

CHAPTER 95: ANIMALS

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GENERAL PROVISIONS

§ 95.01 DEFINITIONS.

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

ANIMAL. Any vertebrate excluding man.

ANIMAL SHELTER. Any establishment authorized by the city for the care and custody of impounded animals.

BITE. A puncture or tear of the skin inflicted by the teeth of an animal.

CITY. The area lying within the municipal boundaries of the city.

CITY CLERK-TREASURER. The City Clerk-Treasurer or his or her designated representative.

ENVIRONMENTAL OFFICER. The Environmental Officer of the city.

EXOTIC ANIMAL. An animal which is rare or different from ordinary domesticated animals and is not indigenous to the state.

KEEPER. Any person who owns, harbors, keeps, or has control or custody of an animal for more than 24 hours, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining, on their premises, animals owned by others.

KENNEL. Any establishment or premises where dogs or cats are boarded or kept.

NUISANCE. Disturbing the peace, emitting noxious or offensive odors, or otherwise dangerous or offensive to the environment of the city.

PERSON. Any individual, household, firm, partnership, corporation, society, association, and every agent and employee thereof.

PUBLIC WORKS DIRECTOR. The Public Works Director of the city or his or her designated representative.

QUARANTINE. To detain or isolate an animal suspected of being infected with rabies.

RUNNING AT LARGE. An animal off the premises of the keeper and not under the control of a competent person. Direct control means connected by a secure leash not over six feet in length or some other equivalent means of direct control.

STRAY or ESTRAY. Any animal where there is no identifiable keeper.

VACCINATION. The vaccination of an animal with an anti-rabies vaccine approved by the Director of the Health and Environment Department and administered by or under the supervision of a veterinarian.

VETERINARIAN. Any duly licensed veterinarian.

VICIOUS ANIMAL. Any animal which commits an unprovoked attack upon a person or private property, or which terrorizes or attacks a person on public property or in a public place.

WILD ANIMAL. Any animal which is wild by nature and cannot normally be domesticated or controlled.

(1978 Code, § 14-1-1) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995)

§ 95.02 ADMINISTRATION AND ENFORCEMENT.

(A) *Responsibility.* The Public Works Director is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the Public Works Director to carry out the intent and purpose of this chapter.

(B) *Enforcement.* The Public Works Director, with the assistance of the Environmental Officer or the Public Works Director's designated representative, shall have the authority to issue citations for violation of this chapter and to perform other duties as are prescribed herein.

(1978 Code, § 14-1-2) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995)

§ 95.03 RABIES CONTROL.

(A) *Annual vaccination.* It is the duty of every person keeping a dog or cat over the age of three months to have that animal vaccinated against rabies. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination, and the expiration date of the period of immunity.

(B) *Vaccination certificate.* Every person who keeps a vaccinated dog or cat must exhibit his or her copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this chapter.

(C) *Harboring unvaccinated animals.* It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided herein.

(D) *Reporting rabies suspects.* Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a wild or domestic animal shall immediately report the same to the local District Health Office of the Health Services Division of the Health and Environment Department stating precisely when and where the animal was seen and, if possible, where it may be found.

(E) *Human exposure to rabies.* Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and to the local District Health Office. Every physician or other health care professional who treats a person for a bite shall report the treatment to the local District Health Office within 12 hours of that treatment. The treatment must specify the name and precise location of the person bitten.

(F) *Quarantine of rabies suspects.* Any dog or cat which has bitten a person shall be confined and observed for a period of ten days from the date of the bite at the city animal shelter, a veterinary hospital, or an approved kennel; provided, however, that if the animal has a current vaccination for rabies and the area involved is not under quarantine for rabies, the Environmental Officer may permit quarantine of the animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for those purposes by the Environmental Officer.

(G) *Enforcement of the quarantine.* It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without the written consent of the responsible Environmental Officer.

(1978 Code, § 14-1-3) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995)
Penalty, see § 95.99

§ 95.04 LICENSE REQUIREMENT.

(A) *License.* Every keeper of any dog or cat three months of age or older shall procure a license. License fees shall be paid annually. Upon collection of the license fee by the city, a dated and numbered certificate shall be issued stating the name and address of the owner, rabies tag number, and the animal's description.

(B) *Proof of rabies vaccination.* No dog or cat shall be licensed without proof of rabies vaccination as provided in this chapter.

(C) *Certificates and tags.* The current city tag and rabies tag shall be affixed to the licensed dog or cat at all times except when the dog or cat is being kept in an approved kennel, veterinary hospital, or training class. The original license certificate shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this chapter.

(D) *Loss of license tag.* In the event the original license tag is lost, the keeper shall obtain a duplicate tag from the city at no cost.

(E) *Fee.* The annual license fee shall be \$3 for an unneutered dog or cat and \$2 for a neutered dog or cat.

(1978 Code, § 14-1-4) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995)

§ 95.05 PROHIBITED ACTIVITIES.

(A) *False and stolen documents.* It shall be 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.

(B) *Animals running at large.* It shall be unlawful for any keeper of a dog or cat or other pet animal to permit that animal to run at large.

(C) *Nuisance*. It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise, or to be kept or maintained in a manner so as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.

(D) *Confinement during estrus*. Any female dog or cat in the stage of estrus shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this division may be required to place that animal in a boarding kennel or veterinary hospital at the keeper's expense.

(E) *Physical abuse*. It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn, or to cruelly drive or work any animal.

(F) *Abandonment of animals*. It is unlawful to abandon any animal within the city.

(G) *Poisoning*. It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.

(H) *Care and maintenance*. It is unlawful for any keeper to fail to provide an animal with proper food, drink, and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

(I) *Animal fights*. It is unlawful 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.

(J) *Premiums and novelties*. It is unlawful 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.

(K) *Turtles*. It is unlawful to offer for sale, sell, barter, or give away turtles except in conformance with appropriate federal regulations.

(L) *Vicious animal*. It is unlawful for any person to keep or harbor any vicious animal.

(M) *Prohibited*. For the public safety of the city citizens, pets of any kind will not be allowed during public functions on all city properties. Exceptions:

(1) Working animals: dogs for the visually impaired.

(2) Animals during an advertised pet show.

(3) Animals during a pet clinic.

(4) Parades ("Halloween parade" classified as "Halloween festival").

(1978 Code, § 14-1-5) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995; Am. Ord. 041213-2, passed 12-13-2004) Penalty, see § 95.99

§ 95.06 IMPOUNDMENT.

(A) *Animal shelter.* A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provisions of this chapter.

(B) *Impounding animals.* Animals kept in violation of this chapter and stray animals shall be taken into custody by the Environmental Officer or other designated official and thereupon impounded.

(C) *Right of entry.* The Environmental Officer or other designated official, in 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.

(D) *Register.* The Environmental Officer, upon impounding or receiving any animal, shall register that animal by entering the breed, color, and sex of the animal, and the time and place the animal was apprehended, into the registry kept for this purpose.

(E) *Notice to owner.* If the keeper of an impounded animal is known, he or she must be notified as soon as possible.

(F) *Right to redeem.* The keeper of any animal which has been impounded under the provisions of this chapter shall have the right to redeem the animal upon payment of the impoundment fees, care and feeding charges of \$3 per day starting no sooner than 24 hours after the owner or keeper has been notified, veterinary charges, and other costs as set by the City Clerk-Treasurer. No animal will be released until the keeper of the animal signs a sterilization agreement and pays a sterilization deposit of \$25 in addition to the aforementioned charges. The sterilization fee shall be refunded only upon presentation of a receipt from a veterinarian that the animal has been sterilized.

(G) *Time for redemption.* All impounded animals shall be redeemed within three days after impoundment. Any animal not redeemed within the required period shall become the property of the city animal shelter and may be placed for adoption upon payment of the license fee, impoundment fees, care and feeding charges of \$3 per day starting on the fourth day of impoundment, veterinary charges, and other costs as set by the City Clerk-Treasurer, or the animal may be humanely destroyed. No person may adopt an animal until he or she signs a sterilization agreement and pays a sterilization deposit of \$25 in addition to the aforementioned charges. The sterilization fee shall be refunded only upon presentation of a receipt from a veterinarian that the animal has been sterilized.

(1978 Code, § 14-1-6) (Ord. 110893-1, passed 11-8-1993; Am. Ord. 950814-1, passed 8-14-1995)
Penalty, see § 95.99

§ 95.07 KENNELS.

(A) *Restrictions.* No person, group of persons, or business entity in the city may own, keep, or harbor more than three dogs of three months of age or older, more than three cats of three months of age or older, or more than a total of five dogs and cats in any combination more than three months of age or older, without obtaining a kennel license.

(B) *License required.* Persons operating a kennel must obtain a non-transferable kennel license, which shall be posted in a conspicuous place in the kennel. A kennel license will expire on December 31 of each year and shall be renewed by February 1 of the following year. No kennel license may be issued without an inspection certificate issued by the City Clerk-Treasurer, and no permit will be issued for an establishment in a residential area. The annual kennel license fee shall be \$100.

(C) *Facilities and care applicable to kennel license.* Animal housing facilities must be structurally sound and shall be constructed of non-toxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages, or runs for periods exceeding 24 hours must be provided with adequate space to prevent overcrowding and to permit an adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animals from sunlight, rain, snow, or cold weather detrimental to the animals' health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards. Animals shall be provided with clean, fresh, sufficient, and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care.

(D) *Inspection.* The Public Works Director or his or her designated representative shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspecting any kennel to determine compliance with this chapter.

(E) *Violations, suspensions, and revocations.* A kennel license may be denied, suspended, or revoked by the City Clerk-Treasurer upon a determination that the operator of the kennel is in violation of this chapter. An opportunity for a hearing on any denial, suspension, or revocation shall be provided at a time and place determined by the Clerk-Treasurer. Based upon the record of that hearing, the Clerk-Treasurer shall make a finding and shall sustain, modify, or rescind the action considered at the hearing. Any owner of a kennel whose license has been suspended or revoked may make application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this chapter, the license shall be reinstated.

(F) *Exceptions.* This section shall not apply to and shall not be construed to require a kennel license for:

- (1) A veterinary hospital or clinic operated by a licensed veterinarian;
- (2) A bona fide research institution using animals for scientific research;
- (3) A publicly owned animal control center or shelter; or
- (4) A bona fide animal shelter operated by an organized humane society.

(1978 Code, § 14-1-7) (Am. Ord. 950814-1, passed 8-14-1995) Penalty, see § 95.99

§ 95.08 WILD AND EXOTIC ANIMALS.

(A) Keeping the following animals is prohibited:

(1) Wild animals kept in numbers or in a manner so 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 or regulation;

(3) Bats; and

(4) Skunks.

(B) No person shall receive, purchase, own, or keep wild or exotic animals without first applying for and receiving from the City Clerk-Treasurer and from the State Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and proper facilities for the care and feeding of the animals involved. The Clerk-Treasurer or the Department of Game and Fish may deny, revoke, or suspend a permit for failure to comply with this chapter. The fee for such a permit shall be \$1 and shall be renewed annually. A separate permit shall be required for each species of wild or exotic animal.

(1978 Code, § 14-1-8) (Am. Ord. 950814-1, passed 8-14-1995)

§ 95.09 DOMESTIC LIVESTOCK; RANCH DISTRICTS.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DOMESTIC FOWL. Any and all turkeys, geese, guineas, chickens, birds, and all other fowl, domestic or wild, male and female, singular or plural, except pets confined in the residence proper.

DOMESTIC LIVESTOCK. Includes all cattle, sheep, swine, horses, mules, asses, buffalo, and goats, and all other domesticated and undomesticated animals as defined by state statute, with the exception of dogs and cats.

(B) *Restrictions.*

(1) Except in a farm or ranch district where livestock is permitted, no person may keep, or allow another person to keep, intentionally or unintentionally, any domestic livestock or domestic fowl within the city.

(2) No person shall keep or allow to be kept any equine or bovine over six months of age on any premise, the overall area of which is less than one-third of an acre for each bovine or equine.

(3) All domestic livestock and fowl shall be cared for according to accepted livestock management practice and in a manner so as to not create a public nuisance.

(4) All domestic livestock shall be kept in a secure pen or enclosure which shall not be less than 100 feet from any inhabited dwelling, or currently used church or school.

(5) The owner or person in possession of a pen or enclosure for domestic livestock or fowl shall keep it in a manner so as to control offensive odors, insect breeding, and other conditions affecting public health.

(C) *Permit required.* No person shall own or keep or allow to be kept any domestic livestock or domestic fowl within the city unless within the boundaries of a designated farm or ranch district. If a person wants to own or keep or allow to be kept, domestic livestock and/or domestic fowl within the boundaries of a designated farm or ranch district, the person must first apply for and receive from the City Clerk-Treasurer, or his or her designated representative, a permit to do so. The City Clerk-Treasurer or his or her representative shall be permitted, at any reasonable time, to enter the premises for the purpose of inspection or reinspection to determine compliance with this chapter. After reasonable notice and opportunity to be heard, the City Clerk-Treasurer may deny, suspend, or revoke, the permit for any violation of this chapter. The fee for this type of permit shall be \$1 per species and shall be renewed annually. Each species of domestic livestock and fowl shall be listed on the permit. The City Clerk-Treasurer shall not issue a permit unless the livestock or fowl owner or keeper has satisfied requirements set forth in divisions (B)(2) - (B)(5) above.

(D) *Farm and ranch districts.* The following areas are designated as farm and ranch districts where domestic livestock and fowl are allowed subject to permitting requirements: the areas as set forth in § 154.16(C) of this code.

(1978 Code, § 14-1-9) (Am. Ord. 614932, passed 6-14-1993; Am. Ord. 950814-1, passed 8-14-1995)

DANGEROUS DOGS

§ 95.15 SHORT TITLE.

This subchapter may be cited as the "Dangerous Dog Act".
(Ord. 050718-1, passed 7-11-2005)

§ 95.16 DEFINITIONS.

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

ANIMAL CONTROL AUTHORITY. An entity authorized to enforce the animal control laws of a city, county or state, whether acting alone or in concert with other governmental authorities. In those areas not served by an animal control authority, the sheriff or municipal law enforcement shall carry out the duties of the animal control authority under the Dangerous Dog Act.

DANGEROUS DOG. A dog that caused a serious injury to a person or domestic animal.

OWNER. A person who possesses, harbors, keeps or has control or custody of a dog or, if that person is under the age of 18, that person's parent or guardian;

POTENTIALLY DANGEROUS DOG. A dog that may reasonably be assumed to pose a threat to public safety as demonstrated by the following behaviors:

- (1) Causing an injury to a person or domestic animal that is less severe than a serious injury;
- (2) Chasing or menacing a person or domestic animal in an aggressive manner and without provocation; or
- (3) Acting in a highly aggressively manner within a fenced yard or enclosure and appearing able to jump out of the yard or enclosure.

PROPER ENCLOSURE. Secure confinement indoors or outdoors, such as in a fenced yard, locked pen or other structure, that is designed to prevent the animal from escaping the confined area and young children from entering the confined area but does not include chaining, restraining or otherwise affixing the animal to a stationary object.

SERIOUS INJURY. A physical injury that results in broken bones, multiple bites or disfiguring lacerations requiring sutures or reconstructive surgery.
(Ord. 050718-1, passed 7-11-2005)

§ 95.17 EXCEPTIONS.

A dog shall not be declared a dangerous or potentially dangerous dog if:

- (A) The dog was used by a law enforcement official for legitimate law enforcement purposes;
- (B) The threat, injury or damage was sustained by a person or domestic animal who was:
 - (1) Trespassing upon premises occupied by the owner or the dog;
 - (2) Provoking, tormenting, abusing or assaulting the dog or had repeatedly, in the past, provoked, tormented, abused or assaulted the dog; or
 - (3) Committing or attempting to commit a crime.

(C) The dog was:

- (1) Responding to pain or injury;
- (2) Protecting itself or its offspring; or

(3) Protecting or defending a human being or domestic animal from attack or assault.

(Ord. 050718-1, passed 7-11-2005)

§ 95.18 SEIZURE OF DOG; PETITION TO COURT.

(A) If an animal control authority has probable cause to believe that a dog is a dangerous dog and poses an imminent threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

(B) If an animal control authority has probable cause to believe that a dog is a potentially dangerous dog and poses a threat to public safety, the animal control authority may apply to a court of competent jurisdiction in the county where the animal is located for a warrant to seize the animal.

(C) After seizure, the animal control authority shall impound the dog pending disposition of the case or until the owner has fulfilled the requirements for a certificate of registration pursuant to the provisions of § 95.19.

(D) After seizure:

(1) The owner may admit that the dog is dangerous or potentially dangerous and comply with the requirements for a certificate of registration pursuant to § 95.18; or

(2) The animal control authority may, within 14 days after seizure of the dog, bring a petition in court seeking a determination of whether the dog is dangerous or potentially dangerous. If the court finds, by clear and convincing evidence, that the dog is dangerous and poses an imminent threat to public safety or potentially dangerous and poses a threat to public safety, the court shall order the owner to comply with the registration and handling requirements for the dog and obtain a certificate of registration within 30 days or have the dog humanely destroyed. If the court does not make the required findings pursuant to this section, the court shall immediately order the release of the dog to its owner.

(E) If the owner does not admit that the dog is dangerous or potentially dangerous and the animal control authority does not bring a petition in court within fourteen days of seizure of the dog, the court shall immediately order the release of the dog to its owner.

(F) If the owner admits that the dog is dangerous and transfers ownership of the dog to the animal control authority, the animal control authority may humanely destroy the dog.

(G) A determination that a dog is not dangerous or potentially dangerous shall not prevent an animal control authority from making a subsequent application for seizure based on the dog's subsequent behavior.

(Ord. 050718-1, passed 7-11-2005)

§ 95.19 REGISTRATION AND HANDLING REQUIREMENTS FOR DANGEROUS AND POTENTIALLY DANGEROUS DOGS.

(A) An animal control authority shall issue a certificate of registration to the owner of a potentially dangerous dog if the owner establishes that:

- (1) The owner is able to keep the dog under control at all times;
- (2) A license, if applicable, has been issued pursuant to the requirements of the jurisdiction;
- (3) The dog has a current rabies vaccination;
- (4) The owner has a proper enclosure for the dog;
- (5) The owner has paid an annual fee, if applicable, established by the animal control authority to register a potentially dangerous dog;
- (6) The dog has been spayed or neutered;
- (7) The dog has been implanted with a microchip containing owner identification information that is also provided to the animal control authority; and
- (8) The owner has entered the dog in a socialization and behavior program approved or offered by the animal control authority.

(B) If a dog previously determined to be potentially dangerous has not exhibited any of the behaviors specified in § 95.16(D) for 36 consecutive months, the owner may request the animal control authority in the jurisdiction to lift the requirements for registration pursuant to this section. If the animal control authority has no reasonable basis to believe that the dog has exhibited the behaviors specified, it shall relieve the owner of the requirements of this section.

(C) An animal control authority shall issue a certificate of registration to the owner of a dangerous dog if the owner, in addition to the requirements of division (A) of this section, establishes that:

(1) The owner has paid an annual fee, if applicable, established by the animal control authority to register a dangerous dog;

(2) The owner has written permission of the property owner or homeowner's association where the dangerous dog will be kept, if applicable;

(3) The dangerous dog will be maintained exclusively on the owner's property except for medical treatment or examination;

(4) When the dangerous dog is removed from the owner's property, the dog shall be caged or muzzled and restrained with a lead no longer than four feet, and the dog shall be under complete control at all times;

(5) The dangerous dog will not be transported in a vehicle that might allow the dog to escape or gain access to any person or animal outside the vehicle; and

(6) A clearly visible warning sign with a conspicuous warning symbol indicating that there is a dangerous dog on the premises is posted where the dog is kept and is visible from a public roadway or from 50 feet, whichever is less.

(D) An animal control authority may order the immediate impoundment or humane destruction of a dog previously determined to be a dangerous dog if the owner fails to abide by the conditions for registration, confinement or handling set forth in this section.

(Ord. 050718-1, passed 7-11-2005)

§ 95.20 PROHIBITED ACTS; PENALTIES.

(A) It is unlawful for an owner of a dangerous or potentially dangerous dog to:

(1) Keep the dog without a valid certificate of registration;

(2) Violate the registration and handling requirements for the dog;

(3) Fail to notify the animal control authority immediately upon:

(a) The escape of the dog; or

(b) An attack by the dog upon a human being or a domestic animal;

(4) Fail to notify the animal control authority of the dog's death within five business days;

(5) Fail to notify the animal control authority within 24 hours if the dog has been sold or given away and provide the name, address and telephone number of the new owner of the dog;

(6) Fail to surrender the dog to an animal control authority for safe confinement pending a determination of the case when there is reason to believe that the dog poses an imminent threat to public safety; or

(7) Fail to comply with special handling or care requirements for the dog that a court has ordered.

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(B) Whoever violates a provision of division (A) of this section is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of NMSA § 31-19-1 and, for a second or subsequent offense, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA § 31-18-15.

(C) An owner of a dangerous or potentially dangerous dog that causes serious injury or death to a domestic animal, without provocation, is guilty of a fourth degree felony and shall be sentenced in accordance with the provisions of NMSA § 31-18-15.

(D) An owner of a dangerous or potentially dangerous dog that causes serious injury to a human being, without provocation, is guilty of a third degree felony and shall be sentenced in accordance with the provisions of NMSA § 31-18-15.

(E) An owner of a dangerous or potentially dangerous dog that causes the death of a human being, without provocation, is guilty of a third degree felony resulting in the death of a human being and shall be sentenced in accordance with the provisions of NMSA § 31-18-15.

(F) Prosecution pursuant to this section requires a showing that:

(1) An owner knew of the propensity of a dog to inflict serious injury; or

(2) The dog had previously been found by a court to be a dangerous or potentially dangerous dog.
(Ord. 050718-1, passed 7-11-2005)

§ 95.99 PENALTY.

(A) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100 or imprisonment for a period not exceeding six months, or both the fine and imprisonment. Each day of violation shall be considered a separate offense.

(B) Any person who violates § 95.05(M) shall be punished by a fine not to exceed \$100 and to exclude imprisonment.
(1978 Code, § 14-1-10) (Am. Ord. 041213-2, passed 12-13-2004)