

BERNALILLO COUNTY

ORDINANCE NO. 88-16

AN ORDINANCE PROVIDING FOR THE CONTROL AND CARE OF ANIMALS IN THE COUNTY OF BERNALILLO, AND REPEALING BERNALILLO COUNTY ORDINANCES NO. 83-37 AND 84-12, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BERNALILLO COUNTY:

SECTION I. DEFINITIONS. For the purpose of this Ordinance, the following words and phrases are defined and shall be construed as hereinafter set out unless it shall appear from the content that a different meaning is intended. When not inconsistent with the context, words used in the single include the plural. The word “shall” as used herein, is always mandatory and not merely directory. The masculine includes the feminine.

- A. “ANIMAL” means any vertebrate member of the animal kingdom excluding humans.
- B. “COUNTY OF BERNALILLO” or “COUNTY” shall include the area within the boundaries of the County of Bernalillo, including privately owned land or land owned by the United States, except the area within the limits of any incorporated municipality.
- C. “BERNALILLO COUNTY ANIMAL CONTROL” or “COUNTY ANIMAL CONTROL” means any pound, lot premises, and/or building maintained by Bernalillo County for the implementation of control and care of animals.
- D. “BITE” means any actual puncture or tear of the skin inflicted by the teeth of an animal.
- E. “COUNTY MANAGER” means the County Manager of Bernalillo County or designated representative(s).
- F. “ENCLOSED LOT” means parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.
- G. “ESTABLISHMENT” means a place of business together with its ground and equipment.
- H. “ESTRAY” means any animal found running at large.
- I. “LICENSED VETERINARIAN” is a person with a Doctor of Veterinary Medicine Degree licensed to practice in the State of New Mexico.
- J. “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 Bernalillo County.
- K. The “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.
- L. “PERSON” means any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent, or employee thereof.
- M. “PREMISES” are defined as a parcel of land and the structure(s) thereon.
- N. “CONFINEMENT” is to detain or isolate an animal.
- O. “TO RUN” or “RUNNING AT LARGE” is to be free of physical restraint beyond the boundaries of the premises of the owner.
- P. “VACCINATION” is protection provided against rabies by inoculation with anti-rabies vaccine recognized and approved by the U.S. Department of Agriculture, Bureau of Animal Industry, State of New Mexico Rabies Control Act of 1959, as amended; given in an amount sufficient to provide immunity from rabies for a minimum of one (1) year.
- Q. “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 county of Bernalillo, except that any animal that bites, attacks, or attempts to attack any person or other animal within the County of Bernalillo, upon its owner’s or keeper’s premises, or which is provoked to attack, shall not be deemed a vicious animal.
- R. “LIVESTOCK” means horses, cattle, pigs, sheep, goats, rabbits and/or fowl.
- S. “QUARANTINE” is to detain or isolate an animal suspected of contagion.
- T. “COMMERCIAL ANIMAL ESTABLISHMENT” means any establishment or premises, operating for profit, where six (6) or more dogs and/or cats aggregate thereof, over four (4) months of age are boarded, kept, or maintained for any purpose whatsoever; it includes kennels, grooming parlors, and pet shops.
- U. “NON-PROFIT ANIMAL FACILITY” means any facility or premises, not operating for profit, where six (6) or more dogs and/or cats or aggregate thereof, over four (4) months of age are kept or maintained; it includes shelters, refuges, private hobby kennels, and hobby breeders, with the exception of State inspected veterinary hospitals, Federal inspected laboratory facilities and zoos.
- V. “KENNEL” means any commercial animal establishment or premises where animals are boarded, kept or maintained.
- W. “GROOMING PARLOR” means any commercial animal establishment, or part thereof, or premises maintained for the purposes of offering animals cosmetological services.
- X. “SHELTERS” means any non-profit animal facility whose primary function is to bring aid and comfort to animals.
- Y. “PET SHOP” means any commercial animal establishment or premises or part thereof maintained for the purchase, sale, exchange or hire of animals of any type; except the term shall not include livestock auctions.
- Z. “REFUGE” means any non-profit animal facility or

premise operated by a person who is a member of a recognized animal humane organization, for the purpose of bringing aid and comfort to more than five (5), but not to exceed twenty (20) animals.

- AA. "PRIVATE HOBBY KENNEL" means any non-profit animal facility or premise where purebred dogs or pedigreed cats are bred for personal use and enjoyment from animals privately owned or leased and the resultant offspring are neither sold for resale to commercial outlets, not for the purposes of research, testing or laboratory experimentation.
- BB. "HOBBY BREEDER" means any non-profit animal facility or premise operated by a person involved in controlled breeding or animals which are registered with a recognized registry organization or who keeps a breed which is not eligible to be so registered, if this breed has been approved by the County Manager.
- CC. "PROFESSIONAL ANIMAL PERMIT" is a permit issued pursuant to Section V, Paragraph G. and is required of persons operating kennels, grooming parlors, pet shops, refuges, shelters, private hobby kennels, or hobby breeder facilities.

SECTION II. ADMINISTRATION OF ORDINANCE.

The County Manager is responsible for the administration of this Ordinance. Reasonable rules and regulations shall be prescribed by the County Manager to carry out the intent and purpose of this Ordinance, pursuant to standards created by this Ordinance. Powers delegated to the County Manager may be delegated by the County Manager to other appropriate County departments as he may deem expedient for the effectuation of this Ordinance.

AUTHORITY OF ANIMAL CONTROL OFFICERS.

The County Manager, the Supervisor of County Animal Control, and Animal Control Officers shall have the authority to issue citations for violations of this Ordinance and to perform such other duties as are prescribed herein. An Animal Control Officer shall wear a uniform and identification certifying as being an Animal Control Officer. Identification shall be such as prescribed by the County Manager. Identification shall be returned to the supervisor of County Animal Control upon cessation of his employment. Neither the County Manager or the Supervisor of the Animal Control Center nor any Animal Control Officer shall have the authority to dismiss a citation.

SECTION III. COUNTY ANIMAL CONTROL FACILITIES, IMPOUNDING PROCEDURES.

- A. **Establishment of Animal Control Facilities.** There are hereby established one or more County Animal Control Facilities which shall be located in such numbers and locations as shall be designed by the County Commission.
- B. **Animal Control Facilities Hours of Business.** The Animal Control Facilities of Bernalillo County shall be operated to provide service to the general public for the

transaction of service during the hours set by the County Manager.

- C. **Impounding Animals.** It is the duty of the animal Control Officers to take up and impound in such animal impound facility, designated by the County Manager, and stray or any animal kept or maintained contrary to this Ordinance.

SECTION IV. IMPOUNDING ESTRAYS, RECORDS TO BE KEPT, REDEMPTION FEES, NOTICE REQUIRED, OWNER'S IMPOUNDMENT.

- A. No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner, for more than twenty-four (24) hours without first reporting the possession of such animal to the Supervisor of the Bernalillo County Animal Control, giving his name and address, and a true and complete statement of the circumstances under which he took up the animal, a description of the animal and the precise location where such animal is confined.
- B. It is unlawful for a person taking up an animal to fail to give the notice required above, and for any person having such animal in his possession to fail or refuse to immediately surrender such animal to an Animal Control Officer upon demand thereof.
- C. Duly incorporated Humane Societies or Rescue Arms of accredited dog and cat clubs capable of providing proper confinement, shelters and care for stray or lost animals shall be allowed to assume the care of such animals after notifying the local Animal Control Agency of each animal so sheltered and assume responsibility for finding new homes after three (3) working days of trying to locate the owner.
- D. If an stray animal is wearing a rabies tag or bears other identification, the animal shall be confined in such Animal Control Facility for a period of time in accordance with such facilities impoundment regulations and during such time the owner shall be notified. Furthermore, the owner of said animal shall be responsible for the cost of impoundment whether or not the animal is reclaimed.
- E. Any stray animal which cannot be sold or is not claimed may be destroyed in accordance with the Animal Control Facilities regulations.
- F. It shall be the responsibility of an animal owner redeeming an animal legally impounded under the provisions of this Ordinance to reimburse the Animal Control Facility for animal boarding or other costs.
- G. Animal owners requesting removal of any animal shall at the time of impoundment pay an owner's impoundment fee. Such fee will be directed for each and every animal. Upon impoundment such owner will be required to sign an owner's release. County Manager shall prescribe amount of impoundment fee.
- H. The Supervisor of County Animal Control shall maintain a record of all animals impounded. The record shall contain at least the following information:

1. A complete description of the animal.
2. The manner and date of its acquisition.
3. The date, manner and place of impoundment, and impoundment number.

SECTION V.

A. Rabies Vaccinations. It is the duty of all persons owning or keeping a dog or cat or any member of the canine or feline family over the age of three 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 year and shall be administered by a licensed veterinarian. A certificate from a licensed veterinarian shall be evidence of vaccination. The County Manager may require other animals to receive annual rabies vaccination.

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. The veterinarian shall also furnish the owner or keeper with a metal tag bearing the certificate number and the expiration date of the period of immunity. The tag shall be affixed by the owner or keeper to a collar or harness and shall be worn by the dog or cat for which the certificate is issued. A current rabies tag shall be affixed to each dog or cat at all times unless the dog or cat is being kept in an approved kennel, veterinary hospital, is appearing in an approved show or is being trained by a professional trainer. In general, if a non-estray dog or cat does not have an affixed rabies tag and is deemed critically injured or critically ill by a veterinarian then a trained and certified Animal Control Officer may euthanize such animal with a report being filed with the County Manager. In extreme conditions, trained and certified Animal Control Officers may euthanize such animals provided they file a report with the County Manager.

It is unlawful for the owner or keeper of any dog, cat or any other member of the canine or feline family to fail to exhibit its certificate of vaccination upon demand by the County Manager or by his/her representative. This section does not apply to those animals in the control of the Albuquerque Municipal Zoo or shelters.

B. 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. The person who has knowledge of rabies infection or exposure to rabies shall immediately upon learning of the infection notify the County Manager of the place where the animal is confined and turn such animal over to him upon demand. 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 County Animal Control as to the place where the animal is confined and shall surrender said animal to the Animal Control Officer upon demand. The County Animal Control shall then deal with the rabid animal pursuant to State Law.

C. Animal Biting a Person.

1. The owner of an animal that bites a person and a person bitten by an animal have a duty to report that occurrence to the County Animal Control within 24 hours. The owner of an animal that bites a person shall surrender said animal to an Animal Control Officer if the County Animal Control Supervisor deems it necessary to impound said animal for a period of observation.
2. A physician who renders professional treatment to a person bitten by an animal shall report the fact he has rendered professional treatment to the County Manager within 24 hours of his first professional attendance. The physician shall report the name and address of the person bitten as well as the type and location of the bite. The physician shall 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 County Animal Control in ascertaining the immunization status of the animals.
3. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the Supervisor of the County Animal Control. The owner of the animal shall bear the cost of confinement. The Supervisor of the County Animal Control may consent to confinement on the owner's premises. The premises where the home confinement is to occur shall be inspected and approved for such purpose 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 County Manager before consent may be given for such home confinement. A person who has custody of an animal that has bitten a person shall immediately notify the County Manager if the animal shows any signs of sickness, abnormal behavior or if the animal escapes confinement, the person having custody of the animal shall notify the County Animal Control and surrender the carcass of the animal to the County Animal Control personnel.

D. Restraint of Animals. Every person owning or having charge, custody, or care or control of any dog shall keep such animal exclusively upon his own premises either by 1) an enclosure surrounding the perimeter boundaries of his property or 2) on a chain or leash not less than eight (8) feet in length. Dogs are permitted on the streets or public places of the County only if on a secure leash not exceeding six (6) feet in length and under the immediate physical control of the person having cus-

tody thereof. No dog or cat or other member of the canine or feline families is allowed on a public playground, swimming pool or school yard.

The above provisions do not apply when such animal is participating in a bonafide animal show authorized by the County Manager and/or authorized by appropriate school authorities. Nothing in this section shall be construed to allow any dog not under physical restraint, whether for training purposes or not to commit any act defined as unlawful in this Ordinance.

- E. Female Dogs or Cats in Mating Season to be Confined.** Any person in control of a female dog or cat in mating season shall confine such dog or cat as to preclude other dogs or cats from attacking or being attracted to such female animal.
- F. Number of Animals Permitted.** No household or member thereof, is allowed to own, harbor or keep dogs or cats, or any combination thereof, over four (4) months of age totaling more than four (4). Provided that any household owning dogs or cats or any combination thereof totaling more than four (4), which animals were vaccinated for rabies before the effective date of this subsection, shall be allowed to retain more than four (4) animals only as long as the particular animals owned on the effective date remain in the possession of said household. Exceptions include: 1) a household may have up to six (6) dogs and cats or any combination thereof provided that half of them shall be neutered; 2) this subsection shall not apply to any holder of a professional animal permit.
- G. Professional, Animal Permit.** Any person of those areas of Bernalillo County, outside the limits of any incorporated municipality, may obtain a Professional Animal Permit under the following conditions:
 1. Payment of an annual Professional Animal Permit fee of twenty-five dollars (\$25) at the office of County Animal Control Division.
 2. Submission of the person's premises used for the keeping of animals to an annual inspection by the Animal Control Officers which shall be made without additional cost. Alternatively, the person may arrange to have their premises inspected by a local veterinarian.
 3. Maintenance of humane conditions of shelter, exercise, food, water and sanitary standards in accordance with nationally recognized professional standards.
 4. Provisions must be made for waste disposal in accordance with nationally recognized professional standards which will prevent the spread of noxious or offensive odors and disease.
 5. A lawfully maintained Private Hobby Kennel or Private Breeder as defined in Section 1, AA and BB, already established in Bernalillo County on the date this Ordinance becomes effective shall be eligible upon payment within 30 days of a one-time fee of \$25.00 and shall be eligible for a

ten year non-transferable kennel permit provided all above requirements are met yearly.

SECTION VI. PROHIBITED ACTIVITIES.

- A. Animals Running at Large.** It is unlawful for any person to allow or permit any animal to run at large in or on any street, alley, sidewalk, vacant lot, public property, other unenclosed place in the County; or private property without the permission of the owner thereof. Any animal permitted to run at large in violation of this section is declared to be a nuisance, a menace to the public health and safety, and shall be taken up and impounded. A working dog performing such acts as herding or search and rescue under the control and supervision of owner/handler shall not be considered as unleashed while performing these duties. A hunting, obedience, tracking or show dog shall not be considered unleashed while performing in the above capacities.
- B. 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 such an animal may go beyond the property line.
- C. Vicious Animals.** It is unlawful for any person to keep or harbor a vicious animal in the County of Bernalillo. Any person attacked by a vicious animal which on public property may use reasonable force to repel said attack. After a judicial determination that an animal is vicious the owner or keeper of such vicious animal shall destroy it humanely or turn such animal over to the County Manager for destruction.
- D. Animals Disturbing the Peace.** It is unlawful for any person to allow any animal to unreasonably bark, howl or make noise common to their species, or otherwise to disturb the peace and quiet of the inhabitants of the County of Bernalillo, or to keep or maintain in such a manner as to disturb by noxious or offensive odors, or otherwise endanger the health and welfare of the inhabitants of the County of Bernalillo.
- E. Animal Nuisances on Sidewalks, Public Parks, Alleys, and Other Places Open to the Public.** It is unlawful for the owner of any animal to permit, either willfully or through failure to exercise due care or control, any such animal to commit any nuisance upon the sidewalk or public park; or upon the floor or wall of any common hall in any multiple dwelling; or upon any entrance way, stairway or wall immediately abutting on a public sidewalk, or upon the floor or wall of any theater, shop, store, office building or other building used in common by the public; or upon any private property other than the owners of the animal.
- F. Unlawful Use of Rabies Tag.** It is unlawful for any person to transfer any rabies tag from one animal to another. It shall be unlawful for any person to manufacture or cause to be manufactured or have in his possession or under his control a stolen, counterfeit or forged animal license tag, rabies tag, vaccination certificate or other form of licensing as required under this

Ordinance.

- G. Breaking into the Bernalillo County animal Control Facilities and Vehicles.** It is unlawful for any person to break into any pound, center, or animal control vehicle wherein animals are impounded by the County of Bernalillo, or in any other way to remove or assist in the removal of any animal or equipment indigenous to such pound, center, or vehicle without lawful permission.
- H. Dogs Trained to Assist the Blind, Deaf and/or Handicapped Allowed 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 business purpose to debar or exclude therefrom any dog which has been trained to assist the blind, deaf, and/or handicapped provided that such dog be in the company of the blind, deaf, and/or handicapped person whom it was trained to assist in conformance with N.M.S.A. 47-1-7 (1953).

SECTION VII. CRUELTY TO ANIMALS PROHIBITED.

- A. Physical Abuse.** It is unlawful for any person to willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club, or other object; mutilate, burn, or scald with any substance, overdrive or otherwise cruelly set upon any animal except that reasonable force may be employed to drive off vicious or trespassing animals.
- B. Work Cruelty.** It is unlawful for any person to drive or work any animal cruelly.
- C. Care and Maintenance.** 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 adequate food, drink, shade, care, or shelter to maintain good health, or to carry any animal in or upon any vehicle in a cruel or inhumane manner. Any animal, except horses, cattle, pigs, sheep or goats, habitually kept outside shall be provided with a structurally sound, weather-proof enclosure, large enough to accommodate the animal.
- D. Abandonment of Animals.** It is unlawful for any person to abandon any animal within the County of Bernalillo.
- E. Animal 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 poisonous substance. It is not the intent of this section to prohibit the use of poisonous substances for the control of vermin of significance to the public health.
- F. Uncared For Animals.** Whenever the County Manager finds that any animal is or will be without adequate care because of injury, illness, incarceration or other absence or the owner or person responsible for the care of such animal, the County Manager may take up such animal for protective care.
- G. Estray.** In regard to any estray without an affixed tag that is deemed critically ill or critically injured by a veterinarian than a trained and Certified Animal Control Officer may euthanize such animal with a report being filed with the county Manager. In extreme conditions, trained and certified Animal Control Officers may euthanize such animals provided they file a report with the County Manager.
- H. Injury to Animals by Motorists.** Every operator of a motor or self-propelled vehicle upon the streets and ways of the County of Bernalillo shall immediately upon injuring, striking maiming or running down any animal give such aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the County Manager furnishing sufficient facts relative to such injury. It is the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of said person, such operator shall immediately identify himself to the appropriate authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to a veterinary hospital or the County Animal Control and notifying the County Manager. Such animal shall be deemed an uncared for animal within the meaning of Section 7, paragraph Emergency vehicles are excluded from this provision.
- I. Hobbling Livestock.** It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.
- J. Keeping of Diseased or Painfully Crippled Animals.** It is unlawful for any person to have, keep, or harbor any animal which is infected with any dangerous or incurable and/or painfully crippling condition including starvation except as hereinafter provided. The County Manager may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. All such animals impounded may be destroyed humanely as soon thereafter as is conveniently possible.
- K. Animal Fights; Including Fowl.** 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 or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animals.
- L. Fowl-Impounding--Crating.** It is unlawful for any person to confine any wild or domestic fowl or birds unless provisions are made by each person for the proper feeding and the furnishing of water to such fowl or birds at intervals not longer than twelve (12) hours. No person shall impound wild or domestic fowl or birds in a crate, box or other enclosure which crate, box or other enclosure does not permit each fowl or birds impounded therein to stand in a naturally erect position.
- M. Song Birds, Killing and Robbing of Nest Prohibited.** It is unlawful for any person to willfully kill any song bird or to molest or rob the nest of such bird. Songbirds shall include members of the Order Passeriformes (Perching Birds); some of its members include:

Skylark, Nightingale, Hermit Thrush, Mockingbird, Robin, Bluebird, Warblers, Orioles, Tanagers, Finches.

SECTION VIII: SALE OF ANIMALS.

- A. Use of Public Property.** No person shall display, sell or offer for sale, barter, or give away or otherwise dispose of any animal upon any street, sidewalk or public park.
- B. Turtles.** No person shall offer for sale, sell, barter or give away turtles, except in conformance with appropriate federal regulations.

SECTION IX.

A. Wild Animals. No person shall keep any animal which is wild, fierce, dangerous, noxious or naturally inclined to harm, whether they are trained or not, without having first registered such animal and without providing adequate facilities to prevent such animal from escaping or injuring the public are provided.

- 1. "Wild Animal" means any animal of a species that in their natural life are wild, dangerous, and ferocious, and though they may be trained and domesticated, will remain dangerous to others and may injure or kill a citizen in the County of Bernalillo. Those animals, however domesticated, shall include but are not limited to:

- DOG FAMILY (canidae). All except domesticated dogs -- including wolf, fox, coyote, dingo, etc.;
- CAT FAMILY (felidae). All except the commonly accepted domesticated cats including lions, pumas, panthers, mountain lions, wild cats, etc.;
- BEARS (ursidae). All bears including grizzly bears, brown bears, black bears, etc.;
- WEASELS (mustelidae). All including weasels, martins, mink, wolverine, wild ferrets, badgers, otters, ermine, mongoose, etc.;
- RACCOON (procyonidae). All raccoons including eastern raccoon, desert raccoon, ring tailed cat, etc.;
- PRIMATES (hominidae). All subhuman primates;
- PROCUPINE (arethizontidae);
- Skunks;
- Venomous Snakes;
- Venomous lizards, alligators and crocodiles;
- Venomous fish and piranha.

SECTION X: ANIMAL KILL OR INJURING LIVESTOCK AND/ OR PROTECTED WILDLIFE - DAMAGES - ANIMAL TO BE KILLED.

If any animal shall kill or injure any livestock and/or protected wildlife, the owner or keeper of such animal shall be liable for all damages that may be sustained thereby, to be recovered by the party so injured before any court having competent jurisdiction, and it shall be unlawful to keep such animal after it is known that the animal has killed or injured livestock and/or protected wildlife, and it shall be the duty of the owner to surrender the animal to Animal Control for proper humane euthanization upon order of the court after a

finding that the animal has killed or injured livestock and/or protected wildlife; and provided further, that it shall be the right of any owner of livestock and/or protected wildlife so killed or injured by the actions of any animal to kill the animal while it is upon property controlled by the owner of the livestock and/or protected wildlife.

SECTION XI: LICENSING

A. License Required:

- 1. It is unlawful for any person to own or harbor a dog or cat over the age of six (6) months without obtaining a license for such animal. Persons who are not County residents and who keep dogs or cats in the county for less than thirty (30) consecutive days shall be exempt from this license requirement.
- 2. Application for licenses shall be made on forms provided by the county Animal Control Division.
- 3. Licenses shall expire one (1) year from the date of issue; the license shall be good for one year. Failure to renew the license with thirty (30) days after the expiration date shall result in an assessment of a penalty fee in addition to the cost of the license.
- 4. A current rabies certificate must be presented to the County Animal Control Division prior to making application for a license.
- 5. A current license tag shall be securely affixed to the collar or harness which shall be worn by all dogs or cats, unless the dog or cat is being kept in a kennel or veterinarian hospital, or appearing in an approved dog or cat show, or is being trained provided that the person who is training the dog or cat shall have in their personal possession the valid license tag for each dog or cat being trained and shall immediately display such upon request by the County Animal Control Division.
- 6. License tags shall not be transferred from animal to animal.

B. License Fees:

- 1. The annual license fee for each unneutered or unspayed dog or cat shall be \$8.00.
- 2. The annual license fee for each unneutered or unspayed dog or cat which is owned by a person sixty-two (62) years of age or older shall be \$4.00.
- 3. For each neutered or spayed dog or cat, the annual license fee shall be \$2.00. Proof of qualification for a license can only be made with a written certificate from a licensed veterinarian stating that the animal has been neutered or spayed.
- 4. The license fee shall not apply to specially trained dogs owned, harbored or kept for the purpose of assisting the blind or the deaf.

SECTION XII. PENALTY, SAVINGS, REPEALING, REVIVOR, EMERGENCY CLAUSE.

A. Penalty Clause. Any person who violates any of the

provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding three hundred (\$300) dollars and/or imprisonment for a period not exceeding ninety (90) days. Each day this Ordinance is violated shall be considered a separate offense.

- B. Savings Clause.** If any of the sections, subsections, sentences, clauses, or phrases of this Ordinance are for any reason held to be unconstitutional or invalid, the validity of the remaining portions of this Ordinance shall not be thereby affected since it is the express intent of the County Commission to pass each section, phrase, paragraph and word separately.
- C. Repealing Clause.** Commission Ordinances No. 83-37 and 84-12 and other ordinances and parts thereof that solely relate to animals or the control of the same heretofore imposed by the County and that are in conflict herewith are hereby repealed. Any conflict between this Ordinance and any previously enacted ordinance not repealed herein shall be controlled by this Ordinance.
- D. Revivor Clause.** In the event that this Ordinance is for any reason held invalid, then Commission Ordinances No. 83-37 and 84-12 and any other ordinances repealed by this Ordinance shall be automatically revived.
- E. Emergency Clause.** Ordinance 88-16 is hereby declared an emergency Ordinance on the grounds of urgent public need and shall be effective as provided by law.

scientific research may be allowed with written authorization by the parks and recreation department director with the approval of the state heritage program office.

SEC. 58-107. WILDLIFE.

No person shall harm, hunt, pursue, molest, harass, trap, collect or remove any mammal, bird, reptile or amphibian animals or eggs or young of such animals on/from open space lands or regional preserves. (Ord. No. 88-9, § 7(F), 2-23-88)

PASSED, ADOPTED, SIGNED and APPROVED this 28th day of June, 1988.

THIS ORDINANCE IS EFFECTIVE JULY 28,1988.

COUNTY COMMISSION ORDINANCE No. 90-23

AMENDING THE BERNALILLO COUNTY ANIMAL CONTROL ORDINANCE NO. 88-16.

SEC. 58-47. HORSEBACK RIDING.

No person in a park shall ride a horse or any other animal except on designated bridle trails or areas. Where permitted, horses or any other animal shall be thoroughly broken and properly restrained, and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub. (Ord. No. 79-67, § 6(B)(3), 12-4-79)

FROM: SEC. 58-95. EXEMPTIONS.

Except as otherwise specifically provided or clearly intended in this article:

- (5) Wildlife and plants. Collecting of plants or animals for