

LOS ALAMOS COUNTY

TITLE 7: ANIMALS

This title is intended for those provisions of the code which apply generally to the regulation, control and care of animal and fowl. See also Chapter 17.24.

Chapters:

- 7.04 Definitions**
- 7.08 Animals Generally**
- 7.12 Dogs**
- 7.16 License and Permit Fees**

CHAPTER 7.04: DEFINITIONS**Sections:**

- 7.04.010 Generally.**
- 7.04.020 Animal.**
- 7.04.030 Bite.**
- 7.04.035 Designated dog-training zone.**
- 7.04.040 Exotic animal.**
- 7.04.045 Inhabited area.**
- 7.04.050 Keeper.**
- 7.04.060 License year.**
- 7.04.080 Quarantine.**
- 7.04.090 Stray.**
- 7.04.093 Unattended dog.**
- 7.04.095 Verbal control.**
- 7.04.100 Vicious animal.**
- 7.04.110 Wild animal.**

- 7.04.010 Generally. When in a specific section of this title a specific meaning is given for a term defined for general purposes in this chapter, the specific section's meaning and applications of the term shall control. (Ord. 85-13 (part), 1985; prior code §3-1-1(A))
- 7.04.020 Animal. "Animal" means any vertebrate excluding man. (Ord. 85-13 (part), 1985; prior code §3-1-1 (B) (4))
- 7.04.030 Bite. "Bite" means a puncture, tear or indentation of the skin inflicted by the teeth of an animal. (Ord. 85-13 (part), 1985; prior code §3-1-1(B)(8))
- 7.04.035 Designated dog-training zone. "Designated dog-training zone" means any area appropriately posted after designation by regulation of the parks and recreation department or the school district to be a dog-training zone. (Ord. 85-13 (part), 1985)
- 7.04.040 Exotic animal. "Exotic animal" means an animal which is rare or different from ordinary domesticated animals and is not indigenous to the state. (Ord. 85-13 (part), 1985; prior code §3-1-1(B)(5))
- 7.04.045 Inhabited area. "Inhabited area" means any area within twenty-five meters of any residence, school,

church, public or commercial building, or public park. (Ord. 85-13 (part), 1985)

- 7.04.050 Keeper. "Keeper" means any person who keeps or has control or custody of an animal for more than six days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others. (Ord. 85-13 (part), 1985; prior code §3-1-1(B)(1))
- 7.04.060 License year. "License year" means a period of twelve months beginning with the date of current rabies vaccination; provided, that licenses valid on the date this code becomes effective shall continue valid until the expiration date thereof. (Ord. 85-13 (part), 1985; prior code §3-1-1 (B)(3))
- 7.04.080 Quarantine. "Quarantine" means to detain or isolate an animal suspected of being infected with rabies. (Ord. 85-13 (part), 1985; prior code §3-1-1(B)(10))
- 7.04.090 Stray. "Stray" means any animal without an identifiable keeper. (Ord. 85-13 (part), 1985; prior code §3-1-1 (B) (9))
- 7.04.093 Unattended dog. "Unattended dog" means not in the physical presence and within sight of a keeper who shall be a person of such age and maturity to be reasonably responsible therefor. An owner or keeper inside an enclosed structure shall not be considered to be in the physical presence of a dog not in the enclosed structure. (Ord. 85-13 (part) , 1985)
- 7.04.095 Verbal control. "Verbal control" means the ability to control and actual accomplishment of control of an animal attended by a responsible person who shall be a person of such age and maturity as to be reasonably responsible therefor. (Ord. 85-13 (part), 1985)
- 7.04.100 Vicious animal. "Vicious animal" means any animal that without provocation bites in an aggressive manner or in any similarly dangerous manner attacks or attempts to attack any person or domestic animal; provided, however, that the term shall not apply to an animal that bites, attacks, or attempts to attack any person unlawfully upon its owner's or keeper's premises, or to an animal provoked to attack. (Ord. 85-99 §1, 1989; Ord. 85-13 (part), 1985; prior code §3-1-1(B)(7))
- 7.04.110 Wild animal. "Wild animal" means any animal which is wild by nature and cannot normally be domesticated or controlled. (Ord. 85-13 (part), 1985; prior code §3-1-1 (B)(6))

CHAPTER 7.08: ANIMALS GENERALLY**Sections:**

- 7.08.010 Proximity to human habitation and maximum numbers.**
- 7.08.020 Animals at large.**
- 7.08.025 Animals at large—Penalty.**

- 7.08.030 Nuisances.
- 7.08.040 Bites—Impounding.
- 7.08.050 Abandonment.
- 7.08.060 Impounding of animals at large and strays.
- 7.08.070 Redemption of impounded animals.
- 7.08.080 Adoption of unclaimed animals.
- 7.08.090 Unwanted animals.
- 7.08.100 Euthanasia at keeper’s request.
- 7.08.110 Interference with officers or county animal shelter.
- 7.08.120 Cruelty to animals.
- 7.08.130 Vicious animal.
- 7.08.140 Wild and exotic animals.

7.08.010 PROXIMITY TO HUMAN HABITATION AND MAXIMUM NUMBERS.

- A. Residential Agricultural District (R-A). In the residential agricultural district any animal, except swine and unaltered male goats, may be kept in accordance with the following:
 1. The number of livestock, including horses, cattle, sheep, burros or goats, allowed on one lot shall be limited to one and one-half per acre, plus one. Offspring of the above number shall be excluded from this allowance until of breeding age.
 2. Rabbits, fowl, or poultry, including chickens, turkeys, geese or game birds shall be limited to twenty-five rabbits or mixed fowl per acre. Offspring of the above number, or immature rabbits or fowl, shall be limited to fifty per acre.
 3. Dogs, cats and their offspring shall not be limited, but shall be subject to the provisions of subdivision (4) of this subsection.
 4. All animals shall be kept in such a manner as to not constitute a nuisance to the surrounding area:
 - a. No offensive noise, odor or dust shall be produced;
 - b. Areas devoted to livestock and fowl, including accessory buildings and structures, shall be constructed and maintained to discourage the concentration and breeding of insects or rodents.
 5. Livestock, rabbits, fowl or poultry may be kept not closer than forty-five feet to any residence regularly used for human habitation. Also, livestock may not be kept or confined within sixty feet of the line separating the residential agricultural district from an adjacent residential district.
- B. All Residential Districts Excluding Residential Agricultural District. In all residential districts, excluding the residential agricultural district, animals may be kept in accordance with the following:
 1. No cows, horses, swine, sheep, goats or other livestock shall be kept within two hundred yards of a residence regularly used for human habitation.
 2. No more than a combined total of four animals

shall be kept within two hundred yards of a residence regularly used for human habitation, including dogs, cats, rabbits, fowl or poultry including chickens, turkeys, geese or other game birds. However, offspring of the above animals may be kept for a period of ninety days after birth without restriction as to number.

(Prior code S3-1-2)

7.08.020 ANIMALS AT LARGE

- A. No person shall allow any animal to roam or stray or to be off the keeper’s premises unless it is at all times under verbal control or physical restraint of a responsible person.
- B. All unattended dogs shall at all times be confined or physically restrained. Such confinement or restraint shall not allow the dog access beyond the boundaries of the premises available for the exclusive private use of the dog’s owner or keeper.
- C. Except within the premises available for the exclusive private use of its owner or keeper and except in R-A-zoned areas and designated dog-training zones, a dog located in an inhabited area shall at all times be confined or physically restrained on a secure leash not exceeding eight feet in length. A dog located in an R-A-zoned area or a designated dog-training zone shall at all times be under verbal control of its keeper if not confined or restrained.
- D. The parks and recreation department shall formulate and issue regulations for designation of dog-training zones and shall post signs appropriate therefor.

(Ord. 85-13 (part), 1985: prior code §3-1-3)

7.08.025 ANIMALS AT LARGE—PENALTY.

Any person violating the provisions of Section 7.08.020 shall, upon conviction thereof, be fined a minimum of twenty-five dollars. A greater fine or other penalty may be imposed in accordance with Section 1.08.010. (Ord. 85-12 §1, 1985)

7.08.030 NUISANCES.

- A. No person shall own or keep any animal, licensed or not, which by barking or making of other noises, or by attacking or biting, or by threat of attacking or biting, causes annoyance to the neighborhood or to passersby. Every animal in heat shall be confined to a building or other secure enclosure so that contact with a male of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this section may be required to place such animal in a boarding kennel or veterinary hospital at the keeper’s expense.
- B. If, at the time of violation, any animal in violation of this section is on its keeper’s premises, and the keeper cannot be located, or refuses or is unable to effect abatement of the offending action on the part of the animal, the municipal judge may direct any peace officer or the

animal control officer to impound the animal, provided that notice of such impoundment is left in a conspicuous place on the keeper's residence.

- C. Any animal impounded under this section may be redeemed by its keeper under provisions of Section 7.08.070. If the keeper has not claimed the animal within a period of ten days, the chief of police or a person designated by him shall notify the keeper by mail that the animal will be declared abandoned. Such declaration of abandonment may be made ten days after sending such notice, and the animal may be disposed of under the provisions of Section 7.08.090.

(Ord. 85-99 §2(part), 1989: prior code §3-1-4)

7.08.040 BITES—IMPOUNDING.

Every case of an animal biting a person shall be reported to the public health officer who may order the offending animal to be confined at any time during the ten days next following the bite. Confinement shall be at the animal shelter, a veterinary hospital or an approved kennel; provided, however, that if the animal has a current rabies vaccination and the area involved is not under quarantine for rabies, the animal may be confined at the keeper's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer.

- A. Any expenses incurred by the confinement of such animal shall be assumed by the keeper. If the animal is confined and, after ten days next following the bite, no rabies is found to be present or suspected, the animal may be released to the keeper upon payment of any pick-up fees and boarding fees which may be due.
- B. If at any time during the ten-day period the animal dies, its head shall be submitted to the state scientific laboratory for confirmation of rabies.

(Prior code §3-1-5)

7.08.050 ABANDONMENT.

No person shall abandon any animal within the county. (Prior code §3-3-1)

7.08.060 IMPOUNDING OF ANIMALS AT LARGE AND STRAYS.

- A. It is the duty of any peace officer and the animal control officer to impound or arrange for the impoundment of any animal found running at large, in violation of this code, and any pet or domestic animal which appears to be abandoned by its keeper or which appears to have become lost. Any citizen shall have the same authority as is herein granted to a peace officer and shall immediately inform a peace officer of such impoundment.
- B. Animal control officers, in performance of their duties, may enter upon accessible private property, for the purpose of apprehending animals running at large and stray animals; provided, however, that except in cases of emergency, private property shall not be deemed to be accessible for this purpose if the property is the interior of a dwelling unit or if reasonable expectations of pri-

vacy are otherwise indicated.

- C. The animal control officer and peace officers, upon impounding or receiving any animal, shall register such animal by entering the breed, color and sex of the animal, the license number, if known, and the time and place such animal was apprehended into the registry kept for this purpose.
- D. If the keeper of an impounded animal is known, a reasonable effort must be made to notify the keeper immediately. If the keeper of the animal is not known or cannot be contacted, notice of the impoundment shall be posted in a conspicuous place at the animal shelter.
- E. The animal control officer, upon impounding a wounded animal, may procure necessary veterinary care for the animal. Costs of such care shall become the obligation of the keeper.

(Ord. 85-13 (part), 1985: prior code §3-3-2)

7.08.070 REDEMPTION OF IMPOUNDED ANIMALS.

Unless the animal has been impounded for observation under this code, any impounded animal may be redeemed by its keeper immediately upon payment to the county of a pickup fee and a boarding fee as prescribed in Section 7.16.030. (Prior code §3-3-3)

7.08.080 ADOPTION OF UNCLAIMED ANIMALS.

All impounded animals shall be redeemed within ten working days after impoundment. Any animal, except one impounded under Section 7.08.030, not redeemed within the required period shall become the property of the animal shelter and may be placed for adoption upon payment of adoption fees as prescribed in Chapter 7.16 or the animal may be humanely destroyed and properly disposed of. However, no such animal shall be placed for adoption during any quarantine period which may have been imposed by this code. (Prior code §3-3-4)

7.08.090 UNWANTED ANIMALS.

Upon payment of a fee as prescribed in Chapter 7.16 the animal shelter will accept any dog or cat, which the keeper no longer wants or cannot keep, and will place such animal for adoption for a period of five days after which time it may be humanely destroyed. (Prior code §3-3-5)

7.08.100 EUTHANASIA AT KEEPER'S REQUEST.

Upon written request of the keeper, dogs and cats less than three months of age belonging to residents of the county will be destroyed free of charge to the keeper at the county animal shelter. (Prior code §3-3-6)

7.08.110 INTERFERENCE WITH OFFICERS OR COUNTY ANIMAL SHELTER.

It is unlawful for an unauthorized person to take or let out any animals from the county animal shelter, or to take or attempt to take from any peace officer or animal control officer any animal seized by the officer in compliance with this code, or in any manner interfere with or hinder such animal

control officer or peace officer in the discharge of duties under this code. (Prior code §3-3-7)

7.08.120 CRUELTY TO ANIMALS.

- A. It is unlawful for the keeper of any dog, cat or other pet or animal to willfully or through negligence, injure or mistreat such pet or animal, by excessive beating, kicking or other physical abuse; failure to provide food, water or veterinary care; failure to provide clean shelter or other areas of confinement of adequate size; or other acts of cruel and inhumane treatment.
- B. It is unlawful for any person to kill or injure any dog, cat or other pet or animal, by shooting, striking, kicking, poisoning or by any other means, except in defense of person or property, or as provided in Sections 7.08.090 and 7.08.100. No person shall harass or taunt any dog, cat, pet or other animal which is on the premises of its keeper. Nothing in this subsection shall apply to a licensed veterinarian in the use of euthanasia when authorized by the pet's keeper or police officers in performance of their duty.
- C. It is unlawful for any person to cause, instigate or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming or destroying themselves or another animal.
- D. It is unlawful for any person to sell, offer for sale, barter or give away any live animal as a premium, prize, award, novelty or incentive to purchase merchandise. It is unlawful to color, stain or dye any chicken, duckling or fowl. (Prior code §3-3-8)

7.08.130 VICIOUS ANIMAL.

- A. No person shall own, house, keep or be in charge of any vicious animal.
- B. Upon a judicial determination that an animal is vicious, the penalty imposed for violation of this section shall include a fine not to exceed five hundred dollars or imprisonment not to exceed ninety days. Every day of any violation of this section of the code constitutes a separate offense. The municipal judge may suspend in whole or in part the execution of sentence or may place the defendant on probation for a period not to exceed one year on terms and conditions the municipal judge deems best to insure the safety of the public concerning the disposition of an animal judicially determined to be vicious, up to and including the animal's removal and banishment from the boundaries of the county, or its humane destruction. In no case where an animal has bitten a person shall the animal be destroyed or removed from the jurisdiction of the municipal judge or the public health officer for a period of at least ten days or until a rabies determination has been made. Section 7.08.040 of the code shall be strictly complied with. (Ord. 85-99 §2(part), 1989; Ord. 85-13 (part), 1985; prior code §3-3-9)

7.08.140 WILD AND EXOTIC ANIMALS.

- A. No person shall keep or harbor the following animals:
 - 1. Wild animals kept in such numbers or in such manner as to constitute a likelihood of harm to the animals themselves or to other animals, or to human beings, or to the property of human beings, or which constitute a public or private nuisance;
 - 2. Exotic or wild animals prohibited by federal or state law;
 - 3. Bats; or
 - 4. Skunks.
- B. No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the administrator and from the state department of game and fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The administrator is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this code. The fee for such a permit is prescribed in Chapter 7.16. Each such permit shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal. This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses. (Prior code §3-3-10)

CHAPTER 7.12: DOGS

Sections:

- 7.12.010 License—Required.**
- 7.12.020 Licenses and tags—Issuance.**
- 7.12.030 License—Information.**
- 7.12.040 License procedure—Affixing tags.**
- 7.12.050 Vaccination of dogs and cats—Required.**
- 7.12.060 License procedure—Certificate.**
- 7.12.070 Duplicate license.**
- 7.12.080 Licenses—Duration.**
- 7.12.090 Licenses—Fees.**
- 7.12.100 Dogs and cats brought to the county.**
- 7.12.110 False and stolen documents.**

7.12.010 LICENSE—REQUIRED.

No person shall own, keep or harbor a dog three months of age or older unless such a dog is licensed. Such license shall be obtained from the county within one month following the date the dog becomes three months of age or is brought into the county. (Prior code §3-2-1)

7.12.020 LICENSES AND TAGS—ISSUANCE.

When a duplicate copy of each application is issued, it shall constitute the required license and shall be retained by the applicant until the expiration date set forth therein. The license and the rabies certificate shall be made available for inspection by any person charged with the enforcement of this code. The county shall issue a serially numbered metal

license tag with each license. Information regarding the ownership of the dog shall be provided by the county to any citizen on request. (Prior code §3-2-2)

7.12.030 LICENSE—INFORMATION.

Any person applying for a dog license shall furnish the following information on an application form provided by the county: name and address of keeper; description of dog, breed, name, sex, date of birth, markings, estimated weight, date of last rabies vaccination. (Prior code §3-2-3)

7.12.040 LICENSE PROCEDURE—AFFIXING TAGS.

The keeper shall cause the valid metal license tag to be affixed to the collar or harness of the dog for which it was issued and to be worn there at all times when the dog is off the keeper's premises unless such dog is securely confined in a motor vehicle, or being kept at a kennel, veterinary hospital or training class. (Prior code §3-2-4)

7.12.050 VACCINATION OF DOGS AND CATS—REQUIRED. Any keeper of a dog or cat three months of age or older shall be required to have the dog or cat vaccinated against rabies at least once every year. The vaccination shall be performed by or under the supervision of a licensed veterinarian using a vaccine approved by the United States public health service. (Prior code §3-2-5)

7.12.060 LICENSE PROCEDURE—CERTIFICATE.

No license shall be issued for any dog unless a certificate from a licensed veterinarian is presented to the county by the keeper showing that such animal has been vaccinated for rabies. (Prior code §3-2-6)

7.12.070 DUPLICATE LICENSE.

In the event a license or tag is lost, a duplicate may be obtained from the county upon paying a fee as prescribed in Chapter 7.16. (Prior code §3-2-7)

7.12.080 LICENSES—DURATION.

A dog license may be issued for one license year. (Prior code §3-2-8)

7.12.090 LICENSES—FEES.

Fees prescribed in Chapter 7.16 shall be paid to the county upon application for a dog license. (Prior code §3-2-9)

7.12.100 DOGS AND CATS BROUGHT TO THE COUNTY. Any dog or cat three months of age or older brought into the county shall be securely confined by its keeper until vaccinated against rabies, which vaccination shall be administered within one week after entry into the county unless the keeper has a certificate of vaccination issued by a veterinarian outside of the county and such vaccination conforms to the requirements of this state. (Prior code §3-2-10)

7.12.110 FALSE AND STOLEN DOCUMENTS.

It is unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag. (Prior code §3-2-11)

CHAPTER 7.16: LICENSE AND PERMIT FEES

Sections:

7.16.010 License fee.

7.16.020 Duplicate license fee.

7.16.030 Fee for redemption of impounded animals.

7.16.040 Redemption of impounded exotic animals.

7.16.050 Fee for adoption of impounded animals.

7.16.060 Permit fee for wild and exotic animals.

7.16.010 LICENSE FEE.

A fee of three dollars and fifty cents shall be paid to the county upon application for a dog license, except that no license fee shall be charged for guide dogs trained to lead a blind person or for a hearing ear aid dog trained to aid a deaf person. There shall be no proration of the dog license fee. (Prior code §16-4-1)

7.16.020 DUPLICATE LICENSE FEE.

The fee for providing a duplicate copy of a lost license or tag shall be one dollar. (Prior code §16-4-2)

7.16.030 FEE FOR REDEMPTION OF IMPOUNDED ANIMALS. Redemption by the keeper of an impounded animal in accordance with Section 7.08.070 shall be subject to the following fees: pickup fee, eight dollars; boarding fee, four dollars for each calendar day, whole or in part, of confinement. (Ord. 74-64 §1, 1982; prior code §16-4-3)

7.16.040 REDEMPTION OF IMPOUNDED EXOTIC ANIMALS. Redemption by the keeper of an impounded exotic animal shall be subject to reimbursement by the keeper for actual costs incurred by the county for pickup and boarding. (Prior code §16-4-4)

7.16.050 FEE FOR ADOPTION OF IMPOUNDED ANIMALS. Animals may be adopted from the animal shelter as prescribed in this title upon payment of a five-dollar adoption fee. (Prior code §16-4-5)

7.16.060 PERMIT FEE FOR WILD AND EXOTIC ANIMALS. A person presenting evidence of compliance with subsection B of Section 7.08.140 will be charged a permit fee of five dollars annually for each species of wild or exotic animal. (Prior code §16-4-6)