pursuant to state law. (Ordained as Code 1973, § 4-12 by Ord. #1979-2, § 4-12; Ord. #1980-39, § 2; SFCC 1981, § 6-5-2) Editor's Note: For related state law, see §§ 77-1-6 and 77-1-10 NMSA 1978.

5-5.3 Biting Dogs or Other Biting Animals.

- A. The owner of an animal that bites a person, and a person bitten by an animal, shall report that occurrence to the animal control center and to the state health and environment department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender the animal to the animal control center if the director deems it necessary to impound the animal for a period of observation.
- B. A physician who renders professional treatment to a person bitten by an animal shall report that fact to the animal control center and to the state health and environment department within twenty-four (24) hours of his first professional attendance. The physician shall report the name, sex and address of the person bitten, as well as the type and location of the bite. The physician shall give the name and address of the owner of the animal that inflicted the bite, if known, and any other facts or details that may assist the director in ascertaining the immunization status of the animal.
- C. An animal that bites a person shall be confined securely at a place for a period of time deemed necessary by the director. The owner of the animal shall bear the cost of confinement. The director may consent to confinement on the owner's premises but only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises where the home confinement is to occur shall be inspected and approved for such purposes by an 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 director before consent may be given for such home confinement.
- D. A person who has custody of an animal that has bitten a person shall immediately notify the director if the animal shows any signs of sickness, abnormal behavior, or if the animal escapes confinement. If the animal dies while it is in confinement, the person having custody of the animal shall notify the director or an animal control officer and relinquish any claims to the animal.

(Ordained as Code 1973, § 4-13 by Ord. #1979-2, § 4-13; Ord. #1980-39, § 3; SFCC 1981, § 6-5-3) Editor's Note: For related state law, see § 77-1-6 NMSA 1978.

5-5.4 Restraint of Animals.



- A. It is unlawful to permit dogs in the streets or public places unless on a secure leash not exceeding eight - feet (8') in length and under the immediate physical control of the person having custody thereof. No dog, cat or other member of the canine or feline families is allowed upon a public playground or on the premises of a public swimming pool or upon a school yard.
- B. The above provisions do not apply when such an animal is in a bona fide animal show or training program authorized by law or appropriate school authority.

(Ordained as Code 1973, § 4-14 by Ord. # 1979-2, § 4-14; SFCC 198 1, § 6-5-4) Editor's Note: For related state law, see § 77-1-12 NMSA 1978.

5-5.5 Confinement of Female Dogs and Cats during Mating Season. Any person in control of a female dog or cat in mating season shall confine such dog or cat so as to preclude other dogs or cats from either attacking or being attracted to such female animal. (Ordained as Code 1973, § 4-15 by Ord. #1979-2, § 4-15; SFCC 1981, § 6-55)

5-5.6 Dog Licenses.

- A. Any person owning, possessing or harboring any dog three (3) months of age or over shall obtain a license for such animal. Licenses may be obtained from the director or from the animal control center. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee for a tag and certificate, shall be three dollars (\$3.00) for a neutered animal and ten dollars (\$10.00) for an unneutered animal. In the event a tag is lost, replacement tags costing one dollar (\$1.00) shall be purchased. The license shall expire one (1) year from the date of issue and shall be renewed annually. A late renewal charge (more than one (1) month beyond renewal date) will be one dollar (\$ 1.00) per animal.
- B. A current license tag shall be affixed to the licensed dog at all times in a reasonable manner, unless the licensed dog is being kept in an approved kennel, veterinary hospital, grooming parlor, is appearing in an approved show or is being trained; provided, that the person who is training a dog shall have in his personal possession the valid license tag for each dog and shall immediately display such upon request by an animal control officer, animal shelter personnel or other law enforcement officers.
- C. Animals belonging to nonresidents who do not keep the animals within the corporate limits of the city for thirty (30) consecutive days shall be exempt from this section; provided, however, that all the other provisions of this chapter must be complied with.
- D. The license fees shall not apply to dogs trained to assist, and, in fact, used to assist the blind or deaf, nor to any police dogs.

(Ordained as Code 1973, § 4-16 by Ord. #1979-2, § 4-16; Ord. #1980-39, § 4; SFCC 1981, § 6-5-6; Ord. #1984-65, § 1) Editor's Note: For related state law, see § 77-1-15.1 NMSA 1978.

5-6 KENNELS, GROOMING PARLORS, PET SHOPS

AND SHELTERS.

5-6.1 Purpose. The city declares it to be conducive to the promotion of the health and general welfare of the inhabitants of the city to require a professional animal care permit to operate a kennel, grooming parlor, pet shop or shelter, and to impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, pet shop or shelter. (Code 1973, Art. V, Ch. 4; SFCC 1981, § 6-61)

5-6.2 Permit Required; General Provisions.

- A. Persons operating kennels, grooming parlors, pet shops or shelters shall obtain a professional animal care permit from the director. It shall be unlawful to operate a kennel, grooming parlor, pet shop or shelter without a current valid professional animal care permit.
- B. When a permit is applied for, an inspection of the kennel, grooming parlor, pet shop or shelter shall be conducted by the director to determine compliance with this chapter. If inspection reveals that the premises comply with the law and regulations, a professional animal care permit will be issued. The permit is only valid for the approved premises. Permittees who keep animals confined, shall, at the option of the permittee, be exempt from the animal license requirements of this chapter and will not be issued any license tags unless the required animal license fee is paid.
- C. Permits are not transferable from one (1) person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop and shelter.
- D. A permit holder shall notify the director of any change in his operations which may affect the status of his permit and shall keep the director informed of any change in name or location of his business.
- E. Persons in charge of a kennel, grooming parlor, pet shop or shelter shall be responsible for complying with this chapter. There shall be kept at each kennel, grooming parlor, pet shop or shelter a record of all animals received and of their final disposition.
- F. The professional animal care permit shall expire December 31 of each calendar year, and shall be renewed by February 1 of the following year. New professional animal care permits, but not a renewal, shall be issued with professional animal care permit fees prorated on a semiannual basis. Professional animal care fees shall be established by the director and approved by the governing body of the city.

(Ordained as Code 1973, § 4-17 by Ord. #1979-2, § 4-17; Ord. #1980-39, § 5; SFCC 1981, § 6-6-2)

5-6.3 Specifications and Maintenance of Facilities.

- A. Animal housing facilities shall be constructed of non-toxic materials and in a structurally sound design. Interior floors shall be smooth, easily cleanable construction and impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times, so as to protect the animals from disease and injury.
- B. Animals maintained in pens, cages or runs for periods



exceeding twenty-four hours, shall be provided with adequate space to prevent overcrowding and to maintain normal exercise, according to species.

- C. Indoor housing shall be provided for in all pet shops, grooming parlors, shelters and commercial kennels. These facilities shall be sufficiently temperature-controlled and ventilated to provide for the animal's comfort and health.
- D. Sufficient lighting shall be provided by either artificial or natural means.
- E. Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.
- F. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris.
- G. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare or breeding purposes and any vicious or quarantined animals shall be removed and caged by themselves.
- H. Animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.
- I. Each animal shall be observed daily by the animal caretaker in charge or his representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary care. Any person operating or employed at a kennel, grooming parlor, pet shop or shelter who observes an animal which he suspect of being rabid shall at once notify the director and the state department of health and environment and segregate such animal for a period of ten (10) days, unless examined and released by written statement of a veterinarian and then only at the discretion of the director.

(Ordained as Code 1973, § 4-18 by Ord. #1979-2, § 4-18; Ord. #1980-39, § 6; SFCC 1981, § 6-6-3)

5-6.4 Inspections. The director or his duly appointed agent shall be permitted to enter at any reasonable time, any kennel, grooming parlor, pet shop or shelter for the purpose of making inspections to determine compliance with this chapter. The director shall make as many inspections and re-inspections as necessary for the enforcement of this chapter. (Ordained as Code 1973, § 4-19 by Ord. #1979-2, § 4-19; Ord. #1980-39, § 7; SFCC 1981, § 6-6-4)

5-6.5 Permit Violations; Suspensions and Revocations.

- A. If the director makes an inspection of a kennel, grooming parlor, pet shop or shelter and discovers a violation of this chapter, he shall notify the permit holder, or operator, of the violation by means of an inspection report form or other written notice. The notification shall:
 - (1) Set forth the specific violation found;
 - (2) Establish a specific and reasonable period of time for the correction of the violation found;
 - (3) State that failure to comply with any notice issued in accordance may result in immediate suspension of the permit; and
 - (4) State that an opportunity for appeal from any notice

or inspection findings will be provided if a written request for a hearing is filed with the director, within five (5) days.

- B. Notices provided for under this subsection shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or the notice has been sent by registered or certified mail, return receipt requested, to the last-known address of the permit holder. A copy of the notice shall be filed with the records of the animal control center.
- C. Permits may be suspended temporarily by the director for failure of the holder to comply with the requirements of this chapter or other applicable laws or regulations. Whenever a permit holder or operator has failed to comply with any notice issued under the provisions of this chapter, the permit holder or operator shall be notified in writing that the permit is, upon service of the notice, immediately suspended and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director by the permit holder. Notwithstanding the other provisions of this chapter, when the director finds unsanitary or other conditions in the operation of a kennel, grooming parlor, pet shop or shelter, which, in his judgment, constitute a substantial hazard to public health, he may, without warning or hearing, issue a written notice to the permit holder or operator citing such conditions and specifying the corrective action to be taken. If deemed necessary, the order shall state that the permit is immediately suspended and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately.
- D. For serious or repeated violations of any of the requirements of this chapter, or for interference with the director in the performance of his duties, the permit may be permanently revoked after an opportunity for a hearing has been provided by the director. Prior to such action, the director shall notify the permit holder, in writing, stating the reasons for which the permit is subject to revocation and advising that the permit shall be permanently revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the director by the permit holder within the five (5) day period. A permit may be suspended for cause pending its revocation or a hearing relative thereto.

(Ordained as Code 1973, § 4-20 by Ord. #1979-2, § 4-20; Ord. #1981-64, § 27; SFCC 1981, § 6-6-5)

5.6.6 Hearing; Review.

- A. The hearings provided for shall be conducted by the director at a time and place designated by him. Based upon the record of the hearing, the director shall make a finding, and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the director. This paragraph shall not preclude the city from institution of court action, as



otherwise provided by law.

- B. Any person whose permit has been suspended, may at any time, make application for an inspection for the purpose of reinstatement of the permit. Within five (5) days following a request for reinstatement, the director shall make an inspection. If the applicant is complying with the requirements of law and regulations, the permit may be reinstated.

(Ordained as Code 1973, § 4-21 by Ord. #1979-2, § 4-21; SFCC 1981, § 6-6-6)

5-7 GENERAL REGULATIONS.

5-7.1 Animals Running at Large.

- A. It is unlawful for any person to allow or permit an animal to run at large, as defined in this chapter, in or on any street, alley, sidewalk, vacant lot, public or private property.
- B. A notice of impoundment will be left in each case that an animal is impounded from private property. An attempt will be made by the animal control officers to contact the owner.
- C. The animal control officers have the right to impound animals that are destroying public or private property or endangering the welfare of any person or animal who is lawfully on public or private rights-of-way. Any animal in violation of this subsection is declared to be a nuisance, a menace to the public health and safety and shall be impounded as provided in subsections 5-4.1 through 5-4.4 of this chapter.

(Ordained as Code 1973, § 4-22 by Ord. #1979-2, § 4-22; Ord. #1980-39, § 8; Ord. #198471, § 1; SFCC 1981, § 6-7-1) Editor's Note: For related state law, see § 77-1-12 NMSA 1978.

5-7.2 Enclosure for Breeding Animals. It is unlawful for any person to let any female animal to any male animal, except within an enclosure so arranged as to obstruct the animals completely from the view of all who have no proprietary interest in the breeding of the animals. (Ordained as Code 1973, § 4-23 by Ord. #1979-2, § 4-23; SFCC 1981 § 6-7-2)

5-7.3 Animals on Unenclosed Premises. It is unlawful for any person to chain, stake-out, graze or herd any animal on any unenclosed premises in such a manner that the animal may go beyond the property line. (Ordained as Code 1973, § 4-24 by Ord. #1979-2, § 4-24; SFCC 1981 § 6-7-3)

5-7.4 Vicious Animals. It is unlawful for any person to keep or harbor any vicious animal. Any person attacked by a vicious animal while on public property may use reasonable force to repel the attack. After a judicial determination that an animal is vicious the owner or keeper of the vicious animal shall destroy it humanely or turn the animal over to the director for destruction. (Ordained as Code 1973, § 4-25 by Ord. #1979-2, § 4-25; SFCC 1981, § 6-7-4)

5-7.5 Animals Disturbing the Peace. It is unlawful for any person to allow any animal to persistently or continuously bark, howl or make noise common to its species, or otherwise to disturb the Peace and quiet of the inhabitants of the city, or to keep or maintain animals in such a manner as to disturb by noxious or offensive odors, or otherwise endanger

the health and welfare of the inhabitants of the city. (Ordained as Code 1973, § 4-26 by Ord. #1979-2, § 4-26; Ord. 1980-39, § 9; SFCC 1981, § 6-7-5)

5-7.6 Nuisances. It is unlawful for the owner of an animal to permit, either willfully or through failure to exercise due care or control, the animal to commit any nuisance upon any property other than that of the owners of the animal, and then only so long as no other provisions of this chapter are violated. (Ordained as Code 1973, § 4-27 by Ord. #1979-2, § 4-27; SFCC 1981, § 6-7-6)

5-7.7 Unlawful Use of License Tags. It is unlawful for any person to remove any license tag from one animal to another or to remove a license tag from an estray without lawful permission. 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 vaccination certificate or other form of animal or premises license. (Ordained as Code 1973, § 4-28 by Ord. #1979-2, § 4-28; SFCC 1981, § 6-7-7)

5-7.8 Breaking into Center, Shelter or Vehicles. It is unlawful for any person to break open any pound, center or animal control vehicle wherein animals are impounded by the city, or in any other way to remove or assist in the removal of any animal from the pound, center or vehicle without lawful permission. (Ordained as Code 1973, § 4-29 by Ord. #1979-2, § 4-29; SFCC 1981, § 6-7-8)

5-7.9 Service Animals Trained to Assist the Blind or Deaf or Mobility Impaired in Public Places. It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any purpose to debar or exclude therefrom any animal which is a service animal or has been trained to assist the blind, deaf or mobility impaired provided that such animal is under proper supervision of the handler or the blind or deaf or mobility impaired person whom it was trained to assist in conformance with the law. (Ordained as Code 1973, § 4-30 by Ord. #1979-2, § 4-30; SFCC 1981, § 6-7-9; Ord. #1989-27, § 2)

5-7.10 Slaughterhouses and Slaughtering. It is unlawful for any person to keep a slaughterhouse or to slaughter any cattle, sheep or swine. (Ordained as Code 1973, § 4-31 by Ord. #1979-2, § 4-31; SFCC 1981, § 6-7-10)

5-7.11 Confining Animals in Motor Vehicles.

- A. No person having charge or custody of an animal, as owner or otherwise, shall place or confine the animal or allow the animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of the animal due to heat, lack of food or drink, or other circumstances as may reasonably be expected to cause suffering, disability or death.
- B. No person having control over a motor vehicle shall place or confine an animal or allow an animal to be placed or confined or to remain in a motor vehicle under such conditions or for such period of time as may endanger the health or well-being of such animal due to heat, lack of food or drink, or such other circumstances as may reasonably be expected to cause suffering, dis-



ability or death. (Ord. #1984-66, §§ 1-2; SFCC 1981, §§ 6-7-11 and 6-7-12)

5-7.12 Transportation of Animals. Nothing in this chapter shall be deemed to prohibit the transportation of horses, cattle, sheep, poultry or other agricultural livestock in trailers or other vehicles designed and constructed for such purpose. (Ord. #198466, § 3; SFCC 1981, § 6-7-13)

5-7.13 Removal of Animals from Motor Vehicles by Animal Control Officer or Peace Officer. An animal control or peace officer who finds an animal in a motor vehicle in violation of this chapter may enter the motor vehicle if necessary to remove the animal. The officer removing the animal shall take the animal to an animal control center or other place of safe keeping. If a vehicle is entered, left unsecured and cannot be resecured, an animal control or peace officer shall stay with the vehicle until the owner arrives. In the event the person having custody cannot be contacted, the officer shall leave in a prominent place in the motor vehicle a written notice bearing his name and office and the address where the animal may be claimed by the owner. The animal will be surrendered to the owner if the owner claims the animal within five (5) days from the time the animal was impounded. The owner shall pay all reasonable charges that have accrued for the maintenance of the animal. If the owner fails to claim the animal within five (5) days after its removal from the motor vehicle, the animal control center will make reasonable effort to contact the owner and give notice that the animal is in their custody. In the event the owner cannot be contacted or expresses no interest in reclaiming the animal within five (5) days after contact or efforts to contact, the animal control center may dispose of the animal in any reasonably humane manner. (Ord. #1984-66, § 4; SFCC 1981, § 6-7-14)

5-8 CRUELTY TO ANIMALS PROHIBITED.

5-8.1 Generally. It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture, kick, beat with a stick, chain, club or other object, mutilate, burn or scald with any substance any animal, except that reasonable force may be employed to drive off vicious or trespassing animals. (Ordained as Code 1973, § 4-32 by Ord. #1979-2, § 4-32; SFCC 1981, § 6-8-1) Editor's Note: For related state law, see §§ 3-18-3 and 30-18-1 through 30-18-8 NMSA 1978.

5-8.2 Work Cruelty. It is unlawful for any person to drive or work any animal cruelly. (Ordained as Code 1973, § 4-33 by Ord. #1979-2, § 4-33; SFCC 1981, § 6-8-2)

5-8.3 Neglect. It is unlawful for any person to fail, refuse or neglect to provide any animal in his charge or custody, as owner or otherwise, with proper food, drink, shade, care or shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner. Any animal habitually kept outside shall be provided with a structurally- sound, weatherproof enclosure, large enough to accommodate the animal. (Ordained as Code 1973, § 4-34 by Ord. #1979-2, § 4-34; SFCC 1981, § 6-8-3)

5-8.4 Abandonment. It is unlawful for any person having charge, custody or ownership to abandon any animal. All animals which are to be abandoned may be turned over to

the animal control center or the animal shelter for adoption. (Ordained as Code 1973, § 4-35 by Ord. #1979-2, § 4-35; SFCC 1981, § 6-8-4)

5-8.5 Poisoning. It is unlawful for any person by any means to make accessible to any animal, with the intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance. It is not the intent of this subsection to prohibit the use of poisonous substances for the control of vermin of significance to the public health. (Ordained as Code 1973, § 4-36 by Ord. #1979-2, § 4-36; SFCC 1981, § 6-8-5)

5-8.6 Protective Care by Director. When the director finds that any animal is or will be without proper care because of injury, illness, incarceration or absence of the owner or person responsible for the care of the animal, the director may take up the animal for protective care; and, in the event of sickness or injury, upon the advice of a licensed veterinarian, the director may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal. (Ordained as Code 1973, § 4-37 by Ord. #1979-2, § 4-37; SFCC 1981, § 6-8-6)

5-8.7 Injury by Motorists.

A. Every operator of a motor or other self-propelled vehicle upon the streets and ways shall immediately, upon injuring, striking, maiming or running down any animal, give aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the director, furnishing sufficient facts relative to the injury.

B. Every such operator shall remain at or near the scene until the appropriate authorities arrive, and upon the arrival of the appropriate authorities, the operator shall immediately identify himself to them. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the animal control center and notifying the director. The animal shall be deemed an abandoned animal within the meaning of subsection 5-8.4 of this chapter. This provision does not apply to operators of emergency vehicles.

(Ordained as Code 1973, § 4-38 by Ord. #1979-2, § 4-38; SFCC 1981, § 6-8-7)

5-8.8 Hobbling Livestock. It is unlawful to hobble livestock or other animals by any means which may cause injury or damage to any animal. (Ordained as Code 1973, § 4-39 by Ord. #1979-2, § 4-39; SFCC 1981, § 6-8-8)

5-8.9 Keeping of Diseased or Painfully Crippled Animals.

It is unlawful to have, keep or harbor any animal which is infected with any dangerous or incurable or painfully crippling condition except as provided in this chapter. The director may impound the diseased or painfully crippled animal in accordance with the provisions of this chapter. All such animals impounded, following examination and approval by a veterinarian may be destroyed humanely as soon thereafter as is conveniently possible. In the case of destruction of an animal, the director shall not be required to give any of the notices provided in this chapter. This subsection shall not be construed to include veterinary hospitals or animals under active veterinary care. (Ordained as Code 1973, § 4-40 by



Ord. #1979-2, § 4-40; SFCC 1981, § 6-8-9)

5-8.10 Animal Fights. It is unlawful for any person to promote, stage, hold, manage, conduct, carry on or attend any game, exhibition, contest or fight in which one (1) or more animals are engaged for the purpose of injuring, killing, maiming or destroying themselves or any other animal. (Ordained as Code 1973, § 4-41 by Ord. #1979-2, § 4-41; SFCC 1981, § 6-8-10)

5-8.11 Confining or Crating of Fowl. It is unlawful for any person to confine, or the director to confine and impound any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to the fowl or bird at intervals not longer than twelve (12) hours; and unless provisions are made that the crate, box or other enclosure in which the fowl or bird is confined or impounded permits the fowl or bird to stand in a naturally erect position. (Ordained as Code 1973, § 4-42 by Ord. #1979-2, § 442; SFCC 1981, § 6-8-11)

5-8.12 Birds. It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird. (Ordained as Code 1973, § 4-43 by Ord. #1979-2, § 4-43; Ord. #1980-39, 10; SFCC 1981, § 6-8-12)

5-9 SALE OF ANIMALS.

5-9.1 Use of Public Property. It is unlawful to display, sell or offer for sale, barter, give away or otherwise dispose of any animal upon any street, sidewalk or public park. (Ordained as Code 1973, § 4-44 by Ord. #1979-2, § 4-44; SFCC 1981, § 6-9-1)

5-9.2 Rabbits or Fowl. It is unlawful to sell, offer for sale, barter or give away any unweaned baby rabbits or fowl under four (4) weeks of age. Raising of such rabbits and fowl by an individual for his personal use and consumption is not prohibited provided that he shall maintain proper brooders and other facilities for the care and containment of the animals and fowl while they are in his possession. The sale of young fowl by commercial breeders is not prohibited. (Ordained as Code 1973, § 4-45 by Ord. #1979-2, § 4-45; SFCC 1981, § 6-9-2)

5-9.3 Use of Animals as Premiums or Novelties. No person shall offer as a premium, prize, award, novelty or incentive to purchase merchandise, any live animal. (Ordained as Code 1973, § 4-46 by Ord. #1979-2, § 4-46; SFCC 1981, § 6-9-3)

5-9.4 Turtles. No person shall offer for sale, sell, barter or give away turtles except in conformance with appropriate federal regulations. (Ordained as Code 1973, § 4-47 by Ord. #1979-2, § 4-47; SFCC 1981, § 6-9-4)

5-10 EXOTIC ANIMALS AND GUARD DOGS.

5-10.1 Wild or Exotic Animals.

A. It is unlawful to be in charge of, possess or own:

- (1) Any exotic animal or species prohibited by federal or state law;
- (2) Any exotic animal or species when kept in such numbers or in such a way as to constitute likelihood of harm to the animals themselves, to human beings or to the property of human beings, or which constitutes a public or private nuisance;

(3) Bats, or

(4) Skunks, except those owned by individuals on the effective date of this chapter and provided that any exotic animal permit is obtained for the skunks within sixty (60) days of the effective date.

- B. It is unlawful to receive, purchase, own or keep any exotic animal without first applying to and receiving from the director a permit to do so. Notwithstanding, those persons in possession of an exotic animal when they become residents of the city in the future or who possess the animal on the effective date of this chapter have a sixty (60) day period in which to apply for the permit before the penalty provisions of this chapter become enforceable.
- C. No person shall apply for an exotic animal permit without first obtaining any required state or federal permits.
- D. The application for a permit shall contain the name of the applicant; his address, the address of the proposed location of the exotic animal if different from the applicant's; a brief description of the applicant's plan for keeping the exotic animal which shall include the species of animal, the number of individuals of each species, and a description of the housing facilities; a list of individuals qualified to care for the animal desired or that have agreed to advise or assist the applicant in the proper care and treatment of the animal and who would be willing to recommend the person applying for the permit; and the list of publications which the applicant has studied in order to qualify for a permit for the animal.
- E. Upon receipt of the application, the director shall inspect the facilities where the animal is to be housed and shall make whatever other investigations he deems necessary.
- F. If the director approves the application, the twenty-five dollar (\$25.00) initial exotic animal permit fee shall be paid and the permit issued. Whenever, in any given permit year, there are new exotic animals in a collection due to the reproduction of members of the collection or to replacement in the same number and zoological species as the members replaced, the new animals do not require an additional permit during the year, provided the director is notified in writing of the new exotic animals within thirty (30) days of acquisition. When a new exotic animal or collection is added, a new permit must be secured and a new fee shall be due and payable at the time of issuance of the permit and shall be a prerequisite of the issuance.
- G. The exotic animal permit shall be valid for one (1) year, and must be reviewed within sixty (60) days after expiration and an inspection is required prior to the renewal of the permit. The annual fee for renewal of the permit is ten dollars (\$10.00). If, during the preceding year, more than one (1) initial permit has been issued an applicant, the former permits may be consolidated so that only one (1) renewal permit is required; provided, however, that the renewal date for the consolidated permit shall be the date of the issuance of the earliest initial permit. The animal control center may deny the



- application for renewal for cause.
- H. Individuals authorized to acquire an exotic animal shall, within fourteen (14) days of acquisition, submit to the animal control center, a health certificate from a qualified veterinarian stating that the animal is in good health and has been vaccinated in accordance with applicable time schedules.
- I. It is unlawful to receive, purchase, own or keep any exotic animal unless:
- (1) Housing is sufficiently spacious, ventilated and temperature-controlled, clean and sanitary at all times;
 - (2) The exotic animal is provided with proper food, water and attention;
 - (3) The exotic animal is kept and cared for in such a way as not to endanger the safety of any person or property; and
 - (4) The exotic animal permittee notifies the director when changing his residence or location of the exotic animal, or selling or otherwise disposing of the exotic animal for which the permit was issued.
- J. Permits issued pursuant to the provisions of this subsection shall be surrendered for inspection upon the request of the director. The premises on which an exotic animal is maintained shall be open at any reasonable hour and in a reasonable manner for inspection by the director.
- K. For failure to have a permit in advance of obtaining an exotic animal or to renew the permit within sixty (60) days of the expiration date, or upon suspension of an exotic animal permit, the director shall have the authority to enter the premises where the exotic animal is kept, at any reasonable hour, and to impound the animal. The animal shall be surrendered upon the demand of the director. Procedures for the reclamation and destruction of impounded exotic animals shall be followed pursuant to subsections 5-4.4 and 5-4.5 of this chapter, and for penalties, pursuant to subsection 5-12.1. The exotic animal may be returned to its owner if the problem for which it was impounded is corrected within the time period allotted by the director and all penalties are paid.
- L. Notwithstanding the above, the valid zoological park, veterinary hospital, humane society, shelter, public laboratory, circus, sideshow, educational or scientific facility, provided protective devices adequate to prevent the animal from escaping or injuring the public are provided, are excluded from the above portions of this subsection.
- M. Upon application to the director, the keeping of these prohibited animals may be Permitted for educational or scientific purposes; provided there is no conflict with state or federal regulations. In lieu of licensing each animal, an exotic animal permit may be issued in accordance with this subsection.
- N. No person shall keep, conduct or operate any traveling animal show, petting zoos, circus, pony rides, animal acts or miscellaneous animal or reptile exhibits without first obtaining a special animal permit from the director as follows:
- (1) Each application for a special animal permit shall be in writing upon a form to be furnished by the director and shall contain such information as the director shall require. The fee for each special animal permit is twenty-five dollars (\$25.00);
 - (2) All special permits issued by the director shall be for a specified period of time but not to exceed one (1) year unless revoked or, suspended, or unless the holder of the permit changes the location of his place of business, or sells, assigns, transfers or otherwise disposes of his business or his interests therein; and
 - (3) Upon the filing of each application, either for an original permit or renewal, the director shall make an investigation as he deems proper. The director shall then issue a permit to the applicant if it is found that:
 - (a) The animals, or the conduct or operation of the business for which the permit is requested will not constitute a menace to the health, peace or safety of the citizens; and
 - (b) The premises and establishment where the animals are to be kept are maintained in a clean and sanitary condition and that the animals will not be subject to needless suffering, unnecessary cruelty or abuse and that the applicant has not had a permit revoked within one (1) year prior to the date of application.
- (Ordained as Code 1973, § 4-48 by Ord. #1979-2, § 4-48; SFCC 1981, § 610-1)
- 5-10.2 Permits and Housing of Guard Dogs.**
- A. It is conducive to the promotion of the health and general welfare of the inhabitants of this city to require permits for guard dogs, used on commercial property, and to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.
- B. Permits:
- (1) Unless a guard dog permit is in effect for each commercial property where guard dogs are to be used, they shall not be used. Procedures for permit application, inspection guard dog facilities, and issuance of dog identification tags will be established by the director. Permits for both permanent and temporary locations may be transferred to a new location operated by the same business firm during the license year. However, such transfers shall not be effective until the director or his designee has inspected and approved required facilities at the new location and the information required below for permit applications has been recorded. Applicants must provide five (5) working days' advance notice to the animal control center for permit transfers.
 - (2) Permit applications shall include the following information:
 - (a) The business name, address and telephone number of the commercial property where guard dogs are to be used;

- (b) The name, address and telephone number of the handler who can be reached at any time during the day or night;
 - (c) The number of dogs to be used and a general description of their use.
 - (d) The location where dogs are to be housed; and
 - (e) Any other information that the director deems necessary by rule and regulation. Permit holders shall notify the animal control center if any information recorded as part of the permit application is changed during the course of the period for which the permit is issued.
- (3) The director or his designee shall inspect the facilities where the guard dog is to be used and housed when the guard dog permit is applied for and when it is renewed.
- (4) If the inspection reveals that all the requirements of law and regulation are met, a fifteen dollar (\$15.00) fee shall be paid and a guard dog license and special guard dog identification tags for the approved commercial property shall be issued by the animal control center. The permit shall be displayed at the approved commercial property and an identification tag shall be affixed to the collar of each dog used. Holders of the guard dog permits shall be exempt for the guard dogs from the license fee requirements of subsection 5-5.6 of this chapter.
- (5) The guard dog permit shall be valid for one (1) year and must be renewed annually within thirty (30) days after the renewal date. The renewal fee shall be fifteen dollars (\$15.00).
- (6) The guard dog permit must be obtained prior to housing or utilizing guard dogs at the commercial property; provided that for those commercial properties where guard dogs were in use when this regulation became effective, they shall be a ninety-day period in which to obtain the permit without penalty.
- C. Whenever there is a guard dog on the premises, the standards of this subsection, in addition to the other requirements of law and regulations, shall be complied with, as follows:
- (1) Housing shall have anti-escape fences completely surrounding it or be an anti-escape building sufficient to house guard dogs.
 - (2) All gates and entrances to the area where the guard dog is housed, used or trained shall be locked when not in use.
 - (3) Additional measures found necessary by the director shall be taken to protect the public from accidental contact with any guard dog.
 - (4) Where guard dogs are used outside buildings, the area must be enclosed by at least a six-foot chain link fence or other fence of equal security, wall or adequate wood fence, to which anti-escape devices have been added. The adequacy of the fencing shall be subject to the approval of the director.
 - (5) In order to control noise, the director may require a sight barrier which breaks the dog's line-of-sight.
 - (6) In buildings where guard dogs are housed, exterior glass must be adequate, or additional protective measures must be taken by the owner, as required by the director, to prevent the dog from jumping through it.
 - (7) The building and yard in which a guard dog is housed must be posted with bilingual, English and Spanish, or visual guard dog signs, approved by the director that shall not be more than two hundred feet (200') apart, and shall be at all property corners and at every entrance into the area
 - (8) For guard dogs either transported or used in vehicles, measures prescribed by rule and regulation of the director must be taken to protect the public from accidental contact with a guard dog.
 - (9) A handler is required to be physically present while guard dogs are being used at temporary sites which do not comply with this subsection.
- D. Dogs which are used as private guard dogs on the property of their owner's private residence, shall be excluded from the provisions of this subsection unless the residence is located on premises used for commercial purposes. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.
- (Ordained as Code 1973, § 4-49 by Ord. #1979-2, § 4-49; Ord. #1980-39, § 11; SFCC 1981, § 6-10-2)

5-10.3 VIOLATIONS, SUSPENSIONS AND REVOCATIONS UNDER PROFESSIONAL ANIMAL CARE PERMIT, THE EXOTIC ANIMAL PERMIT AND THE GUARD DOG PERMIT; APPEAL PROCEDURE.

- A. If the director makes an inspection of a kennel, grooming parlor, pet shop, shelter, facility for exotic animals or commercial property where guard dogs are used, and discovers a violation of law or regulations, he shall notify the permit holder, or operator, of such violations by means of an inspection report form or other written notice. The notice shall:
- (1) Set forth the specific violation found;
 - (2) Establish a specific and reasonable period of time for correction of the violation found;
 - (3) State that failure to comply with any notice issued in accordance with the provisions of this chapter may result in immediate suspension of the permit; and
 - (4) State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the director within five (5) days of the receipt of the notification.
- B. Notices provided for under this subsection shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally or mailed by registered or certified mail, return receipt requested, to the permit holder, person in charge, or alleged violator. A copy of such notice shall be filed with the records of the director.

- C. Hearings provided for in this subsection shall be conducted by the director at a time and place designated by him. Based upon the record of such hearing, the director shall make a finding and shall sustain, modify or rescind any official notice or order considered in the hearing. A written report of the hearing decision shall be furnished to the permit holder by the director. This paragraph shall not be intended to preclude the institution of court action as provided elsewhere in this chapter.
- D. Permits may be suspended by the director for failure of the holder to comply with the requirements of law or regulations. The director may notify a permit holder in writing that the permit or license is, upon receipt of the notice, immediately suspended, and that an opportunity for a hearing will be provided if a written request for a hearing is filed with the director within five (5) days of receipt.
- E. Notwithstanding the notice requirements herein, when the director finds unsanitary or other conditions in the operation of a kennel, grooming parlor, pet shop, shelter, exotic animal facility, or site where guard dogs are used, which, in his judgment, constitute a substantial hazard to public health, he may, without notice or opportunity to be heard, issue a written notice to the permit holder or operator citing such condition and stating the corrective action to be taken. If deemed necessary, the permit shall be immediately suspended and all operations immediately discontinued. Any person to whom such an order is issued shall comply forthwith.
- F. For repeated violations of any of the requirements of law or regulations or for interference with the director in the performance of his duties, the violator's permits may be permanently revoked after an opportunity for a hearing has been provided by the director. The individual whose professional animal, exotic animal or guard dog permit is revoked shall not apply for another permit or license for the period of one (1) year. Prior to such action, the director shall notify the permit holder in writing, stating the reasons for which the permit is proposed to be revoked at the end of five (5) days following service of such notice, unless a request for a hearing is filed with the director by the permit holder or licensee, within such five (5) day period.
- G. If the exotic animal permit is revoked, the owner of the exotic animal shall give away, sell or surrender the animal to the animal control center within five (5) days of the effective date of revocation. If within seven (7) days thereafter, the director finds the former permittee is in compliance with law and regulations, the permit shall be renewed.
- H. Any person whose professional animal or guard dog permit has been suspended, shall cease the previously permitted activity. The person may, at any time, make application for an inspection for the purpose of reinstatement of the permit. Within five (5) days of a request for reinstatement, the director shall make an inspection. If the applicant is complying with the requirements of law and regulations, the permit may be reinstated.
- I. Any person aggrieved by any decision of the director may, within five (5) days of receipt of his decision, file written notice of appeal to the governing body. The hearing of the governing body shall be conducted within thirty (30) days of receipt of the notice of appeal.
(Ordained as Code 1973, § 4-50 by Ord. #1979-2, § 4-50; Ord. #1980-39, § 12. SFCC 1981, § 6-10-3)

5- 11 NONPROFIT ORGANIZATION SHELTER CONTRACT.

5-11.1 Shelter Run by Nonprofit Organization.

- A. In lieu of or until the establishment and maintenance of a city-owned animal control center facility, the city may contract for operation and maintenance of such facility with any responsible nonprofit organization, incorporated under the laws of the state, having for its object, the care of animals and the prevention of cruelty to animals.
- B. In the event that the city shall enter into any such contract, all the provisions of law and regulations shall apply to and be part of the contract.
(Ordained as Code 1973, § 4-52 by Ord. #1979-2, § 4-52; SFCC 1981,6-11-1)

5-12 PENALTIES.

Any person who violates any of the provisions of this chapter shall be punished according to the provisions of Section 1-3 of this Code. Each day this chapter is violated shall be considered a separate offense.

- A. The following is a schedule of mandatory fines:
- (1) For redemption of impounded animals:
 - (a) First offense, ten dollars (\$10.00);
 - (b) Second offense, twenty dollars (\$20.00);
 - (c) Third offense, thirty dollars (\$30.00);
 - (d) Fourth offense, confiscation of animal,
 - (2) Unlicensed dogs, fifteen dollars (\$15.00) plus license fee,
 - (3) Running at large, or animals disturbing the peace:
 - (a) First offense, twenty-five dollars (\$25.00);
 - (b) Second offense, thirty dollars (\$30.00);
 - (c) Third offense, forty dollars (\$40.00);
 - (d) Fourth offense, citation for court action as pursuant to paragraph B of this subsection; and
 - (4) No rabies vaccination, fifteen dollars (\$15.00) plus cost of vaccination.
- B. Any violation of this chapter other than those listed in paragraph A of this subsection shall be punished as provided in Section 1-3 of this Code. If any person is convicted of cruelty or mistreatment of an animal, that animal shall be removed from his custody and placed with the director.
- C. In addition to the mandatory fines for impounded animals pursuant to paragraph A of this subsection, an additional boarding fee will be charged by the animal control center.
(Ordained as Code 1973, § 4-53 by Ord. #1979-2, § 4-53, SFCC 1981, § 6-12-1; Ord. #1984-71, § 2)