

CHAPTER IX
ANIMAL AND FOWL ORDINANCE

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IN GENERAL

- 9-8-1 Short Title; Purpose of Chapter
- 9-8-2 Definitions

9-8-1 SHORT TITLE; PURPOSE OF CHAPTER. This chapter shall be known and may be cited as the "Las Vegas Animal Control Ordinance". It is the intent of the City Council that enactment of this ordinance 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 establish a program for sterilization of animals.

9-8-2 DEFINITIONS*. As used in this ordinance, the following terms shall have the meaning given herein.

ANIMAL - Any vertebrate member of the animal kingdom excluding human beings.

ANIMAL CONTROL SHELTER - A facility designated by the City of Las Vegas for the humane treatment of animals pursuant to the provisions of this Chapter.

ANTI-ESCAPE - Any housing, fencing or device which the guard dog cannot go over, under, through or around.

BITE - Any actual puncture or tear of the skin inflicted by the teeth of an animal.

CITY - The City of Las Vegas, a municipal corporation.

COMMERCIAL PROPERTY - (A) A portion of land and/or buildings zoned for, or utilized for commercial or business uses, in the City of Las Vegas, including temporary sites; (B) is any vehicle utilized for commercial or business purposes in the City of Las Vegas.

DANGEROUS ANIMAL - means any of the following:

1. An animal which, when unprovoked, engages in behavior that requires a defensive action by a person to prevent bodily injury to a person or animal when the person and the animal are off the property of the owner of the animal; or

2. An animal which, when unprovoked, injures a person and the injury results in muscle tears or disfiguring lacerations, or require multiple sutures, or corrective or cosmetic surgery; or
3. An animal which, because of its poisonous bite or sting, would constitute a significant hazard to the public.

DESIGNATED AREA - An area of private land which is determined by a property owner to house animals under the provisions of the ordinance.

ENCLOSED LOT - Parcel of land or portion thereof in private ownership around the perimeter of which a wall or fence has been erected.

ESTABLISHMENT - A place of business together with its grounds and equipment.

ESTRAY - Any animal found running at large beyond the boundaries of the premises of the owner.

GROOMING PARLOR - Any establishment, or part thereof, or premises maintained for the purpose of offering animals cosmetological services for profit.

GUARD DOG - Any dog that is utilized to protect commercial property, as defined below.

HANDLER - Is a person who is responsible for and capable of controlling the operations of a guard dog.

HOBBY BREEDER - A person involved in showing or controlled breeding of dogs and cats which are registered with a nationally or internationally recognized animal registry organization.

HOUSING - Any location where the guard dog is kept when not utilized for protection purposes.

IMPOUND - To take up an animal.

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

LICENSED VETERINARIAN - 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 of Las Vegas.

OWNER - The owner of an animal is 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 - Any individual, household, firm, partnership, corporation, company, society, association, and every officer, agent or employee thereof.

PET SHOP - 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.

PREMISES - Are defined as a parcel of land and the structures thereon.

QUARANTINE - Is to detain or isolate an animal suspected of having a contagious disease.

REFUGE - Means an establishment owned or operated by a non-profit organization whose sole function is to aide and comfort more than four but not more than 12 animals.

RUN or RUNNING AT LARGE - To run or running at large is to be free of physical restraint beyond the boundaries of the premises of the owner.

SHELTER - Any establishment owned and operated by a non-profit humane organization licensed to do business in the state.

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

VICIOUS ANIMAL - Any animal which shall bite or in any other manner attack or attempt to attack any person except that any animal that bites, attacks, or attempts to attack any person unlawfully upon its owner's or keeper's premises, or which is provoked to attack, shall not be deemed a vicious animal.

WILD or EXOTIC ANIMAL - Any animal not normally considered domesticated and shall include, but not be 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) Following members of the Class Aves: Order Falconiforms (such as hawks, eagles and vultures) and Subdivision Ratitae (such as ostriches, rheas, cassowaries and emus);

(C) Class Mammalia: Order Carnifora, Family Felidae, (such as ocelots, margays, tigers, jaguars, leopards and cougars) except commonly accepted domesticated cats, the Family Canidae, (such as wolves, dingos, coyotes and jackals, except domesticated dogs) Family Mustelidae, (such as kangaroos and common opossums), Order Edentata (such as sloths, anteaters and armadillos), Order Proboscidea (elephants), Order Primata (such as monkeys, chimpanzees and gorillas), Order Rodenta (such as porcupines) and Order Ungulata (such as antelope, deer, bison, and camels).

ADMINISTRATION OF CHAPTER

- 9-8-3 Generally
 9-8-4 Impoundment -- Generally
 9-8-5 Same -- Surrender of Estrays; Disposition of Animals;
 Costs; Records

9-8-3 GENERALLY. The City Manager is responsible for the administration of this Chapter. Reasonable rules and regulations shall be prescribed by the City Manager to carry out the intent and purpose of this Chapter pursuant to the standards created by this Chapter. Powers delegated to the City Manager may be delegated by the City Manager to his duly appointed animal control officers as he may deem expedient for the effectuation of this Chapter.

9-8-4 IMPOUNDMENT GENERALLY. It is the duty of the Animal Control Officers to take up and impound any stray or any animal kept or maintained contrary to this Ordinance.

9-8-5 SAME -- SURRENDER OF ESTRAYS; DISPOSITION OF ANIMALS; COSTS; RECORDS*.

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 an animal to the Police Department, giving his name and address, 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 an 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 the City or his designee upon demand thereof.

C. An stray may be confined at the Animal Control Shelter for a period of at least three (3) working days, during which time the City will make a reasonable attempt to notify the owner, if known. If identification of the owner is not possible, the City may, without notice, dispose of any stray impounded under this section. After the impoundment period, the City may place the animal in an adoptive home if possible, or may destroy the animal in a humane fashion including but not limited to cremation.

D. No animal that has been impounded by the City will be adopted out for the purpose of breeding or sale. Every dog and cat adopted from the Animal Control Center shall be neutered or spayed by a licensed veterinarian and vaccinated in compliance with State Statutes. The cost of these activities shall be paid to the City by the person adopting the dog or cat prior to release of the animal. Neutering and spaying and vaccinations will not apply to animals which are less than five (5) months old. Nothing in this Section shall be construed as applicable to any dog or cat returned to the owner thereof.

E. Any stray animal, equine, ovine, porcine, or caprine animal which cannot be adopted may be destroyed. Any other stray not redeemed by its owner or placed with a new owner may be disposed of by the City, at its discretion.

F. It shall be the responsibility of an animal owner redeeming an animal legally impounded to pay for animal boarding and other costs. The City of Las Vegas shall establish by resolution, appropriate fees. In addition, the owner shall pay any license fees due, cost of inoculations or other costs incurred in the care and maintenance of said animal.

G. The City shall maintain records for a reasonable period of time as determined by the City Manager of all animals impounded in the shelter. The record shall contain at least the following information:

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.

9-8-6 CREMATION AND DISPOSAL OF IMPOUNDED ANIMALS*. It shall be the responsibility of the City of Las Vegas to dispose of any animal by the use of an incinerating device. This is to assure a humane disposal procedure and assure a healthy environment. The City of Las Vegas shall establish, by resolution, appropriate fees. Payment for disposal through cremation, whether at the owner's personal request, or through enforcement of Section 9-8-4 and 9-8-5 will be the responsibility of the owner per the following fee schedule:

A. If an individual, laboratory, or business has a small animal which belongs to it which has been impounded and desires to have the same disposed of by cremation, the fee shall be thirty dollars (\$30.00).

B. If an individual, laboratory, or business has a large animal which belongs to it which has been impounded and desires to have the same disposed of by cremation, the fee shall be one hundred dollars (\$100.00).

OWNER'S DUTIES

- 9-8-7 Rabies Vaccinations
- 9-8-8 Rabid Animal
- 9-8-9 Biting Dog, Etc.
- 9-8-10 Restraint of Animals
- 9-8-11 Confinement of Female Dogs or Cats in Mating Season
- 9-8-12 Dog Licenses
- 9-8-13 Space Requirements

9-8-7 RABIES VACCINATIONS. It is the duty of all persons owning or keeping a dog or cat over the age of five (5) 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 City 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.

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 City.

9-8-8 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 City and the State Health Department as to the place where the animal is confined and shall surrender said animal to the Animal Control Officer upon demand. The City shall then deal with the rabid animal pursuant to state law.

9-8-9 BITING DOG, ETC.

A. The owner of an animal that bites a person and a person bitten by an animal shall report that occurrence to the City and the State Health Department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender said animal to the Animal Control Officer if the City deems it necessary to impound said 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 City and the State Health Department within twenty-four (24) hours of his first

9-8-10

professional attendance. 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 City in ascertaining the immunization status of the animal.

C. An animal that bites a person shall be confined securely at a place and for a period of time deemed necessary by the City. The owner of the animal shall bear the cost of confinement. The City 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 City 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 City 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 City or an animal control official and relinquish any claims to said animal.

9-8-10 RESTRAINT OF ANIMALS. It is unlawful to permit dogs in the streets or public places unless on a secure leash and under the immediate physical control of the person having custody thereof.

9-8-11 CONFINEMENT OF FEMALE DOGS OR CATS IN MATING SEASON. Any person in control of a female dog or cat in mating season shall confine dog or cat as to preclude other dogs or cats from either attacking or being attracted to such female animal.

9-8-12 DOG LICENSES.

A. Any person owning, possessing or harboring any dog five (5) months of age or over shall obtain a license for such animal. Written application for such license shall be made on such forms as supplied by the City and shall state any information deemed necessary by the City. A current rabies vaccination certificate shall be presented at the time of the application for license. The license fee (tag and certificate) for section shall be \$2.00 for a neutered animal and \$5.00 for an un-neutered animal. In the event a tag is lost, replacement tags costing one dollar (\$1.00) shall be purchased. The license shall expire December 31, of each year.

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, 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 officer.

C. Animals belonging to non-residents who do not keep said animals within the corporate limits of the City of Las Vegas for thirty (30) consecutive days shall be exempt from this section; provided, however, that all the other provisions of this ordinance 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.

9-8-13 SPACE REQUIREMENTS. Animals shall be allowed in designated areas in the following ratios:

A maximum of:

Cow	1 per 1/2 acre
Horse	1 per 1/2 acre
Sheep	1 per 1/3 acre
Goat	1 per 1/3 acre
Pig	1 per 1/4 acre
Chicken	1 per 200 square feet
Duck	1 per 200 square feet
Goose	1 per 200 square feet
Rabbits	1 per 200 square feet

Area must be fenced to prevent animal from leaving designated area.

Designated area must be at least 50 feet from any residential structure or commercial business not owned and inhabited by the owner of the animals.

The designated area must be kept clean of animal waste or other material which may attract flies or emit obnoxious odors.

9-8-13.1 NUMBER OF ANIMALS PERMITTED*.

A. No household or member thereof is allowed to own, harbor or keep dogs or cats, or any combination thereof, totaling more than four animals, consisting of animals subject to the licensing

requirements of Section 9-8-12; provided that any household owning dogs or cats or any combination thereof totaling more than four animals, which animals are licensed before the effective date of this Section, shall be allowed to retain more than four animals only as long as the particular animals owned on the effective date remain in the possession of said household. Provided, further, that the head of any household shall be held responsible for any violation of this Section by the household or any of its members.

B. Any household or member thereof owning, harboring or keeping more than four dogs or cats on the date that this provision becomes effective shall be permitted to own, harbor or keep such number of animals upon the following conditions:

1. That the owner, within thirty (3) days after the effective date hereof, report in person to the Animal Control Center, a description of such animals.

2. That all such owners, within thirty (30) days after the effective date hereof, show proof of compliance with Section 9-8-7 (Rabies Vaccinations) and Section 9-8-12 (License Required).

9-8-13.2 KENNELS, GROOMING PARLORS, PET SHOPS, REFUGES, HOBBY BREEDERS AND SHELTERS FOR RAISING, BREEDING AND SALE OF SMALL ANIMALS SUCH AS DOGS, CATS, RABBITS, CHINCHILLAS AND HAMSTERS*.

The City Council hereby declares it to be conducive to the promotion of the health and general welfare of the inhabitants of this City to require a professional animal permit to operate a kennel, grooming parlor, pet shop, refuge or shelter or to be hobby breeder and impose certain regulations and inspection fees on those engaged in operating, maintaining or owning a kennel, grooming parlor, refuge or shelter or pet shop, or being a hobby breeder.

A. Kennels, grooming parlors, pet shops, refuges, hobby breeders and shelters shall be allowed only in zones designated by the City's Zoning Ordinance.

B. Procedures for Obtaining a Professional Animal Permit Fees, and Renewals.

1. Persons operating kennels, grooming parlors or pet shops or hobby breeders shall obtain a professional animal permit.

2. An application for a professional animal permit shall be filed on forms provided by the City Manager.

*Amended by Ord. No. 82-3, adopted 6/16/94.

3. Each application for a professional animal permit must include a petition on forms provided by the City signed by the residents and owners of all property, abutting the property for which the permit has been requested, not including public right-of-way, stating that said residents and property owners have no objection to the permit being issued. The person applying for the permit is responsible for obtaining the signatures. Provided, however, that the applicant may submit a petition not signed by all abutting resident and property owners if he is unable to obtain their signatures, and said petition must give the names and addresses of the residents and property owner who have not signed. The City Manager may contact any of the abutting residents or property owners to discuss the application.

4. Within thirty (30) working days of receipt of an application for any professional animal permit, the City Manager shall inspect the premises to determine whether they comply with the standards established by this Ordinance.

5. The City Manager shall conduct a public hearing on each application for a professional animal permit for a refuge. At least fifteen (15) days before the date of this hearing, the applicant must post and maintain one or more signs as provided and where instructed by the City Manager. It is unlawful for any person to remove or tamper with any such required sign during the period it is required to remain under this paragraph. The City Manager shall notify the application by mail of the date, time, and place of hearing and shall also mail written notices not less than six (6) days prior to the date of the hearing to all owners of property within 100 feet of the exterior boundaries of the property which is the subject of the application, using for this purpose the last known name and address of the owners shown in the records of the San Miguel County Assessor.

6. Within thirty (30) working days after the inspection required for any professional animal permit or the public hearing on an application for a refuge, the City Manager shall approve, approve with conditions, or deny the professional animal permit application. The City Manager shall approve an application if he determines that:

a. The standards established by this Ordinance, the Zoning Ordinance, and other applicable laws and regulations are met.

b. The activity would not be detrimental to the public welfare.

c. The professional animal permit would not be injurious to the neighborhood. In making his decision, the City Manager shall assess neighborhood input from public hearing for refuges, the petition for hobby breeders or any complaints which have been made against the refuge or hobby breeder to determine the seriousness of any objections, but neighborhood input shall not be the sole determinant of his decision.

7. Should the applicant for any professional animal permit, any party in the public hearing required for a permit for refuge, or any resident or property owner residing or owning property which abuts the premises of a hobby breeder wish to appeal the City Manager's decision, such appeal must be made to the City Council.

8. If the professional animal permit application is approved by the City Manager, the applicant shall pay a permit fee of \$25.00 and the permit shall be issued; provided, however, that shelters shall be exempt from this fee and applicants for hobby breeder may either purchase regular license as provided in 9-8-12 or pay a \$25.00 fee for the professional animal permit. New professional animal permits for kennels, grooming parlors, pet shops or animal shelters, but not a renewal, shall be issued with permit fees prorated on a semi-annual basis. Except for refuges, professional animal permittee who keep their animals confined shall, at the option of the permittee, be exempt from the animal license requirements of this Ordinance, and will not be issued any license tags unless the required animal license fee is paid; provided that hobby breeders who are professional animal permittees will be issued license tags when the required fee for the professional animal permit is paid, but will be exempt from the animal license requirements as provided in 9-8-12 for each animal on the premises.

9. Professional animal permits are not transferable from one person to another person or place. A valid permit shall be posted in a conspicuous place in every kennel, grooming parlor, pet shop, refuge and shelter.

10. A professional animal permit holder shall notify the City Manager of any change in his operation which may affect the status of his permit and shall keep the City Manager apprised of any changes in name or location of the activities covered by the permit.

11. Persons in charge of any kennel, grooming parlor, pet shop, refuge or shelter and any hobby breeder shall be responsible for complying with this Ordinance. There shall be kept at each kennel, grooming parlor, pet shop, refuge or shelter, and hobby breeder's premises a record of all animals received and of their final disposition.

12. The professional animal permit for kennels, grooming parlors, pet shops, and animal shelters shall expire December 31 of each calendar year, and an application for renewal shall be filed by February 1 of the following year. The professional animal permit for hobby breeders and refuges shall expire one year after the date of issuance, and an application for renewal shall be filed within 30 days after the date of expiration. Procedures and fees for permit renewals shall be the same as those for new applications, except the public hearing for professional animal permits for refuges shall not be required.

C. Facilities and Care Applicable to Professional Animal Permit.

1. 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 animals from disease and injury.

2. Animals maintained in pens, cages or runs for periods exceeding 24 hours shall be provided with adequate space to prevent overcrowding and to maintain normal exercise according to species.

Indoor housing shall be provided for in all pet shops, grooming parlors, refuges, shelters and commercial kennels. These facilities shall be sufficiently temperature controlled and ventilated to provide for the animals' comfort and health.

Sufficient lighting shall be provided by either artificial or natural means.

Outside housing shall be sufficient to protect animals from sunlight, rain, snow or cold weather that may be detrimental to the animals' health.

Provisions shall be made for the removal and proper disposal of animals and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and so operated as to minimize vermin infestation, odors, and disease hazards.

3. Adult animals shall be segregated by sex, except where otherwise indicated for health, welfare of breeding purpose, and any vicious or quarantined animals shall be removed and caged by themselves. Provided, however, that hobby breeders shall not be required to segregate the animals by sex.

4. Except for indicated for health or welfare, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers shall be kept clean.

5. 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, refuge, or shelter who observe an animal which he suspects of being rabid shall at once notify the City Manager and the State Department of Health and Social Service and segregate such animal(s) 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 City Manager.

6. Persons operating kennels, grooming parlors, pet shops, refuges and shelters as well as hobby breeders shall comply with all applicable requirements under the City's Animal and Fowl Ordinance.

7. Refuges shall be required to have all their dogs and cats spayed or neutered; provided, however, that this requirement does not apply to the four dogs or cats permitted per household by Section 9-8-13.1 of this Ordinance.

D. Inspection Under a Professional Animal Permit.

The City Manager or his designee, after proper identification, shall be permitted to enter, at any reasonable time, any kennel, grooming parlor, pet shop, refuge, or shelter, or hobby breeder premises for the purpose of making inspections to determine compliance with this Ordinance. The City Manager, or his designee, shall make as many inspections and reinspection as are necessary for the enforcement of this Ordinance.

E. Number of Animals Permitted Holders of a Professional Animal Permit for Hobby Breeders.

The number of adult dogs or cats, or any combination thereof, which any holder of a professional animal permit for hobby breeder may keep shall be limited on the basis of the allowable kennel area which he has and an area requirement per dog or cat. "Allowable kennel area" is defined as ten percent (10%) of the total area of the lot on which the hobby breeding is to be conducted. The Area requirement per dog or cat is established from the following table:

<u>ANIMAL SIZE</u>	<u>AREA REQUIRED</u>
Small (under 30 lbs.)	75 sq. feet
Medium (30-59 lbs.)	100 sq. feet
Large (60 lbs. or more)	125 sq. feet

9-8-13.2

"Animal size" is defined by the weight specified in the standard for the breed, either average or maximum allowable. If no breed standard for weight exists, the City Manager shall set a weight standard for the purposes of this subsection. The sum of the area requirement for each dog or cat which the hobby breeder keeps cannot exceed the allowable kennel area.

ACTIVITIES GENERALLY

- 9-8-14 Animals Running At Large
- 9-8-15 Animals On Unenclosed Premises
- 9-8-16 Vicious Animals
- 9-8-16.1 Dangerous Animals
- 9-8-17 Animals Disturbing the Peace
- 9-8-18 Nuisances
- 9-8-19 Unlawful Use of License Tags
- 9-8-20 Breaking Into the Animal Control Center or Animal Shelter or Animal Control Center Vehicles
- 9-8-21 Dogs Trained to Assist the Blind or Deaf in Public Places

9-8-14 ANIMALS RUNNING AT LARGE*. It is unlawful for any person to allow or permit any animal to run at large in or upon any street, alley, sidewalk, vacant lot, public property, other enclosed place in the City or private property not belonging to owner of animal. 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 as provided in Section 9-8-4.

9-8-15 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 designated area.

9-8-16 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 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 City for destruction.

9-8-16.1 DANGEROUS ANIMALS*. No person shall maintain a dangerous animal in a manner which constitutes a threat to any person or other animal.

9-8-17 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 their species, or otherwise to disturb the peace and quiet of the inhabitants of the City of Las Vegas, 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 another person.

*Amended by Ord. No. 82-3, adopted 6/16/94.

9-8-18 NUISANCES. 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 any property other than the owners of the animal, and then only so long as no other provision of this Ordinance is violated.

9-8-19 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 licensing.

9-8-20 BREAKING INTO THE ANIMAL CONTROL CENTER OR ANIMAL SHELTER OR ANIMAL CONTROL VEHICLES. It is unlawful for any person to break open any pound, center, or animal control vehicle wherein animals are impounded by the City of Las Vegas or in any other way to remove or assist in the removal of any animal from such pound, center or vehicle without lawful permission.

9-8-21 DOGS TRAINED TO ASSIST THE BLIND OR DEAF 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 or deaf provided that such dog be in the company of the blind or deaf person whom it was trained to assist in conformance with the law.

CRUELTY TO ANIMALS PROHIBITED

- 9-8-22 Physical Abuse Generally
- 9-8-23 Work Cruelty
- 9-8-24 Neglect
- 9-8-25 Abandonment
- 9-8-26 Poisoning
- 9-8-27 Protective Care by City
- 9-8-28 Injury by Motorists
- 9-8-29 Hobbling Livestock
- 9-8-30 Keeping of Diseased or Painfully Crippled Animals
- 9-8-31 Animal Fights
- 9-8-32 Confining or Crating of Fowl
- 9-8-33 Birds

9-8-22 PHYSICAL ABUSE 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.

A. It is unlawful for any person to carry any animal in or upon any vehicle in a cruel, inhumane, or unsafe manner. No person shall keep or transport an animal in the bed of a pick-up truck unless the animal is properly restrained in a humane and safe manner to prevent the animal from leaving the confines of the bed of the truck when the vehicle is stationary and to prevent the animal from falling off while the vehicle is in motion. No person shall leave an animal in a closed vehicle for any length of time reasonably concluded to be dangerous to the health or safety of the animal.

9-8-23 WORK CRUELTY. It is unlawful for any person to drive or work any animal cruelly.

9-8-24 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.

9-8-25 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 an Animal Shelter for adoption; such owner shall be required to sign an owner's release relinquishing ownership of said animal. In the event, however, that each animal is not adopted within three (3) working days, the animal may be destroyed pursuant to Section 9-8-5.

9-8-26 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 section to prohibit the use of poisonous substances for the control of vermin of significance to the public health.

9-8-27 PROTECTIVE CARE BY CITY. Whenever the City 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 such animal, the City may take up such animal for protective care; and in the event of sickness or injury upon the advice of a licensed veterinarian, the City may take such action as called for to prevent undue pain and suffering including immediate destruction of the animal.

9-8-28 INJURY BY MOTORISTS. 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 such aid as is reasonably able to be rendered. In the absence of the owner, he shall immediately notify the City furnishing sufficient facts relative to such injury.

Every such operator shall 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 Animal Control Center and notifying the City. Such animal shall be deemed an abandoned animal within the meaning of Section 9-8-25 above. This provision does not apply to operators of emergency vehicles.

9-8-29 HOBBLING LIVESTOCK. It is unlawful to hobble livestock or other animals by any means which may cause injury or damage to any animal.

9-8-30 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 hereinafter provided. The City may impound such diseased or painfully crippled animal in accordance with the provisions of this Ordinance. 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 such animal, the City shall not be required to give any of the aforesaid notices provided in this Ordinance. This section shall not be construed to include veterinary hospitals or animals under active veterinary care.

9-8-31 ANIMAL FIGHTS*. It is unlawful for any person to promote, stage, hold, manager, conduct, carry on or attend any game, exhibition, contest or fight in which one or more animals is engaged in for the purpose of injuring, killing, maiming or destroying themselves or any other animal. No person shall provoke or entice an animal from the property of its owner for the purpose of engaging the animal in an animal fight.

9-8-32 CONFINING OR CRATING OF FOWL. It is unlawful to confine any wild or domestic fowl or bird unless provisions are made for the proper feeding and the furnishing of water to such fowl or bird at intervals not longer than twelve (12) hours. It is unlawful to impound any wild or domestic fowl or bird in a crate, box or other enclosure, which does not permit the fowl or bird impounded therein to stand in a naturally erect position.

9-8-33 BIRDS. It is unlawful to willfully kill any bird, or to molest or rob the nest of a bird.

SALE

- 9-8-34 Use of Public Property
- 9-8-35 Rabbits or Fowl
- 9-8-36 Turtles

9-8-34 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.

9-8-35 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 such animals while they are in his possession. The sale of young fowl by commercial breeders is not prohibited.

9-8-36 TURTLES. No person shall offer for sale, sell, barter or give away turtles, except in conformance with appropriate federal regulations.

EXOTIC ANIMALS, GUARD DOGS, ETC.

- 9-8-37 Wild or Exotic Animals
- 9-8-38 Housing of Guard Dogs

9-8-37 WILD OR EXOTIC ANIMALS. It is unlawful to be in charge of, possess or own:

A. Any exotic animal or species prohibited by federal or state law.

B. 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.

C. Bats

D. Skunks

9-8-38 HOUSING OF GUARD DOGS.

A. It is conducive to the promotion of the health and general welfare of the inhabitants of this city to establish regulations for the proper and safe use of guard dogs used for protecting commercial property.

B. Whenever there is a guard dog on the premises, the standards of this section, in addition to the other requirements of law and regulations, shall be complied with as follows:

1. Housing shall have 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 City shall be taken to protect the public from accidental contact with any guard dogs.

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 City.

5. In order to control noise, the City may require a sight barrier which breaks the dogs line-of-sight.

6. In buildings where guard dogs are housed, exterior glass must be adequate, or additional protective measures taken by the owner as required by the City, 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, shall not be more than 200 feet apart, and shall be at all property corners and at every entrance into the area.

8. For guard dogs either transported or utilized in vehicles, measures prescribed by rule and regulation of the City 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 utilized at temporary sites which do not comply with this section of the Ordinance.

D. Exclusions. 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 Section unless residence is located on premises utilized for commercial purposes. Guard dogs kept in a kennel with a valid professional animal permit are also excluded.

PENALTIES

9-8-39 Penalty
9-8-40 Repeal

9-8-39 PENALTY. Any person found guilty of violating the provisions of this Ordinance may be sentenced or fined, or both up to the maximum amount permitted by State law for violation of municipal ordinances, such amount to be set by the magistrate judge in his/her sound discretion, but not to exceed the amount established under Section 3-17-1, C, NMSA 1978 Compilation. Each day this Ordinance is violated shall constitute a separate offense.

9-8-40 REPEAL. Sections 8-1-1 through 8-3-12 of the Municipal Code of the City of Las Vegas, New Mexico, relating to Animals and Fowl, as well as any other ordinances of said municipality which are inconsistent with the provisions hereof are hereby repealed.

**The New Mexico Federation of Animal Care, Control, and
Humane Agencies**
(A New Mexico Non-Profit Corporation)

ANIMAL SHELTER OPERATING STANDARDS ENCLOSED

The New Mexico Federation of Animal Care, Control and Humane Agencies has developed a comprehensive set of Animal Shelter Operating Standards that are available for use by any animal shelter in the state. These Standards are the recommended minimum operating standards for all animal shelters in New Mexico, regardless of size or status (non-profit or municipal).

The Federation is a volunteer, non-profit, statewide association of eleven municipal animal control agencies and animal humane agencies. The mission and goals of the Federation include supporting animal control and humane agencies with their community functions and helping to establish such agencies where they do not already exist; developing and supporting educational programs about humane and responsible care of animals; the promotion of kindness, consideration and the prevention of cruelty to animals; and the support of legislation and enforcement of animal control and protection laws. Membership in the Federation is open to all municipal animal control agencies and any 501(c)(3) non-profit animal humane or welfare agency in New Mexico.

Please consider implementing these Animal Shelter Operating Standards in your community. The Federation offers free on-site shelter evaluations for any existing animal shelter in New Mexico, and assistance with planning new animal shelters. If you need the Federation's help with animal shelter issues in your community, please contact:

Joel Warner
New Mexico Federation of Animal Care, Control and Humane Agencies
615 Virginia St. SE, Albuquerque, NM 87108
Phone: 505-255-5523 x105

ANIMAL SHELTER STANDARDS

FOR NEW MEXICO

Developed and adopted by the New Mexico Federation of Animal Care, Control
and Humane Agencies

1999

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ANIMAL SHELTER STANDARDS

FOR NEW MEXICO

A. Definitions

1. "Animal Shelter" - a private or publicly owned or operated facility where stray or unwanted animals are held.
2. No person shall operate an animal shelter in the absence of any applicable permit or license required by a city, county or state regulation office.

B. Structural Plan Evaluation

1. Submission of Plans: Detailed plans and specifications of all structures, fences, walls, and property limits shall be submitted to the state or local regulation office whenever it is proposed to erect, operate, or extensively remodel any kennel. Each kennel operator or person intending to become a kennel operator shall be responsible for submitting all plans and specifications.
2. Contents of plans and specifications: Final plans and specifications shall show compliance with these regulations and shall include schedules describing the ventilation system, plumbing equipment, and finishes of floors, walls and ceilings. A plan review form may be obtained from the regulation department.

C. Structural Standards.

All structures and fencing shall:

1. Be constructed of building materials that will ensure the establishment of a sound physical structure.
2. Be maintained in good repair.

3. Protect animals kept there from injury, ensure containment of animals within the shelter, and exclude the entry of outside animals and unauthorized personnel.

D. Facility Standards.

1. Animal housing areas shall be physically separated from places where food and drink for human consumption are prepared, served or stored, and from living and sleeping quarters of personnel.
2. The interior building surfaces shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.
3. Animal food storage and equipment cleaning areas shall be physically separated from animal housing.
4. Reliable and adequate electric power shall be provided.
5. Reliable and adequate potable water shall be provided. Back flow preventers shall be installed on any threaded faucets.
6. Readily accessible washrooms or sinks shall be provided to maintain personal hygiene among animal caretakers. A two-compartment sink in good repair shall be provided for washing and sanitizing-equipment used for animal care and feeding.
7. Indoor housing for animals shall be sufficiently heated when necessary to protect animals from cold, and to provide for their health and comfort. The ambient temperature shall be consistent with the requirements of the specific species.
8. Indoor housing for animals shall be adequately ventilated with fresh air to minimize odors and moisture and to provide for the health and comfort of the animals at all times. Kennels shall have fresh air ventilation providing ten or more air changes per hour in

animal housing areas or may recycle air through a filter system approved by the regulation authority.

9. Artificial lighting shall be provided for a minimum of 8 hours per day for animals housed exclusively indoors.

10. A suitable method shall be provided to rapidly eliminate excess water from animal housing facilities. If drains are used, they shall be properly constructed and kept in good repair. If closed drainage systems are used, wastewater shall be disposed of by connection to a sanitary sewer or any approved sewage disposal system.

E. Animal Enclosure Standards

1. Primary enclosures defined: Primary enclosures are those animal enclosures in which the animal normally rests or sleeps
2. Primary enclosures shall be structurally sound and maintained in good repair to protect the animals from injury. They shall be constructed and maintained to enable the animals to remain dry and clean and to provide convenient access to clean food and water
3. The floors of the primary enclosures shall be constructed to prevent injury to the animals, and to ensure adequate drainage and prevent pooling of fluids within the primary enclosure.
4. Space Requirements: Primary enclosures shall be constructed to provide sufficient space to allow each animal to exercise normal postural movements. Primary enclosures shall house no more than eight (8) animals per enclosure, and shall provide enough space for each animal to exercise normal postural movements without making physical contact with other animals.

5. Additional Requirements for Housing Cats: A receptacle containing sufficient clean litter shall be provided to contain excreta.

6. A structurally sound, weatherproof enclosure and adequate shade shall be made accessible to every animal housed exclusively outdoors. Sufficient clean bedding material or other means of protection from the weather shall be provided when the ambient temperature falls below that to which the animal is acclimated.

F. Sanitation

1. Animal wastes shall be removed from primary enclosures daily or more often as necessary to prevent contamination of the animals contained therein and to reduce disease hazards and odors. Cages shall be cleaned as often as necessary to maintain sanitary conditions by washing all surfaces with a detergent solution followed by a safe and effective sanitizer. Animals must be removed from the enclosures during the cleaning process and precautions taken to avoid cross contamination.

2. Water and food containers and all other utensils shall be cleaned and sanitized using generally accepted methods such as the use of heat or chemical sanitizing solution. These containers shall be cleaned and sanitized as often as necessary to maintain sanitary conditions.

3. Animal and food wastes, soiled bedding, dead animals, debris and other organic wastes shall be stored in closed containers and disposed of so that vermin infestation, odors, disease hazards and nuisances are minimized. Such waste shall be removed at least weekly from the facility.

4. Pens and runs using sand or gravel shall have such materials replaced as often as necessary to maintain sanitary conditions.

5. Building and grounds shall be kept clean, in good repair, and free from trash.
6. An effective program for the control of insects, ectoparasites and avian and mammalian pests shall be maintained.
7. Unopened supplies of food and bedding shall be stored off the floor and be adequately protected against infestation or contamination by vermin. Opened supplies of food and bedding shall be stored in closed waterproof containers.
8. Animals that die at the facility shall be stored and disposed of in a way that will not cause a disease hazard or nuisance.

G. Care and Handling

1. Food and Water
 - a. Animals shall be fed at least once a day and shall be provided potable water at all times except when under special veterinary care. The food and water shall be free from contamination, palatable, and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Refrigeration shall be provided for perishable food.
 - b. Food and water containers shall be accessible to the animal and located to minimize contamination by excreta or other material. These containers shall be cleaned daily.
 - c. Disposable food containers may be used if discarded after use. Self feeders and waterers may be used if cleaned regularly.
2. Classification and Separation
 - a. Animals housed in the same enclosure shall be maintained in compatible groups, with the following additional restrictions: Females in season (estrus) shall not be

housed in the same primary enclosure with males. Any dog or cat exhibiting a vicious disposition shall be housed individually in an enclosure.

- b. Animals under four months of age shall not be housed in the same primary enclosure with adult animals other than their dams.
- c. Dogs shall not be housed in the same enclosure with cats, nor shall dogs or cats be housed in the same primary enclosure with any other species of animals.
- d. Animals under quarantine or treatment for a communicable disease shall be physically separated from other susceptible animals to minimize dissemination of disease. Such quarantine area should have a separate ventilation system.
- e. All animals housed at the shelter will be confined to a primary enclosure at all times unless under the direct supervision of shelter personnel.

H. RECORDS

- 1. Records of the sale, adoption or owner reclaim of animals shall be completed in duplicate, the original to be issued to the purchaser and the duplicate retained by the shelter operator for two (2) years from the date of the transaction, and shall be available to any inspector authorized by the department issuing the shelter permit. Such records shall include the date of transaction, species or breed and the name, address and phone number of the purchaser or adopter. The record shall show that animal's spay or neuter certification and a valid rabies vaccination certificate.
- 2. Daily inventory of animals on hand, adoptions, deaths, and euthanasias shall be maintained. Such records shall be retained by the shelter operator for two (2) years from the date of inventory.

3. All animals shall be adopted or reclaimed in accordance with New Mexico State Statute 77-1-99, also know as the Pet Sterilization Act.

I. DISEASE CONTROL

1. Animals shall be observed daily for signs of disease. An animal suspected of having an infectious disease shall be physically separated from other susceptible animals until the condition is determined to be non-infectious.
2. Sick or injured animals shall, in a timely manner, be provided with veterinary care or shall be euthanized humanely according to the American Veterinary Medical Association's Guidelines for Humane Euthanasia.
3. Animals with obvious signs of serious disease or injury, or vicious nature shall not be sold, traded, given away, abandoned, or disposed of in an inhumane manner.
4. The department may issue quarantine orders to a shelter in accordance with state law.

The New Mexico Federation of Animal Care, Control and Humane Agencies

Mission Statement

- To assist and support animal care and protection agencies in strengthening their agency and programs and to support the establishment of such agencies where they do not exist.
- To develop, sponsor and promote educational programs to increase public awareness about animal issues, and to encourage respect, appreciation and responsibility towards animals.
- To engage in activities which promote kindness, consideration and prevention of cruelty to animals.
- To support legislation and enforcement of animal protection laws.

Membership in the New Mexico Federation of Animal Care, Control and Humane Agencies, a New Mexico Nonprofit Corporation, is open to municipal animal care and control agencies and 501(c)(3) non-profit animal care/welfare agencies in the State of New Mexico.

*Requests for information can be sent to:
The NM Federation of Animal Care, Control and Humane Agencies
c/o AHA of NM
615 Virginia St. SE
Albuquerque, NM 87108*

CITY OF LAS VEGAS
RESOLUTION 04-40

**A RESOLUTION ESTABLISHING FEES FOR THE HUMANE
DESTRUCTION AND CREMATION OF ANIMALS AT THE CITY'S
ANIMAL SHELTER**

WHEREAS, Section 9-8-6 of the City of Las Vegas Animals & Fowl Ordinance calls for the City to establish by resolution appropriate fees for the cost of services (euthanasia) and cremation of animals;

WHEREAS, the City of Las Vegas Animal Control Division has studied the costs associated with the above services and maintenance of the crematory.

**NOW THEREFORE , BE IT RESOLVED BY THE CITY COUNCIL ,
THE GOVERNING BODY OF THE CITY OF LAS VEGAS IN THE
INTEREST OF PROVIDING FOR THE APPROPRIATE DISPOSAL OF
DECEASED ANIMALS THAT:**

- A. If an Individual, laboratory, or business has a small animal, which belongs to him/her, and wishes for it to be euthanized by a certified animal control officer, the fee shall be fifteen dollars (\$15.00). For the purpose of this resolution "small animals" shall mean dogs, cats, skunks, snakes, fowl, etc. not weighing more than 30 lbs.**

- B. If an individual, laboratory, or business has a large animal, which belongs to him/her, and wishes for it to be euthanized by a certified animal control officer, the fee shall be twenty-five sixty dollars (\$25.00). For the purpose of this resolution "large animals" shall mean dogs weighing 31 lbs or more.**

- C. If an individual, laboratory, or business has a small animal, 30 lbs. or less which belongs to him/her, and wishes for it to be disposed of by cremation, the fee shall be ten dollars (\$10.00).**

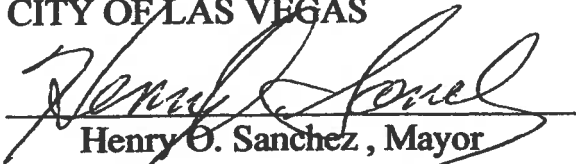
- D. If an individual, laboratory, or business has a medium animal (31-100 lbs.) which belongs to him/her, and wishes for it to be disposed of by cremation, the fee shall be fifteen dollars (\$15.00).**

- E. If an individual, laboratory, or business has a large animal, not to exceed 150 lbs., which belongs to him/her, and wishes for it to be disposed of by cremation, the fee shall be twenty dollars (\$20.00).
- F. If an individual, laboratory, or business has an accumulation of small animals, such as experimental rats and mice not weighing more than 1 lb. each, which belong to him/her, and wishes for it to be disposed of by cremation, the fee shall be ten dollars (\$10.00) for up to 30 lbs.; fifteen dollars (\$15.00) for 31-100 lbs. and twenty dollars (\$20.00) for 101-150 lbs. The fee for accumulations in excess of 150 lbs. will follow the above schedule after the initial twenty dollar fee.
- G. The animal shelter will not accept livestock for euthanization or cremation. Livestock should be disposed of at a properly, licensed landfill.

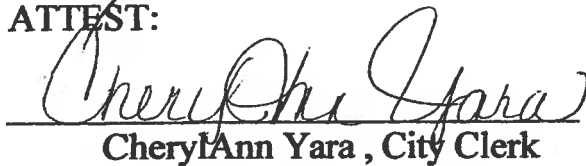
PASSED , APPROVED AND ADOPTED this

15th day of December, 2004.

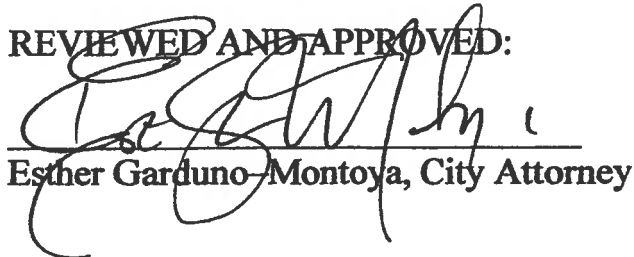
CITY OF LAS VEGAS


Henry O. Sanchez , Mayor

ATTEST:


CherylAnn Yara , City Clerk

REVIEWED AND APPROVED:


Esther Garduno-Montoya, City Attorney